

# City of Mississauga Department Comments

Date Finalized: 2024-09-19	File(s): A426.24 Ward: 10
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-09-26 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application, subject to the amendment and condition.

## Application Details

The applicant requests the Committee to approve a minor variance to allow an addition proposing a rear yard setback of 3.60m (approx. 11.81ft) whereas the By-law 0225-2007, as amended, requires a minimum rear yard setback of 6.00m (approx. 19.69ft) in this instance.

## Amendments

The Building Department is processing Building Permit application BP 9ALT 24-2054. Based on review of the information available in this application, we advise that following amendment is required:

To allow an addition proposing a setback from a detached garage to a semi-detached dwelling of 3.60m (approx. 11.81ft) whereas the By-law 0225-2007, as amended, requires a minimum setback from a detached garage to a semi-detached dwelling of 6.00m (approx. 19.69ft) in this instance.

## Recommended Conditions and Terms

Should Committee see merit in the application, Transportation and Work's staff advise the following condition:

1. In the elevation Drawing A 104 submitted it indicates that there will be a sloped covering with rafters on the 3rd floor. We are noting that any eavetrough/downspout is to be located such that drainage does not impact on the adjacent unit.

## Background

**Property Address:** 5465 Festival Dr

### Mississauga Official Plan

Character Area: Churchill Meadows Neighbourhood

Designation: Medium Density

### Zoning By-law 0225-2007

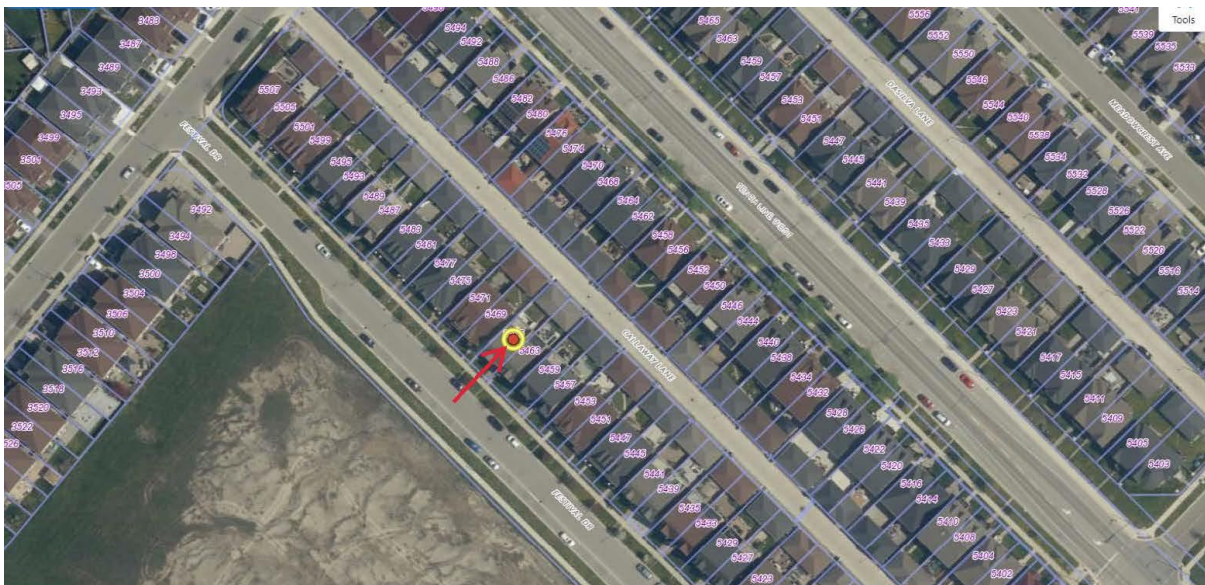
**Zoning:** RM5-39 - Residential

**Other Applications:** BP 9ALT 24-2054

### Site and Area Context

The subject property is located south-west of the Thomas Street and Tenth Line West intersection in the Churchill Meadows Neighbourhood Character Area. It is an interior 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 construct an addition in the rear yard requiring a variance for setback from the detached garage to the semi-detached dwelling.



---

## 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 designated Medium Density in Schedule 10 of the Mississauga Official Plan (MOP).

The sole variance relates to a reduced setback from the proposed addition to the detached garage in the rear yard. Staff note the variance is technical in nature and the proposed staircase is considered a part of the dwelling due to the proposal providing a connection of the staircase and deck to the second floor and third-floor rear yard terrace. The intent of the by-law regulation is to ensure an appropriate buffer between the dwelling and detached garage is maintained. Staff are of the opinion that the open staircase does not pose the same massing impacts as an enclosed structure and note the setback is taken from the first step leading to the staircase. Staff further note there is a sufficient amenity area maintained below the second storey landing. Staff are satisfied that the proposal maintains an appropriate buffer and rear yard amenity area.

Planning staff are satisfied that the proposal maintains the general intent and purpose of the official plan and zoning by-law, is minor in nature and contributes to orderly development of the subject property.

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 subject property, in particular the area of the proposed staircase to the terrace, canopy above the terrace and existing below grade staircase.

In the elevation Drawing A 104 submitted it indicates that there will be a sloped covering with rafters on the 3rd floor. We are noting that any eave trough/downspout is to be located such that drainage does not impact on the adjacent unit.











Comments Prepared by: Tony Iacobucci, Development Engineering

## Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application BP 9ALT 24-2054. Based on review of the information available in this application, we advise that following amendment is required:

To allow an addition proposing a setback from a detached garage to a semi-detached dwelling of 3.60m (approx. 11.81ft) whereas the By-law 0225-2007, as amended, requires a minimum setback from a detached garage to a semi-detached dwelling of 6.00m (approx. 19.69ft) 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: Gary Gagnier; 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 Technician, Forestry Section, Community Services Department at 905-615-3200 ext. 4264 or via email [jamie.meston@mississauga.ca](mailto:jamie.meston@mississauga.ca).

Comments Prepared by: Jamie Meston, Landscape Technician

City of Mississauga Department Comments