

City of Mississauga Department Comments

Date Finalized: 2023-06-14	File(s): A187.23
To: Committee of Adjustment	Ward: 9
From: Committee of Adjustment Coordinator	Meeting date:2023-06-22 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 a dwelling proposing:

1. A rear yard setback to a deck of 11.27m (approx. 36.98ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 16.00m (approx. 52.50ft) in this instance;
2. A rear yard setback to a deck of 12.85m (approx. 42.16ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 16.00m (approx. 52.50ft) in this instance; and,
3. A rear yard setback to a below grade entrance of 15.13m (approx. 49.64ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 16.00m (approx. 52.50ft) in this instance.

Background

Property Address: 7255 Windrush Court

Mississauga Official Plan

Character Area: Meadowvale Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R4-27 - Residential

Other Applications: BP 9ALT 23-6060**Site and Area Context**

The subject property is located north-east of the Winston Churchill Boulevard and Tradewind Drive intersection in the Meadowvale neighbourhood. It currently contains a detached dwelling with an attached garage and backs onto a vacant strip of land containing a natural gas pipeline. Limited landscaping and vegetation elements are present in both the front and rear yards. The surrounding context is exclusively residential consisting of detached dwellings, however townhouses and industrial uses are present in the larger context.

The applicant is requesting setback variances for the existing decks and a new below grade entrance in the rear yard.

**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 Meadowvale Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, and duplex dwellings.

The applicant is proposing decks and a below grade entrance within the required 16 metre setback from the abutting U3 zone, which contains a natural gas pipeline. The U3 lands are owned by TransCanada Pipelines Limited. Staff note that the large setbacks are in place due to the TransCanada pipeline abutting the rear of the property. Furthermore an email dated April 24, 2023 from TransCanada Pipelines Limited to the applicant indicates that they have no concerns with the proposed variances. Planning staff rely on TransCanada Pipelines Limited regarding matters of expertise relating to their pipelines.

The intent of a rear yard setback is to ensure an adequate buffer between the massing of primary structures on adjoining properties, as well as to create an appropriate amenity area within the rear yard.

Staff note that the deck does not create any additional massing that would impact abutting properties or uncommonly decrease the amenity area. Furthermore, no specific drainage concerns have been raised by the Transportation and Works staff. Therefore, staff are of the opinion that the proposal maintains the general intent and purpose of the zoning by-law, represents appropriate development of the subject property, and is minor in nature.

Comments Prepared by: Shivani Chopra, Planner in Training

Appendices

Appendix 1 – Transportation and Works Comments

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the construction of a deck and below grade entrance will be addressed through the Building Permit process, File Nos.: BP 9ALT 23-6060, and BP SEC Unit 22-5069. From our site inspection of this property we observed no drainage related concerns with the rear deck or below grade entrance.







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 23-6060. Based on review of the information currently available in this permit application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Please note that comments reflect those provided through the above permit application submitted on 03/13/2023 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: Jeanine Benitez, Zoning Examiner

Appendix 3 – Metrolinx

7255 Windrush Crt

Metrolinx is in receipt of the minor variance application for 7255 Windrush Crt to allow a dwelling with a reduced rear yard setback. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of Canadian Pacific Railway's (CP Rail) Galt Subdivision which carries Metrolinx's Milton GO Train service.
- The Proponent is advised the following:
 - **Warning:** Metrolinx and its assigns and successors in interest operate commuter transit service within 300 metres from the subject land. In addition to the current use of these lands, there may be alterations to or expansions of the rail and other facilities on such lands in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx or any railway assigns or successors as aforesaid may expand their operations, which expansion may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual units. Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under these lands.

Comments Prepared by: Farah Faroque, Project Analyst