

City of Mississauga Department Comments

Date Finalized: 2023-08-16	File(s): A276.23
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-08-24 1:00:00 PM

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, as requested, meets the requirements of Section 45(1) of the Planning Act.

Application Details

The applicant requests the Committee to approve minor variances to allow the construction of a cover over the existing deck proposing a rear yard setback of 3.30m (approx. 10.82ft) whereas By-law 0225-2007, as amended, requires a rear yard setback of 5.0m (approx. 16.40ft) in this instance.

Background

Property Address: 1905 Broad Hollow Gate Unit 29

Mississauga Official Plan

Character Area: Erin Mills Neighbourhood
Designation: Residential Medium Density

Zoning By-law 0225-2007

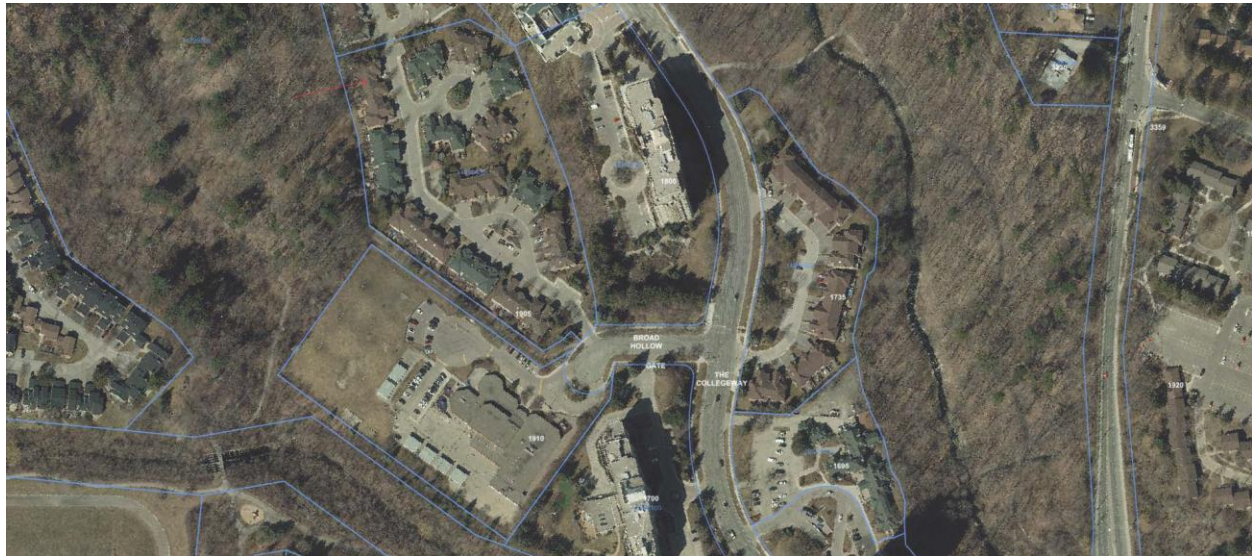
Zoning: RM4-Residential

Other Applications: BP 9ALT 22-1131

Site and Area Context

The subject property is located within the Erin Mills Neighbourhood Character Area, north of the Erin Mills Parkway and Dundas Street West intersection. The immediate area consists of two-storey townhouse dwellings with an attached garage. The subject property contains an existing townhouse dwelling with mature vegetation in the front yard.

The application proposes the construction of a roof over an existing deck 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 are as follows:

The subject property is located in the Erin Mills Neighbourhood Character Area and is designated Residential Medium Density in Section 10 of the Mississauga Official Plan (MOP). This designation permits all forms of townhouse dwellings.

Staff note that the subject property was previously before the Committee of Adjustment under file A175/14 on June 5, 2014 to permit the construction of the deck in the rear yard. The variance for a reduced setback of 3.23m to lands zoned G2, Greenbelt was approved. The applicant is now seeking to permit covering the existing deck, requiring a variance for relief from the rear yard setback regulation.

The requested variance pertains to the rear yard setback. The intent of the rear yard setback is to ensure that an adequate buffer exists between the massing of primary structures on adjoining properties and that an appropriate amenity area remains within the rear yard. The proposal aims to modify the existing wooden deck by proposing a roof over the existing deck. Staff is of the opinion that this proposal does not significantly alter the existing massing of the structure. It is staff's opinion that the proposal would have a negligible impact on neighbouring properties. Additionally staff note that the subject property provides adequate landscaped open space in both the side yard and rear yard.

Through a detailed review of the application, staff is of the opinion that the application is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning 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 proposed covered deck are being addressed by our Development Construction Section through the Building Permit process BP 9ALT-22/1131.



Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file BP 9ALT 22-1131. 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 and

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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: Brooke Herczeg, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has no objections to the above noted minor variance application and advises as follows:

The lands adjacent to the property are owned by the City of Mississauga, identified as Windy Hollow (P-168) and zoned OS1 – Open Space – Community Park.

Should the application be approved, Community Services provides the following notes:

1. Construction access from the adjacent park/greenlands is not permitted.
2. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
3. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.

Should further information be required, please contact Nicholas Rocchetti, Park Planning Assistant, Community Services Department at 905-615-3200 ext. 4659 or via email Nicholas.Rocchetti@mississauga.ca.

Comments Prepared by: Nicholas Rocchetti, Park Planning

Appendix 4 – Region of Peel

Minor Variance Application: A-23-276M – 1905 Broad Hallow Gate, Unit 29

Planning: Patrycia Menko (905) 791-7800 x3114

Comments:

- The subject land is also located within a Core Woodland of the Greenlands System in Peel as identified under policy 2.14.12 of the Regional Official Plan. Development and site alteration are prohibited in Core Areas of the Greenlands System, with the exception of ROP policy 2.14.15, which is subject to policy 2.14.16. While the Region recognizes the proposed cover is intended to cover an existing permitted deck, the applicant must ensure Core Areas are not damaged or destroyed. If the Core Area is intentionally damaged or destroyed, the Region or the City will require replacement or restoration of

the ecological features, functions and/or landforms as a condition of development approval (ROP policy 2.14. 17).

Comments Prepared by: Patrycia Menko, Junior Planner