

# City of Mississauga Department Comments

Date Finalized: 2023-05-16	<b>REVISED</b>	File(s): A153.23 Ward: 3
To: Committee of Adjustment		
From: Committee of Adjustment Coordinator		Meeting date:2023-05-25 1:00:00 PM

## Consolidated Recommendation

The City recommends that the application be deferred.

## Application Details

The applicant requests the Committee to approve a minor variance to maintain the rear yard hard landscaping proposing a rear yard setback of 0.1m (approx. 0.32ft) from the rear lot line whereas By-law 0225-2007, as amended, requires a rear yard setback of 0.61m (approx. 2ft) from the rear lot line in this instance.

## Background

**Property Address:** 1074 Flagship Drive

### Mississauga Official Plan

Character Area: Applewood Neighbourhood

Designation: Residential Low Density I

### Zoning By-law 0225-2007

**Zoning:** R3-Residential

**Other Applications:** None

### Site and Area Context

The subject property is located on the south-west corner of Flagship Drive and Constitution Boulevard. It currently contains a detached bungalow with an attached garage. Some landscaping and vegetative elements are present in both the front and exterior side yards. The

surrounding area context is predominantly residential, consisting of one and two-storey detached dwellings on lots of similar sizes. Semi-detached dwellings are present in the larger area context.

The applicant is proposing to maintain the existing hardscaping requiring a variance for 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:

The subject property is located in the East Credit Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits varying built forms, including detached dwellings with landscaping.

The intent of this regulation in the by-law is to ensure that an appropriate buffer exists between abutting properties and that appropriate drainage patterns can be maintained. Transportation and Works have identified drainage related concerns which should be addressed to mitigate impacts to abutting properties. Furthermore staff note that amendments to the variance may be required, as the yard containing the majority of the hardscaping would likely be considered the front yard under the definitions of the zoning by-law. The applicant may wish to consider having a zoning review conducted to ensure the accuracy of the requested variance and if additional variances are required.

City Department and Agency Comments	File:A153.23	2023/05/16	3
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Given the above, Planning staff recommend that the application be deferred.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

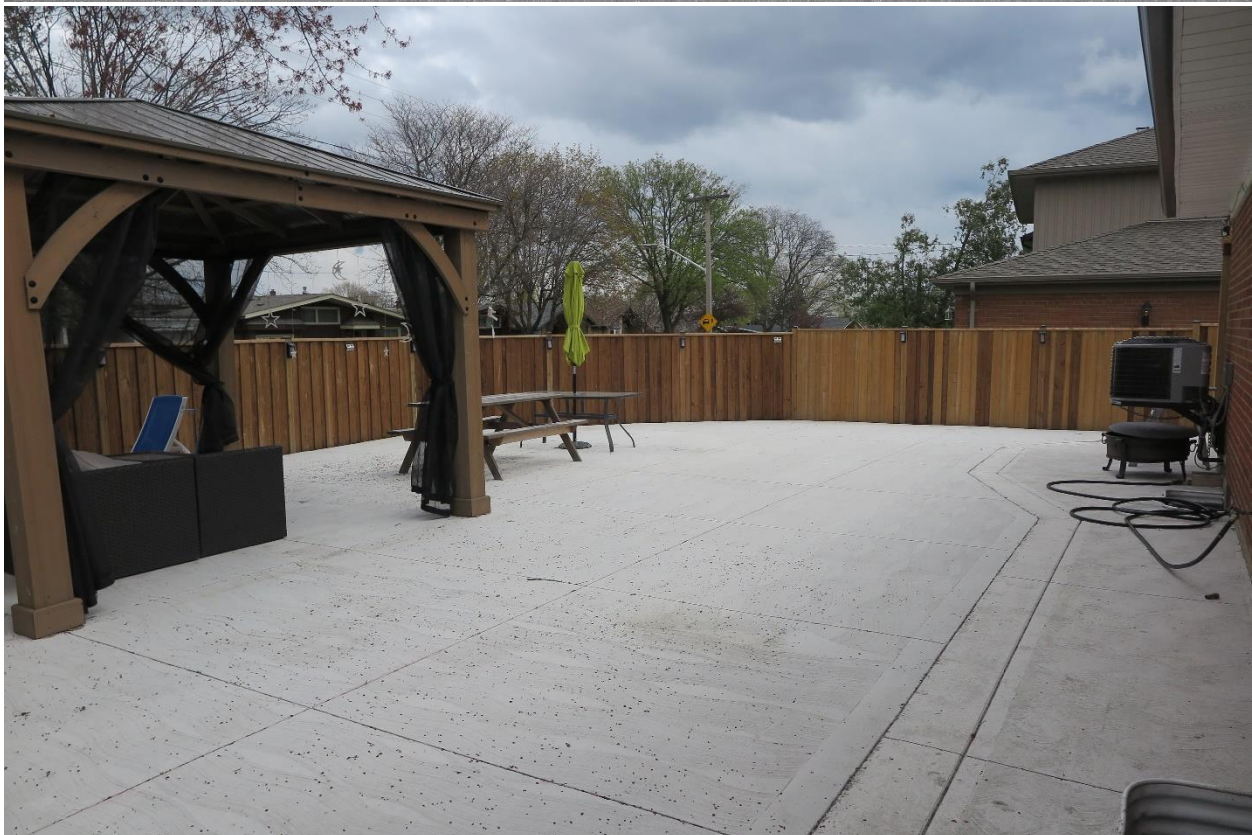
## Appendices

### Appendix 1 – Transportation and Works Comments

Enclosed for Committee's reference are a number of photos which depict the very excessive hard surface (concrete) constructed in the rear yard. When reviewing these types of variances for increased hard surfaces being proposed where grassy permeable surfaces exist or existed, we are concerned with the additional hard surface treatment as this essentially increases the flow of water into the municipal storm sewer system. Incremental increases across the neighbourhood and the city essentially can have increased pressure on the City's storm sewer system. Lots are designed to typically retain some rain water through infiltration of water into the permeable surfaces such as grass. The by-law requirement of a 0.61m setback maintains a permeable grassed area that will allow infiltration of water.

In view of the above we cannot support the request as submitted to have a reduced 0.10M setback and the required 0.61M setback for the rear yard hard landscaping should be maintained.



















Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

## **Appendix 2 – Zoning Comments**

In the absence of a Development application we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed. The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

For scope of work that does not require Site Plan Approval/Building Permit/Zoning Certificate of Occupancy Permit, the applicant may consider applying for a Preliminary Zoning Review application. A detailed site plan drawing and architectural plans are required for a detailed zoning review to be completed. A minimum of 6-8 weeks is required depending on the complexity of the proposal and the quality of information submitted.

Comments Prepared by: Brooke Herczeg, Zoning Examiner

## **Appendix 3 – Region of Peel**

We have no comments or objections.

Comments Prepared by: Patrycia Menko, Junior Planner