

# City of Mississauga Department Comments

Date Finalized: 2024-10-03	File(s): A430.24 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-10-10 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application.

## Application Details

The applicant requests the Committee to approve a minor variance to allow an addition proposing an exterior side yard setback of 3.00m (approx. 9.84ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 6.00m (approx. 19.68ft) in this instance.

## Background

**Property Address:** 3805 Morning Star Dr

### Mississauga Official Plan

Character Area: Malton Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

**Zoning:** RM1 - Residential

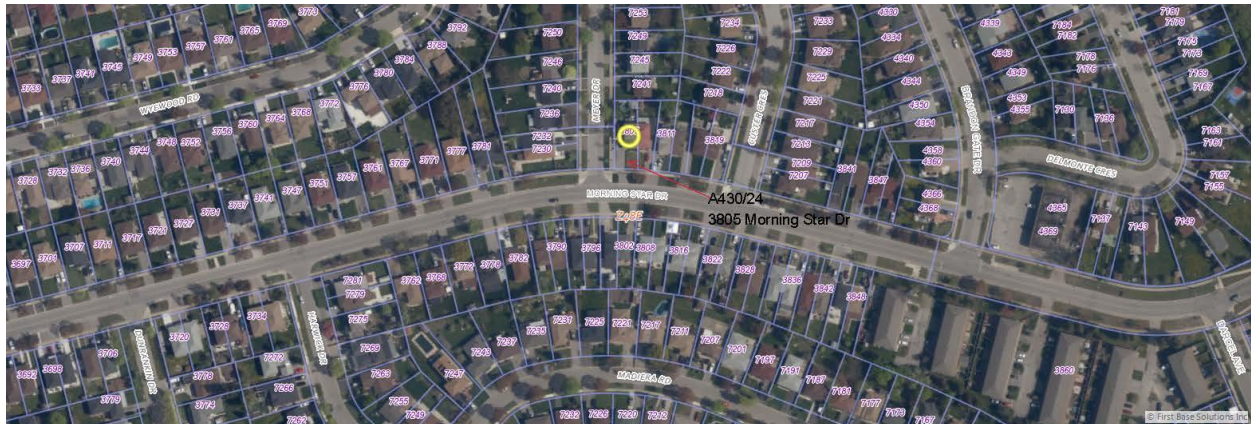
**Other Applications:** BP 24-1941

### Site and Area Context

The subject property is located on the north side of Morning Star Drive, west of Highway 427. It is a corner lot and currently contains a semi-detached dwelling with no garage on the subject property. Limited landscaping and vegetative elements are present on the subject property. The

surrounding area context is predominantly residential, consisting of a mix of detached, semi-detached and townhouse dwellings.

The applicant is proposing to construct an addition requiring a variance for exterior side 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:

The subject property is located in the Malton Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP).

Variance 1 proposes a reduced exterior side yard setback to the proposed two-storey addition. Staff note the proposed addition will add a single car garage on the first floor and an additional bedroom on the second floor. The intent of the side yard regulations in the by-law is to ensure that an adequate buffer exists between the massing of primary structures and the public realm, access to the rear yard remains unencumbered and appropriate drainage patterns are maintained. The proposal maintains an appropriate setback from the street and does not infringe on the public realm. Staff are of the opinion that the proposed setback is sufficient to maintain access to the rear yard and ensure an adequate buffer between the structure and streetscape. Furthermore, staff note the Transportation & Works Department has reviewed the application and does not have any concerns regarding drainage.

Staff are satisfied that the proposal meets the general intent and purpose of the official plan and zoning by-law. Additionally, staff are of the opinion the application is minor and results in orderly

development of the subject property, as the proposed addition will not have limited impacts on the streetscape.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposed addition will be addressed through the Building Permit Process. From our site inspection of the property, we note that we do not foresee any drainage related concerns with the addition provided that the existing drainage pattern be maintained.





Comments Prepared by: Tony Iacobucci, Development Engineering

## Appendix 2 – Zoning Comments

The Building Division is processing Building Permit 24-1941. Based on the review of the information available in this application, the requested variance is correct.

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: Candice Williams, Zoning Examiner

## Appendix 3 – Parks, Forestry & Environment

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 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

## Appendix 4 – Region of Peel

We have no comments or objections.

Comments Prepared by: Petrele Francois, Junior Planner