

City of Mississauga Department Comments

Date Finalized: 2024-01-17	File(s): A5.24
To: Committee of Adjustment	Ward: 7
From: Committee of Adjustment Coordinator	Meeting date:2024-01-25 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 concrete pad proposing:

1. A rear yard setback to a concrete pad of 0.088m (approx. 0.29ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 0.61m (approx. 2.00ft) in this instance; and,
2. A side yard setback to a concrete pad of 0.075m (approx. 0.25ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 0.61m (approx. 2.00ft) in this instance.

Background

Property Address: 731 Fieldstone Road

Mississauga Official Plan

Character Area: Erindale Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

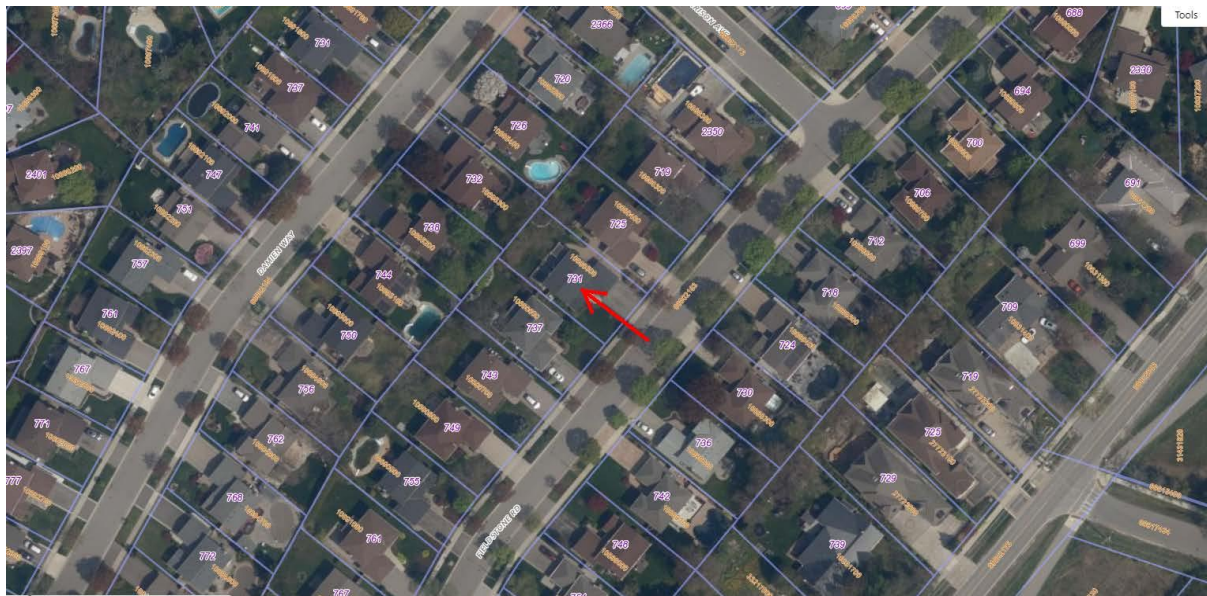
Zoning: R2- Residential

Other Applications: None

Site and Area Context

The subject property is located south-west of the Morrison Avenue and Fieldstone Road intersection in the Erindale Neighbourhood Character Area. The lot currently contains a two-storey detached dwelling with an attached garage. Some landscaping/vegetative elements are present in the front yard. The property has an approximate lot frontage of +/-18.28m (+/-60ft), and a lot area of +/- 696.77 m² (+/- 7500 ft²) characteristic of other lots in the area. The surrounding context is predominantly residential, consisting of detached dwellings on lots of generally similar sizes. The property is in the vicinity of a school and a recreational sports club on the west side.

The applicant is proposing to legalize the existing concrete pad in the rear yard requiring variances for the rear yard and side yard setbacks.



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 Erindale 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, semi-detached dwellings, duplex dwellings, triplexes, street townhouses, and other forms of low-rise dwellings with individual frontages. 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 concrete pad is appropriate given the existing site conditions and will not significantly impact abutting properties. Furthermore, it is located at the rear of the property and would not be visible to the streetscape. 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 a reduced rear yard measured to an existing concrete pad. The intent of the rear yard setback is to ensure that both an adequate buffer exists between the massing of primary structures on adjoining properties, as well as create an appropriate amenity area within the rear yard. Given the property's rear yard and the existing location of the concrete pad, staff are satisfied that an appropriate amenity area is maintained on the property. Furthermore, the variance requested is minor in nature and does not create significant impacts to the rear yard amenity areas of the properties to the side or the rear.

Variance 2 requests a reduced side yard measured to the concrete pad. The intent of the side yard regulations in the by-law is to ensure that an appropriate buffer between structures on abutting properties is maintained as well as ensuring access to the rear yard and drainage patterns are preserved. The existing concrete pad creates no issues regarding access to the rear yard and Transportation & Works staff have raised no significant drainage concerns regarding the existing pad.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

Planning staff are of the opinion that the proposal represents appropriate development of the subject property. Furthermore and potential impacts from the variances will be minor in nature both on abutting properties and the streetscape.

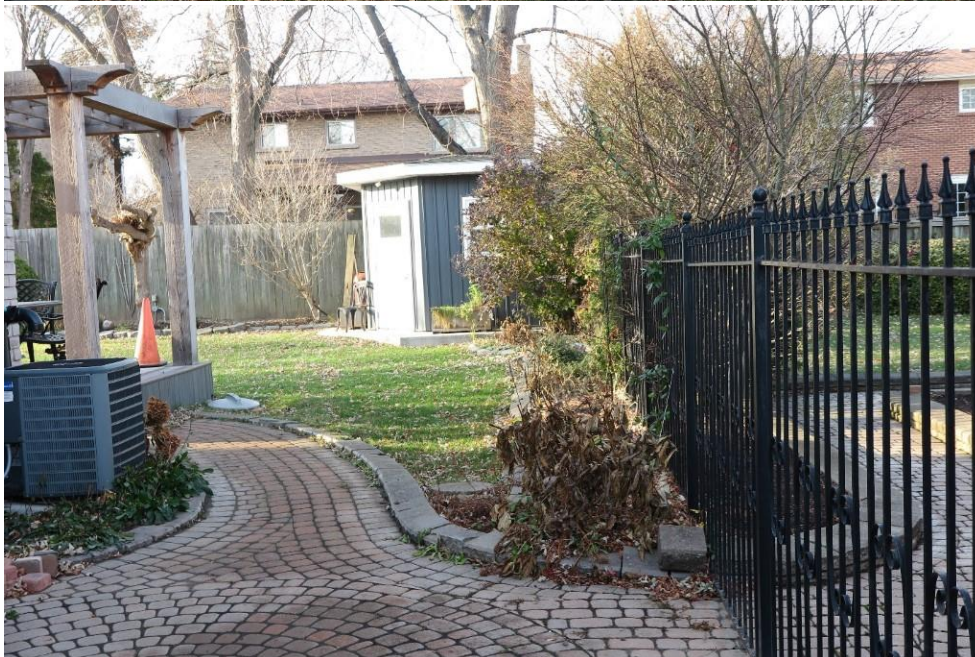
Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We note that the Transportation and Works Department has no objections to the concrete pad as it will not impact or alter the existing grading and drainage pattern.

Comments Prepared by: Joe Alava, T&W Development Engineering



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: Minan Song, Planner in Training

Appendix 3 – Region of Peel

We have no comments or objections.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner