

# City of Mississauga Department Comments

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|-------------------------------------------|---------------------------------------|
| Date Finalized: 2024-01-04                | File(s): A463.23                      |
| To: Committee of Adjustment               | Ward: 3                               |
| From: Committee of Adjustment Coordinator | Meeting date:2024-01-11<br>1:00:00 PM |

## Consolidated Recommendation

The City has no objections to the application, subject to a temporary approval period of one (1) year.

## Application Details

The applicant requests the Committee to approve a minor variance to allow a structure to be located in the front yard of a residential property whereas By-law 0225-2007, as amended, does not permit a structure in the front yard in this instance.

## Recommended Conditions and Terms

Should Committee find merit in approving the application, the structure in the front yard is to be removed permanently by January 11th, 2025.

## Background

**Property Address:** 1340 Hickory Drive

### Mississauga Official Plan

Character Area: Rathwood Neighbourhood  
Designation: Residential Low Density I

### Zoning By-law 0225-2007

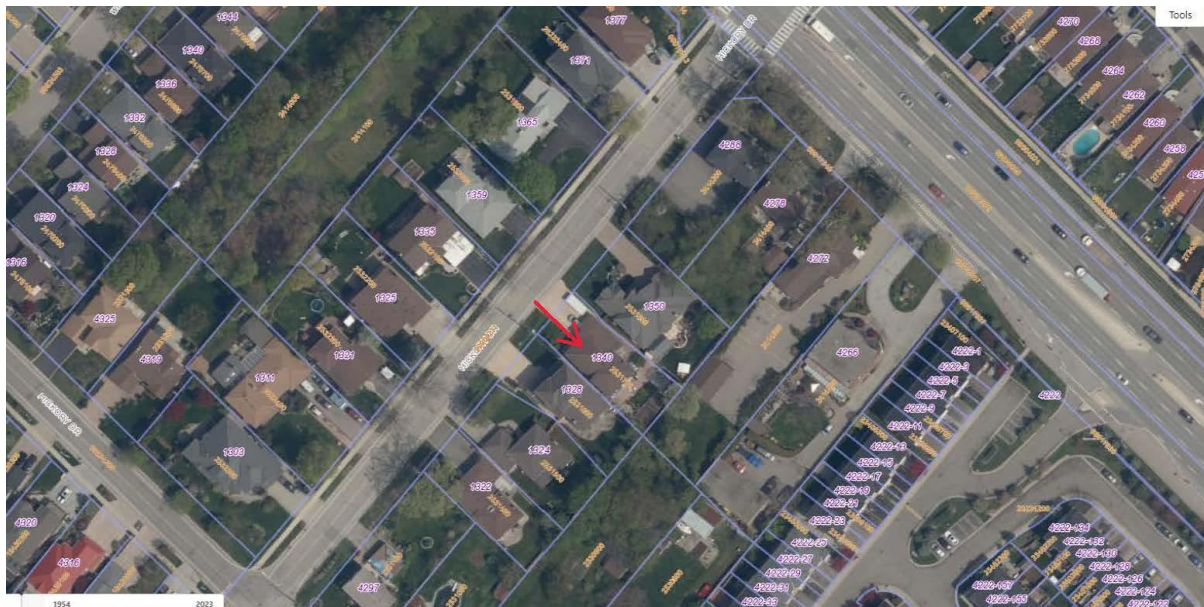
**Zoning:** R3- Residential

**Other Applications:** None

## Site and Area Context

The subject property is located north-west of the Dixie Road and Rathburn Road East intersection in the Rathwood Neighbourhood Character Area. It is an interior lot containing a one-storey detached dwelling with an attached garage. Limited landscaping and vegetative elements are present on the subject property. The property has an approximate frontage of +/- 15.35m (50.36ft) and a lot area of +/- 627.20m<sup>2</sup> (6,751.12ft<sup>2</sup>). The surrounding context is predominantly residential, consisting of detached dwellings on lots of varying sizes.

The applicant is proposing to legalize an existing structure in the front yard requiring a variance for the location of the structure.



## 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 proposed variance requests an accessory structure to be located in a front yard. The City restricts structures in front yards in order to maintain a certain level of uniformity of the streetscape for aesthetic purposes. Staff note the existing structure located in the front yard is a construction trailer. It is to be noted that numerous conversations have occurred with the

applicant and Planning Staff as well as Municipal By-law Enforcement Officers from the City's Compliance and Licensing Department to better understand the history of the existing structure.

Municipal By-law Enforcement Officers have confirmed the same structure has been located in the front yard of the subject property since 2018 (Google Street View further confirms this notion) and various notice of contraventions have been issued for the non-compliant structure in the front yard.

The applicant has stated there is a need for the construction trailer as there is ongoing construction on the subject property which has not been completed. The applicant references a building permit (BP 9ALT 14-1012) from 2014 that was issued by the City of Mississauga's Planning and Building Department. The building permit's scope of work relates to interior alterations and a balcony and first and second-storey additions. The applicant states the construction work was never completed or abandoned, however there have been various personal issues which have contributed to the delay in starting the proposed works as per the building permit issued in 2014.

The subject property is located in the Rathwood Neighbourhood Character Area and is designated Residential Low Density I in the Mississauga Official Plan (MOP).

Section 2.1.21 in the zoning by-law references temporary buildings and structures. It states land may be used for buildings and structures, or parts thereof, erected or used for a temporary period, for a construction camp, construction trailer, sales trailer, scaffold or other building or structure incidental to ongoing construction on the lot which has neither been finished nor abandoned. Staff have attempted to contact the applicant regarding timelines and status of the construction works proposed by the 2014 building permit but have not received any additional information.

As the building permit from 2014 is still open and considered valid, Section 2.1.21 of the zoning by-law is applicable for the construction trailer located in the front yard on the subject property. The variance represents appropriate development and is minor in nature.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

Enclosed for Committees easy reference are photos depicting the storage container in the front yard.

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



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**Appendix 2 – Zoning Comments**

We note that a Building Permit is required. In the absence of a Building Permit 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.

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