

City of Mississauga Department Comments

Date Finalized: 2024-08-22	File(s): A108.24
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2024-08-29 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, as amended, meets the requirements of Section 45(1) of the Planning Act.

Application Details

The applicant requests the Committee to approve a minor variance to allow a below grade entrance proposing:

1. An interior side yard setback of 0.70 m (approx. 2.33 ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.20 m (approx. 3.94 ft) in this instance; and,
2. An interior side yard setback to the canopy posts of 0.70 m (approx. 2.30 ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback to the canopy posts of 1.20 m (approx. 3.94 ft) in this instance;
3. An eaves setback of 0.30m (approx. 0.98ft) whereas the By-law 0225-2007, as amended, requires a minimum setback of 0.75m (approx. 2.32ft) in this instance;
4. A side yard setback (measured to the second floor) of 1.77m (approx. 5.81ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81m (approx. 5.94ft) in this instance.

Amendments

The Building Department is processing Building Permit application 23-8734. Based on review of the information available in this application, Zoning staff advise that following amendments are required:

1. An eaves setback of 0.30m (approx. 0.98ft) whereas the By-law 0225-2007, as amended, requires a minimum setback of 0.75m (approx. 2.32ft) in this instance;
2. A side yard setback (measured to the second floor) of 1.77m (approx. 5.81ft) whereas

By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81m (approx. 5.94ft) in this instance; and,

3. A side yard setback for a retaining wall to facilitate an entrance below grade of 0.0m; whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94 ft) in this instance.

Background

Property Address: 941 Hedge Dr

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

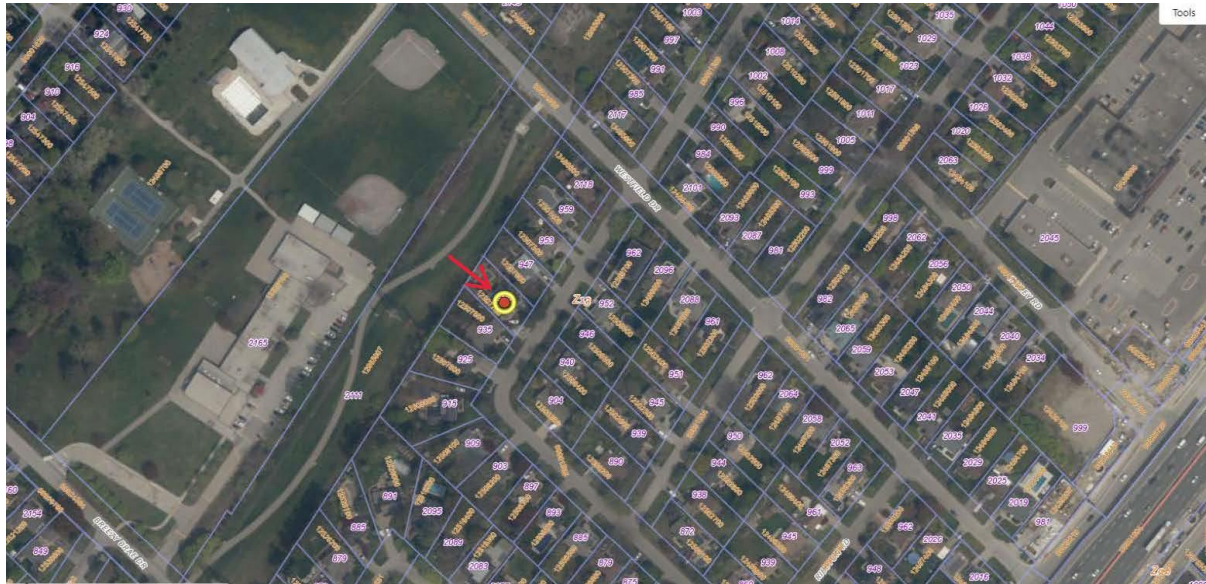
Zoning: R3-75 - Residential

Other Applications: Building Permit application 23-8734

Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, northeast of Cawthra Road and North Service Road intersection. The neighbourhood consists of newer and older one and two-storey detached dwellings. The subject property contains an existing two-storey detached dwelling with mature vegetation in the front yard.

The applicant is proposing a below-grade entrance in an interior side yard, requiring variances for reduced 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 are as follows:

The property is located in the Lakeview Neighbourhood Character Area and is designated Residential Low Density I on Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached and duplex dwellings.

Staff note this application was before the Committee of Adjustment on June 20, 2024, for variances for reduced side yard setbacks. The applicant deferred the file to accurately identify and capture all variances. Zoning staff have reviewed the building permit application and have clearly identified the variances required in their comments.

Planning staff have no concerns regarding variances #1, #2 and #3, as amended. The setbacks are measured to the eaves, the second storey and the retaining wall respectively. The proposed setbacks provide an adequate buffer to the lot line. Further, the proposed entryway adds negligible massing to the dwelling as it is below grade. Lastly, access to the rear yard is unencumbered as the access to the rear yard is provided from the opposite side of the dwelling.

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

"[Enter T&W staff comments]"

Comments Prepared by: [Click here to insert name, title...](#)

Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application 23-8734. Based on review of the information available in this application, we advise that following amendments are required:

1. An eaves setback of 0.30m (approx. 0.98ft) whereas the By-law 0225-2007, as amended, requires a minimum setback of 0.75m (approx. 2.32ft) in this instance;
2. A side yard setback (measured to the second floor) of 1.77m (approx. 5.81ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81m (approx. 5.94ft) in this instance; and,
3. A side yard setback for a retaining wall to facilitate an entrance below grade of 0.0m; whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94 ft) in this instance.

Our comments may no longer be valid should there be changes in the Committee of Adjustment application that have yet to be submitted and reviewed through the Building Division application. To receive updated comments, the applicant must submit any changes to information or drawings separately through the above application.

Comments Prepared by: Andrea Patsalides, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

Park Planning

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

The lands adjacent to the property are owned by the Hydro One, leased by the City of Mississauga, identified as Nine Creeks Trail (P-534) and zoned U – Utility.

Should the application be approved, Community Services provides the following notes:

1. Construction access from the adjacent park/greenlands is not permitted.
2. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.

3. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.

Should further information be required, please contact Nicholas Rocchetti, Planner in Training - Park Assets, Community Services Department at 905-615-3200 ext. 4659 or via email Nicholas.Rocchetti@mississauga.ca.

Comments Prepared by: Nicholas Rocchetti, Planner in Training

Forestry

The Forestry Section of the Community Services Department has reviewed 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 Permit Application, written consent must be obtained by both parties.

A Tree Permit 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 – MTO

A108.24- 941 Hedge Drive – Minor Variance

The subject property is located outside the MTO Permit Control Area; therefore, we have no comments.

Comments Prepared by: Nicole Hajjar, Corridor Management Officer