

City of Mississauga Department Comments

Date Finalized: 2021-12-01	File(s): A525.21 Ward 10
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2021-12-09 1:00:00 PM

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Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the application meets the requirements of Section 45 (1) of the Planning Act. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

Application Details

The applicant requests the Committee to approve a minor variance to allow a deck with a rear yard setback of 0.5m (approx. 1.6ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 1.5m (approx. 4.9ft) in this instance.

Background

Property Address: 6534 Mockingbird Lanes

Mississauga Official Plan

Character Area: Lisgar Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

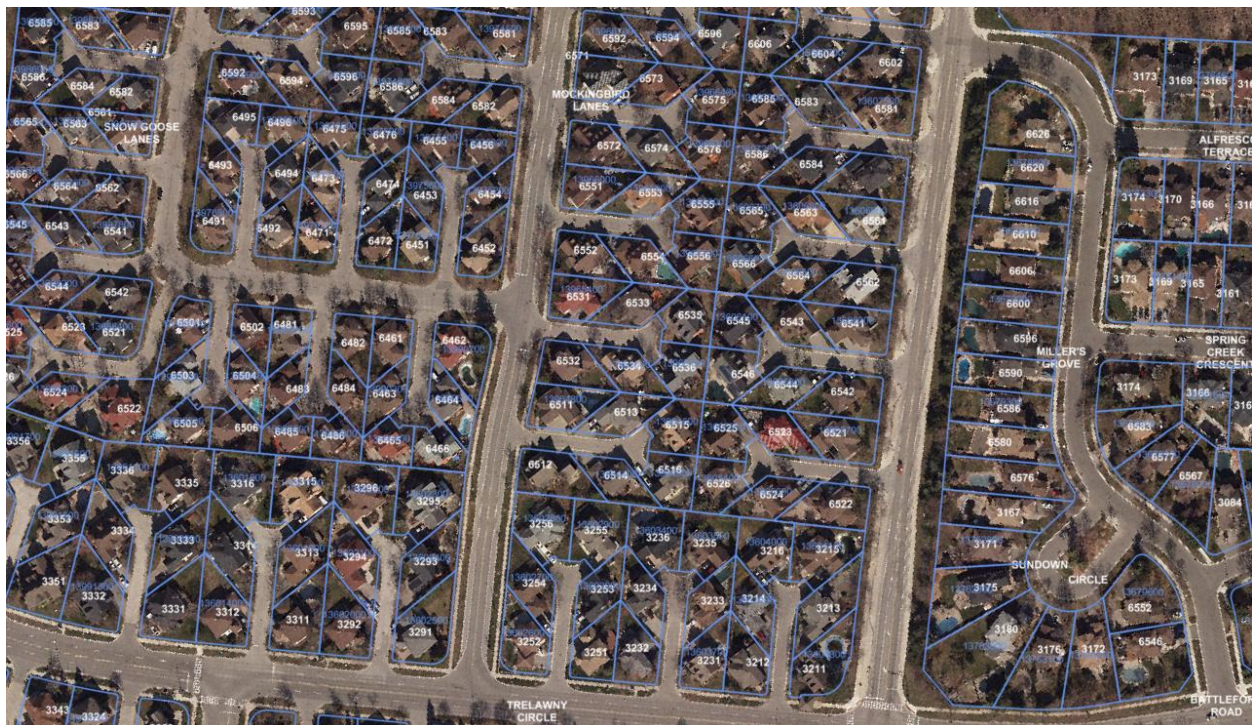
Zoning: R13 - Residential

Other Applications: None

Site and Area Context

The subject property is located north-west of the Tenth Line West and Trelawny Circle intersection in the Lisgar neighbourhood. The property forms part of the Trelawny development, an area consisting of laneways generally containing 6 homes each positioned at an approximately 45 degree angle to the laneway. The property has an area of +/-477.46m² (5,139.34ft²) which is characteristic of the central lots along each laneway the area. It contains a detached two storey dwelling with an attached garage, which is the exclusive built form in the surrounding area context.

The applicant is proposing to legalize a rear deck requiring a variance for setback to the rear lot line.



Comments

Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to grant relief from the requirements of a municipal zoning by-law. Approval of applications must meet the requirements set out under 45(1) and/or 45(2) (a) or (b) in the *Planning Act*.

Staff comments concerning the application of the four tests to this minor variance request are as follows:

The site is located in the Lisgar Neighbourhood Character Area and is Residential Low Density II by the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, duplex and triplex dwellings, as well as other low-rise dwellings with individual frontages. Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with the existing site conditions, the surrounding context, and the landscape of the character area.

The intent of this portion of the by-law is to ensure that an appropriate buffer exists between abutting properties and that adequate drainage can be maintained. Based on a detailed review of the proposal staff note that the proposed reduced setback is present only for a portion of the rear lot line. Furthermore the Transportation and Works Department has indicated that they have no drainage concerns. Staff are of the opinion that any impacts to abutting properties would be negligible and that the application is appropriate to be handled through the minor variance process. Planning staff are of the opinion the application raises no concerns of a planning nature.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committee's easy reference is a photo depicting the existing deck.



Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is not in receipt of any permit applications at this time and the applicant is advised that a zoning review has not been completed. We are unable to confirm the accuracy of the requested variance(s) or determine whether additional variance(s) may be required.

The applicant is advised that a completed zoning review may identify additional instances of zoning non-compliance. The applicant may consider applying for a preliminary zoning review application and submit working drawings for a detailed zoning review to be completed. A minimum of 6-8 weeks will be required to process a preliminary zoning review application depending on the complexity of the proposal and the detail of the information submitted.

Comments Prepared by: Brandon Eidner, Zoning Examiner