

Date Finalized: 2024-07-10 To: Committee of Adjustment	File(s): A344.23 Ward: 6
From: Committee of Adjustment Coordinator	Meeting date:2024-07-18 1:00:00 PM

## Consolidated Recommendation

The City recommends the application be deferred to identify the correct variances and submit the required materials.

## Application Details

The applicant requests the Committee to approve a minor variance to allow a concrete patio proposing a hard surface landscape material setback in the rear yard of 0.13m (approx. 0.43ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 0.61m (approx. 2.00ft) in this instance.

## Background

**Property Address:** 3613 Ellengale Drive

### Mississauga Official Plan

Character Area: Erindale Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

**Zoning:** RM1- Residential

**Other Applications:** None

### Site and Area Context

The subject property is located south-west of the Central Parkway West and Erindale Station Road intersection in the Erindale Neighbourhood Character Area. It is a corner lot containing a

two-storey semi-detached dwelling with an attached garage. Limited landscaping and vegetative elements are present on the subject property. The surrounding context is predominantly residential, consisting of detached and semi-detached dwellings.

The applicant is proposing to legalize the existing concrete pad in the rear yard 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 of the four tests to this minor variance request are as follows:

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.

The sole variance requested is for a reduced rear yard measured to the existing concrete pad. The intent of the rear yard setback is to ensure that both an adequate buffer exists between the

City Department and Agency Comments	File:A344.23	2024/07/10	3
-------------------------------------	--------------	------------	---

---

massing of primary structures on adjoining properties, as well as ensuring that drainage patterns are preserved. While the existing concrete pad has no massing impacts and is able to maintain an adequate buffer, Transportation & Works staff have raised drainage pattern concerns that could affect the neighbouring properties to the rear. Transportation & Works staff require the applicant to construct a swale between the rear yard property line and concrete pad to avoid any drainage issues. Additionally, Transportation & Works staff require the applicant provide a proper grading plan prepared by a Consulting Engineer for review.

Finally, while Planning staff are not in a position to interpret the zoning by-law, staff note an additional variance for rear yard setback to the accessory structure located on the existing concrete pad is required.

Given the above, staff recommend the application be deferred to identify the correct variances and submit the required materials.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

This Department has a concern with the proposed setback of 0.13m to the rear lot line behind the shed. We feel that the surface drainage emanating from the patio area that has been constructed may cause issues with the neighbouring properties at the rear.

As you will see from the attached pictures, the applicant has constructed a hard surface concrete patio. The surface drainage from the patio is directed towards the rear property line. Currently there is no mechanism in place to keep the drainage from entering the neighbouring property at the rear.

We ask that the applicant construct a swale along the rear property limit between the concrete pad and the fence. The swale should carry water eastward towards Ellengale Drive.

The applicant would need to supply this Department with a proper grading plan prepared by a Consulting Engineer for our review.

Considering the above, we ask that the application be deferred until such time that the applicant has provided the requested grading plan and Transportation and Works Staff have had time to review.

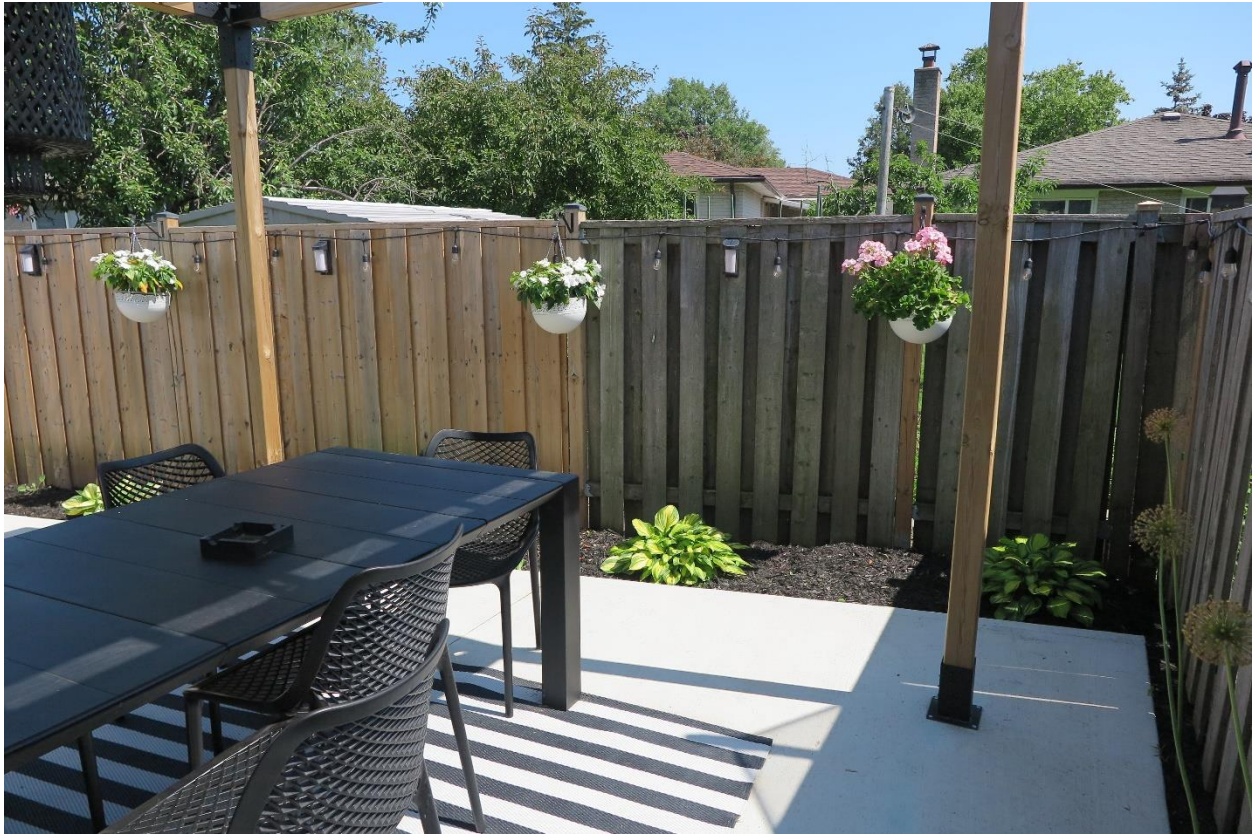
















Comments Prepared by: Michael Russo, Development Engineering



## 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, Zoning Examiner

## Appendix 3 – Region of Peel

We have no comments or objections.

Comments Prepared by: Petrele Francois, Junior Planner

## Appendix 4 – Metrolinx

Metrolinx is in receipt of the Minor Variance application for 3613 Ellengale Drive to allow a concrete patio, as circulated on June 16th, 2024, and to be heard at Public Hearing on July 18th, 2024, at 1:00 PM. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of the CP Galt Subdivision which carries Metrolinx's Milton GO Train service.

### GO/HEAVY-RAIL – ADVISORY COMMENTS

- The Proponent is advised of 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.

Should you have any questions or concerns, please contact [farah.faroque@metrolinx.com](mailto:farah.faroque@metrolinx.com).

Comments Prepared by: Farah Faroque, Project Analyst, Third Party Project Review

