

City of Mississauga Department Comments

Date Finalized: 2023-09-13	File(s): A84.23
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2023-09-21 3:30:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

The applicant requests to Committee to approve a minor variance to allow hard landscaping in the rear yard proposing a hard surface landscaping setback of 0.00m whereas By-law 0225-2007, as amended, requires a minimum setback of 0.61m (approx. 2.00ft) in this instance.

Background

Property Address: 1203 Saginaw Cres

Mississauga Official Plan

Character Area: Clarkson-Lorne Park Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R2-1 - Residential

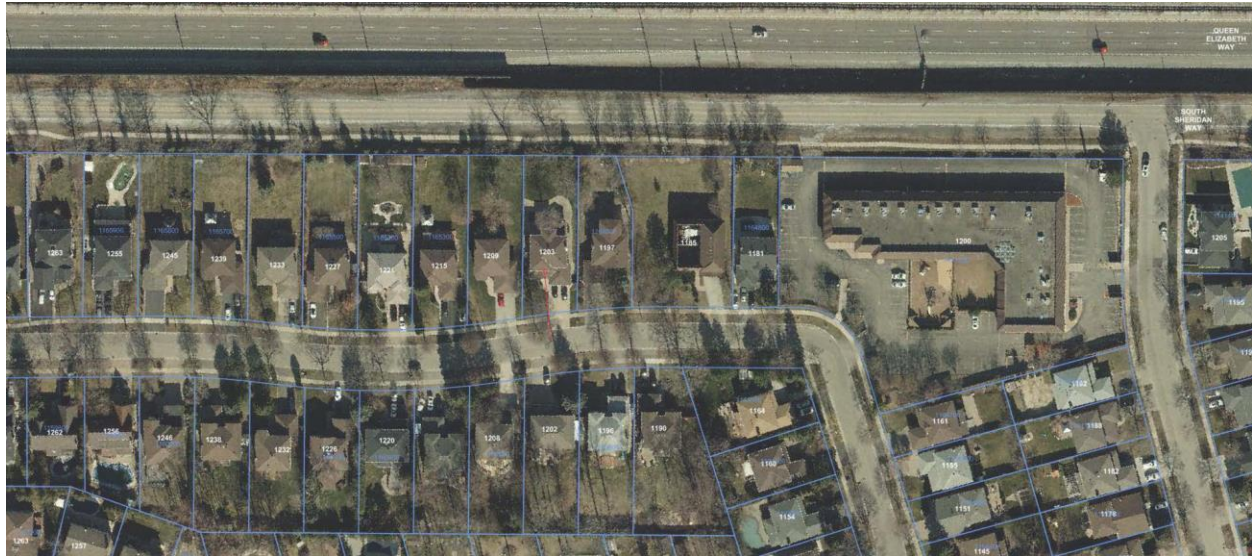
Other Applications: PREAPP 22-5225

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, east of the South Sheridan Way and Indian Road intersection. The immediate neighbourhood is entirely residential consisting of one and two-storey detached dwellings, on large lots with

mature vegetation in the front yards. The subject property contains a two-storey detached dwelling with mature vegetation in both of the front and rear yards.

The applicant is requesting to permit the existing hardscaping requiring a variance for a side 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 Clarkson-Lorne Park Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached dwellings.

The above noted application was deferred by the Committee on June 1, 2023. The Committee directed Transportation and Works staff to conduct a site inspection to determine if concerns raised with respect to flooding of the adjacent property to the west were a direct result of the as-built hard surface landscaping.

Transportation and Works staff have requested deferral of this application, as they have discovered ponding issues during their site inspection that are impacting the adjacent property to the west.

Transportation and Works staff have determined that drawings submitted through a previous building permit for a replacement porch do not match drawings submitted with this application or what was built by the applicant.

If the drawings provided through this application were the same as what was included in the original building permit, the Building Department would not have issued the previous permit.

Planning staff supported the applicant's original proposal in absence of the information above. Staff now echo Transportation and Works staffs comments and recommend that the application be deferred to allow the Building Department additional time to further investigate onsite conditions.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Transportation and Works has now revisited the subject site as per the direction of the previous Committee of Adjustment decision.

Enclosed are pictures of the subject patio in the rear yard. We understand that the neighbour to the west (1209 Saginaw Crescent) is experiencing ponding problems along the common side yard. These issues were not present prior to the construction of the patio area.

We have also reviewed information related to the 2021 Building Permit for the subject site (BP 9ALT 21 9071), which was for a “replacement porch at the rear”. As seen in the attached pictures, the newly constructed structure does not appear to match the drawings submitted in support of an “open porch with canopy”. Further, the Development Construction Section reviewed the plans associated with that Building Permit, and they did not show any hard surface patio abutting the fence.

Development Construction is still holding Lot Grading securities associated with that permit, which could not be released under the current condition, as it is not what was reviewed/approved. It should also be noted that through the review of a grading plan associated with an addition to a house (as opposed to a porch), Development Construction would not allow a 0.0m setback along the side property limit, as it exists today.

The Building Department is currently investigating the on site conditions and will determine what action to take. We recommend deferral until such time that the Building Department has been on site to review the situation. Our comments heavily rely on the outcome of that inspection.

Should Committee decide to move forward at the time of the hearing, then Transportation and Works recommends refusal to the 0.0m hard surface setback along the side property limit.







The following are pictures of the neighbouring lot (common property line) which is experiencing the ponding issues:



Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processed a Pre-application under file PREAPP 22-5225. Based on review of the information currently available in this permit application, the variances, as requested are correct.

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: Tage Crooks, Zoning Examiner

Appendix 3 – Region of Peel

Please apply previous comments.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner