

# City of Mississauga Department Comments

Date Finalized: 2023-03-01	File(s): A763.22 Ward: 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-03-09 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application. 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 the construction of a deck proposing:

1. A lot coverage of 48.73% (164.73sq m (approx. 1773.14sq ft)) whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 45.00% (135.22sq m (approx. 1455.50sq ft)) in this instance and,
2. A rear yard setback of 4.48m (approx. 14.70ft) whereas By-law 0225-2007, as amended, requires a 7.50m (approx. 24.61ft) rear yard setback in this instance.

## Background

**Property Address:** 894 Knotty Pine Grove

### Mississauga Official Plan

Character Area: Meadowvale Village Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

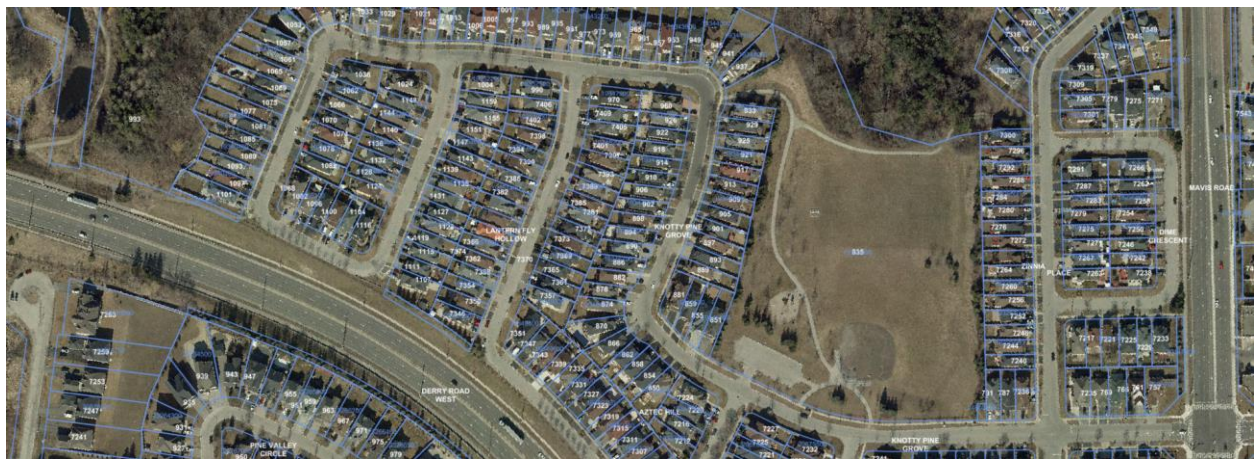
**Zoning:** R11-1 - Residential

**Other Applications:** BP 9ALT 22-2386

### Site and Area Context

The subject property is located north-west of the Derry Road West and Mavis Road intersection in the Meadowvale Village neighbourhood. It currently contains a two-storey detached dwelling with an attached garage. The property slopes towards the rear, creating a walk out basement condition. It has a frontage of +/- 9.75m (32ft), which is characteristic of lots with detached dwellings in the area. Limited landscaping and vegetative elements are present in both the front and rear yards. The surrounding area context is exclusively residential, consisting of a mix of detached and semi-detached dwelling.

The applicant is proposing a new rear deck requiring variances for lot coverage and 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 Meadowvale Village Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). 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. Planning staff are satisfied that the proposed deck is appropriate given the site conditions surrounding the slope and existing deck and will not create additional negative impacts upon abutting properties or the larger character area.

Staff are therefore of the opinion that the general intent and purpose of the official plan are maintained.

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

Variance 1 requests an increase in lot coverage. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot which would impact the streetscape as well as abutting properties. The additional coverage is solely attributable to the deck which does not create the same massing impacts as an addition to a dwelling. Staff are satisfied that the proposal does not represent an overdevelopment of the subject property and note that the location of the deck will result in no impacts to the streetscape.

Variance 2 requests a reduced rear yard setback. The intent of 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 reduced setback request is measured to the platform where the stairs curve, with the main portion of the deck providing an increased setback. Staff are satisfied that the proposed deck maintains an appropriate setback and serves as additional rear yard amenity space.

Given the above Planning staff are 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 variances, both individually and cumulatively, are minor in nature and will not create significant impacts on abutting properties or the streetscape. The proposal represents an appropriate development of the subject property in the opinion of staff.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

We note that the Transportation and Works Department has no objections to the proposed deck as it will not impact or alter the existing grading and drainage pattern for this property.









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 22-2386. Based on review of the information currently available in this permit application, variance # 1, as requested is correct.

Furthermore, we advise that more information is required to determine the accuracy of the remaining variance(s) as it is not clear whether the deck is accessed from the first or second storey (if accessed from the second storey, the deck can't benefit from the encroachment regulations).

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.

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Comments Prepared by: Brandon Eidner, Zoning Examiner

**Appendix 3 – Region of Peel**

We have no comments or objections.

Comments Prepared by: Patrycia Menko – Junior Planner, Planning and Development Services