

City of Mississauga Department Comments

Date Finalized: 2024-08-15	File(s): A349.24
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2024-08-22 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 meets the requirements of Section 45 (1) of the Planning Act. The applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Application Details

The applicant requests the Committee to approve a minor variance to legalize a canopy proposing:

1. An interior north westerly side yard setback to of 1.81m (approx. 8.94ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 3m (approx. 9.84ft) in this instance; and,
2. An interior south easterly side yard setback of 0.61m (approx. 2ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.20m (approx. 3.94ft) in this instance.

Background

Property Address: 35 Oakwood Ave N

Mississauga Official Plan

Character Area: Port Credit Neighbourhood (East)
Designation: Residential Low Density II

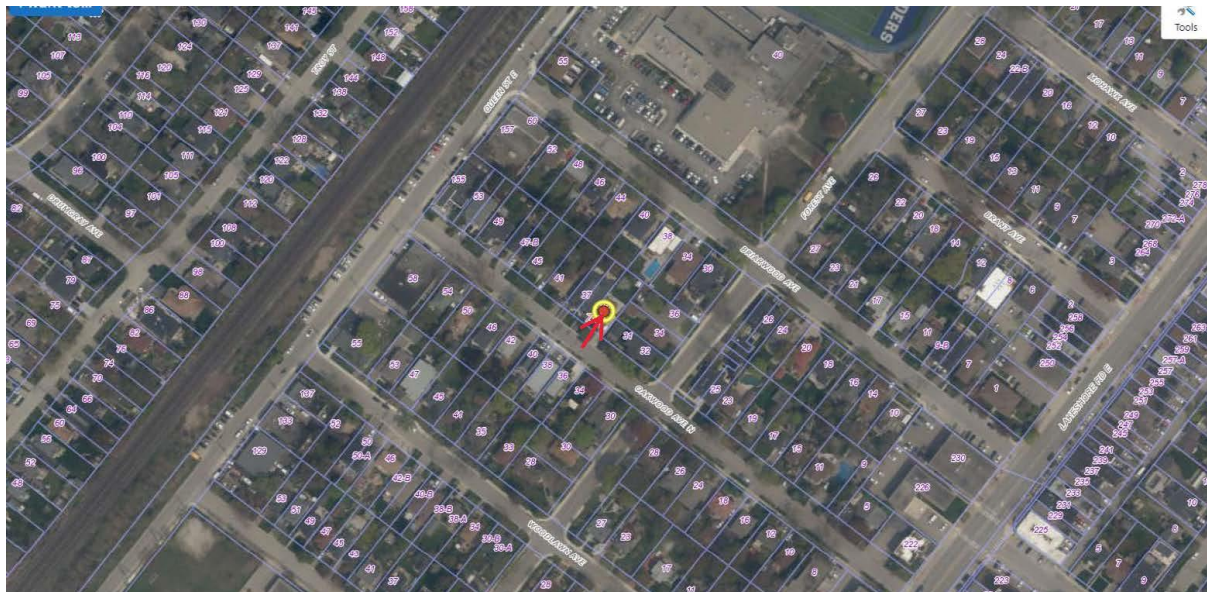
Zoning By-law 0225-2007

Zoning: RM7-5 - Residential

Other Applications: Building Permit application BP 9ALT 24-1511**Site and Area Context**

The subject property is located within the Port Credit Neighbourhood (East) Character Area, northeast of the Hurontario Street and Lakeshore Road East intersection. The immediate area consists of a mix of detached and semi-detached dwellings. The subject property contains an existing one-storey dwelling with mature vegetation in the front yard.

The applicant is proposing to legalize a canopy in the rear yard requesting variances for 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 are as follows:

The subject property is located in the Port Credit Neighbourhood (East) Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits varying residential built forms, including detached dwellings, semi-detached dwellings, duplex dwellings, triplexes, street townhouses, and other forms of low-rise dwellings with individual frontages.

Variance #1 and #2 both request relief in the side yard setback measured to the existing canopy. The intent of the side yard provisions in the by-law are to ensure that appropriate drainage patterns can be provided, and that an appropriate buffer between structures on abutting properties can be maintained. Staff are satisfied that there are no significant impacts on neighbouring properties and negligible massing concerns as it is a primarily open structure one storey in height. Planning staff note that the Transportation & Works Department have reviewed the application and do not have any concerns regarding drainage.

Through a detailed review of the application, staff are 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, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed are pictures of the existing covered porch and the rear yard area. Our Development Construction Section is currently reviewing a Building permit application for the property File BP 9ALT 24/1511.

We do not have any drainage concerns with the canopy. Through the Building permit process our Development Construction Section will comment on the garage and asphalt driveway.

Comments Prepared by: John Salvino, Development Engineering Technologist











Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application BP 9ALT 24-1511. Based on review of the information available in this 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 application. These comments may no longer be valid should there be changes contained within this Committee of Adjustment application that have not been submitted and reviewed through the application noted above. The applicant must submit any changes and/or updates to information and/or drawings separately through the above application in order to receive updated comments.

Comments Prepared by: Alana Zheng, Planner Zoning Examination

Appendix 3 – Parks, Forestry & Environment

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

1. No public trees shall be injured or removed. If public tree injury or removal is required, a permit must be issued as per By-law 0020-2022.
2. No private trees shall be injured or removed. If a private tree with a diameter of 15 centimetres or greater on private property is to be injured or destroyed, a permit must be issued as per By-law 0021-2022.
3. Please note if a tree is identified as a shared tree with the adjacent property owner, and the applicant intends to apply for a Tree Removal Permit, written consent must be obtained by both parties.

A Tree Removal Application to Permit the Injury or Destruction of Trees on Public and Private Property can be found at <https://www.mississauga.ca/publication/application-to-permit-the-injury-or-destruction-of-trees-on-public-and-private-property/>.

Should further information be required, please contact Jamie Meston, Landscape Architect Assistant, Forestry Section, Community Services Department at 905-615-3200 ext. 4264 or via email jamie.meston@mississauga.ca.

Comments Prepared by: Jamie Meston, Landscape Architect Assistant

Appendix 4 – Region of Peel

We have no comments or objections.

Comments Prepared by: Petrele Francois, Junior Planner