

# City of Mississauga Department Comments

Date Finalized: 2022-03-30	File(s): A113.22 Ward 10
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-04-07 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application, as amended.

## Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a deck with a rear yard setback of 4.78m (approx. 15.68ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.50m (approx. 24.61ft) in this instance.

## Amendments

We advise that the variances should be amended as follows:

The applicant requests the Committee to approve a minor variance to allow the construction of a deck with a rear yard setback of 4.78m (approx. 15.68ft) measured to the deck stairs and 5.99m (approx. 19.65ft.) measured to the deck platform; whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.50m (approx. 24.61ft) in this instance.

## Background

**Property Address:** 5873 Osprey Blvd

### Mississauga Official Plan

Character Area: Lisgar Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

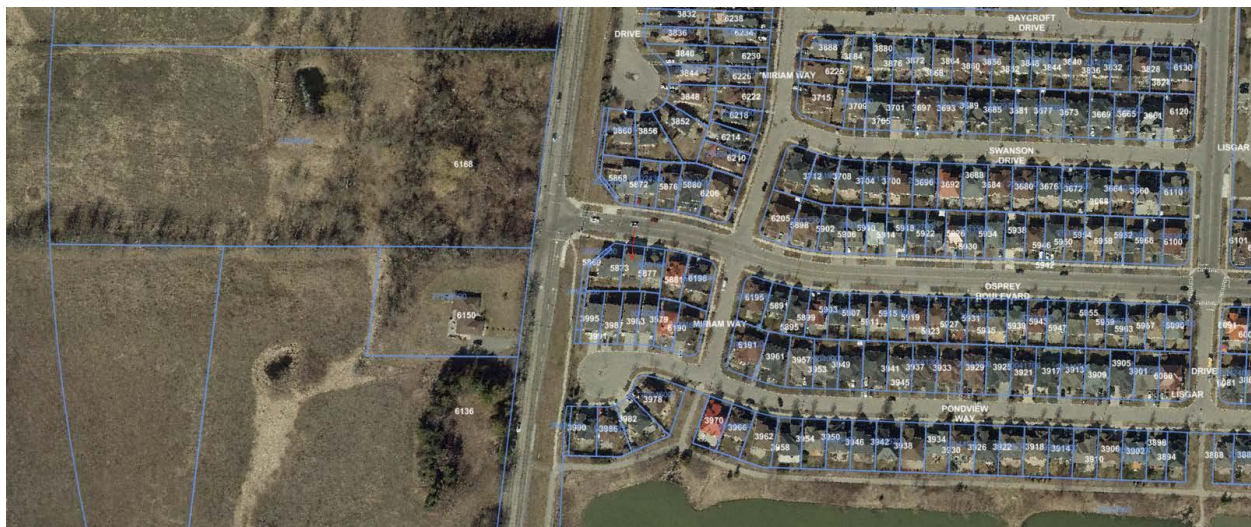
**Zoning:** R7-25 - Residential

**Other Applications:** BP 9ALT 20-2637

### Site and Area Context

The subject property is located on the south side of Osprey Boulevard, east of the Ninth Line intersection in the Lisgar Neighbourhood. The property contains a two-storey detached dwelling with an attached two car garage. The surrounding context consists exclusively of detached dwellings with attached garages. The property contains no notable vegetation which is characteristic of the area.

The applicant is proposing a rear deck on the property requiring a variance for rear yard setback.



## 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:

**Does the proposal maintain the general intent and purpose of the Official Plan?**

The subject property is located in the Lisgar Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of 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. Staff note that this block contains multiple instances of large second storey decks and are of the opinion that the proposal maintains the character of the surrounding context and is appropriate given existing site conditions. Staff are therefore satisfied that the application maintains the general intent and purpose of the official plan.

**Does the proposal maintain the general intent and purpose of the Zoning By-law?**

The intent or rear yard provisions are to ensure that an appropriate buffer between the massing of structures on abutting properties is provided and to maintain an appropriate rear yard amenity area. The proposed deck is not covered and does not create significant massing concerns for abutting properties. Furthermore the proposed deck maintains an appropriate setback for a grade level rear yard amenity area and serves as additional rear yard amenity space. Staff are therefore satisfied that the general intent and purpose of the zoning by-law are maintained.

**Is the proposal desirable for the appropriate development of the subject lands and minor in nature?**

Planning staff are satisfied that the proposed deck represents a desirable and appropriate development of the subject property. The proposal will improve the rear yard amenity area of the subject property with only minor impacts to abutting properties.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

From our site inspection of this property we observed no drainage related concerns with the rear deck as drainage from the rear yard is directed to an existing catch basin.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

## Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file BP 9ALT 20-2637. Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

The applicant requests the Committee to approve a minor variance to allow the construction of a deck with a rear yard setback of 4.78m (approx. 15.68ft) measured to the deck stairs and 5.99m (approx. 19.65ft.) measured to the deck platform; whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.50m (approx. 24.61ft) in this instance.

Please note that comments reflect those provided through the above permit application and should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the application file noted above, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments.

Comments Prepared by: Brian Bonner, Supervisor