

City of Mississauga Department Comments

Date Finalized: 2024-08-08	File(s): A352.24 Ward: 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-08-15 3:30:00 PM

Consolidated Recommendation

The City recommends no objection to the application, subject to the amendment. 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 rear yard set back to hard surface of 0.20m (approx. 0.66ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard set back to hard surface of 0.61m (approx. 2ft) in this instance.

Amendments

Based on the information available in this application, Planning staff advise that the following amendment is required:

1. The applicant requests the Committee to approve a minor variance to legalize a side yard setback to hard surface of 0.20m (approx. 0.66ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback to hard surface of 0.61m (approx. 2ft) in this instance.

Background

Property Address: 6926 Elliott Parliament St

Mississauga Official Plan

Character Area: Meadowvale Village Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

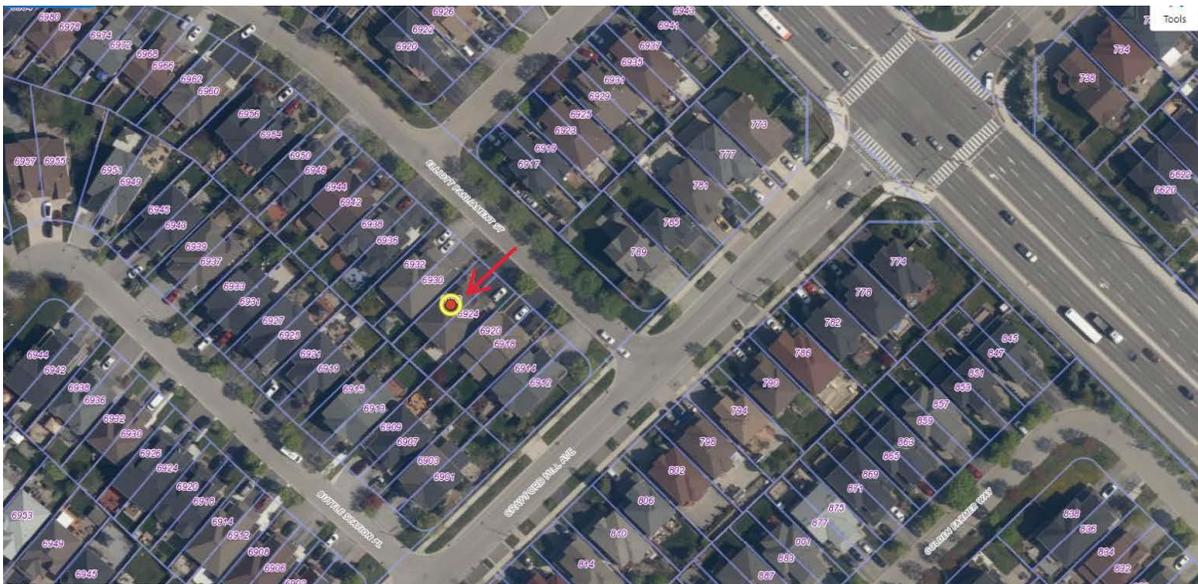
Zoning: RM5-27 - Residential

Other Applications: None

Site and Area Context

The subject property is located south-west of the Derry Road West and Mavis Road intersection in the Meadowvale Village Neighbourhood Character Area. It contains a two-storey semi-detached dwelling with an attached garage. Limited landscaping and vegetative elements are present on the subject property. The surrounding area context contains residential uses, consisting of detached and semi-detached dwellings.

The applicant is proposing to legalize an existing hard surface patio 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:

While Planning staff are not in a position to interpret the zoning by-law, staff note the variance requested is incorrect. There is an insufficient setback of 0.2m (0.66ft) to the side yard as opposed to the applicant's request for the rear yard.

The subject property is located in the Meadowvale Village Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). Section 9 of the 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 requests a reduced side yard setback for the hard surfaced landscaping. The general intent of this portion of the by-law is to ensure appropriate drainage patterns can be maintained. Staff note Transportation & Work's staff have not identified any drainage concerns.

Staff are of the opinion that the proposal maintains the general purpose and intent of the official plan and zoning by-law, is minor in nature and represents appropriate development of the subject property. The proposal will not have any additional impacts to abutting properties.

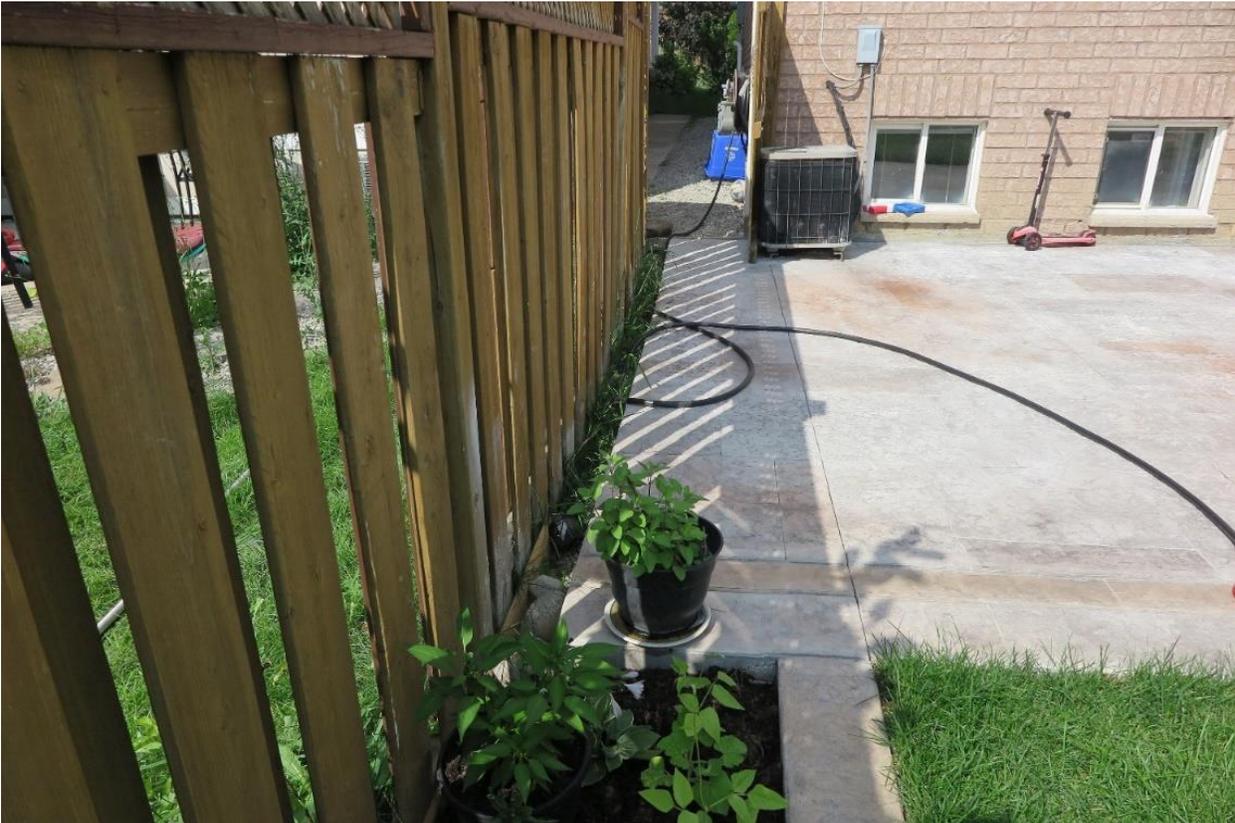
Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committees easy reference are photos depicting the area of the hard surface area setback of 0.20m and note that we have no drainage related concerns with the request. On our site inspection the owner advised that initially the concrete hard surface was installed abutting the fence, however, a portion was removed to allow for the 0.20m setback which would allow any drainage to flow and be directed to the rear yard and not the abutting property.







Comments Prepared by: Tony Iacobucci, 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 – 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