

City of Mississauga Department Comments

Date Finalized: 2024-09-19	File(s): A427.24 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-09-26 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 requested, 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 allow a rear yard measured to a second storey deck of 4.1m (approx. 13.5ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard measured to a second storey deck of 7.5m (approx. 24.6ft) in this instance.

Background

Property Address: 858 Tenth St

Mississauga Official Plan

Character Area: Lakeview Neighborhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

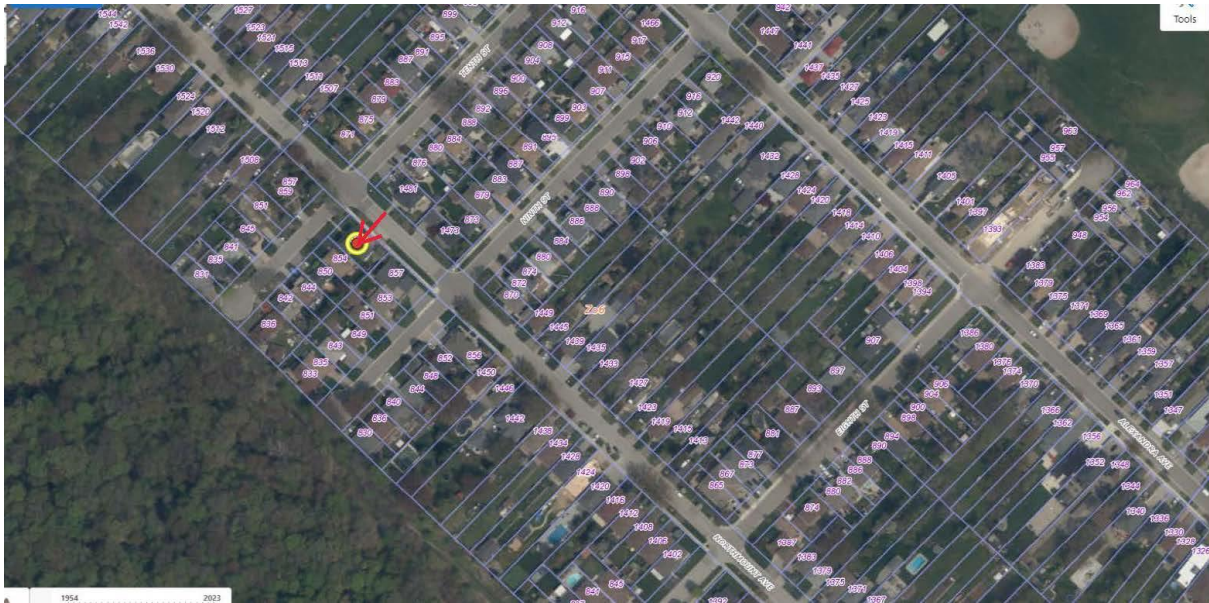
Zoning: RM1-26 - Residential

Other Applications: Building Permit application BP 9ALT 24-1088

Site and Area Context

The subject property is located west of the Cawthra Road and Ogden Avenue intersection in the Meadowvale neighbourhood. It is a corner lot containing a detached dwelling with an attached garage fronting onto Northmount Avenue. Some landscaping and vegetation elements are present in both the front and side yards. The surrounding area context is exclusively residential, consisting of detached dwellings. The property is in close proximity to existing City parks and amenities.

The applicant is proposing to construct a deck 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 are as follows:

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

The applicant is proposing a deck requiring a variance for rear yard setback. The intent of a rear yard setback is to ensure an adequate buffer between primary structures on adjoining properties, as well as to create an appropriate amenity area within the rear yard. Staff note that the existing

dwelling has a rear yard setback of 5.18m (16.11ft). The deck is flushed to the dwelling; however, the orientation of the stairs reduces the setback measured to the deck by approximately 1m (3.28ft). Staff note that the deck is open on three sides, limiting any massing impact when compared to an enclosed structure. Staff are satisfied that an appropriate buffer is maintained and that the rear yard amenity area is unaffected by the proposal.

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 rear yard. We have no concerns with the request.





Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Division is processing Building Permit application BP 9ALT 24-1088. Based on the review of the information available in this application, the requested variance is correct.

However, based on review of the information available in this application, we advise that more information is required in order to determine whether additional variance(s) will be required.

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: Maria Fernandez, 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.

Comments Prepared by: Jamie Meston, Landscape Technician

Appendix 4 – Region of Peel

Minor Variance Application: A-24-427M / 858 Tenth Street

Planning: [Petrele Francois \(905\) 791-7800 x3356](mailto:Petrele.Francois@ropeel.ca)

Comments:

- Please be advised that the subject lands are located in the regulated area of the Credit Valley Conservation Authority (CVC). We request that City staff consider comments from the CVC and incorporate their conditions of approval appropriately.

Comments Prepared by: Petrele Francois, Junior Planner