

City of Mississauga Department Comments

Date Finalized: 2024-10-03 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): A267.24 Ward: 8
	Meeting date:2024-10-10 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application, as amended, subject to the condition.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of an addition proposing a rear yard setback of 1.60m (approx. 5.25ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.00m (approx. 22.97ft) in this instance.

Amendments

Planning staff note that the proposal has been revised to provide a rear yard setback of 1.8m (5.9ft). As such, the variance should be amended to depict the revision.

Recommended Condition

Should the Committee see merit in the application, Planning staff recommend that the variance be tied to the one storey attached additional residential unit and in general conformance with the drawings presented.

Background

Property Address: 3211 Angel Pass Drive

Mississauga Official Plan

Character Area: Churchill Meadows Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

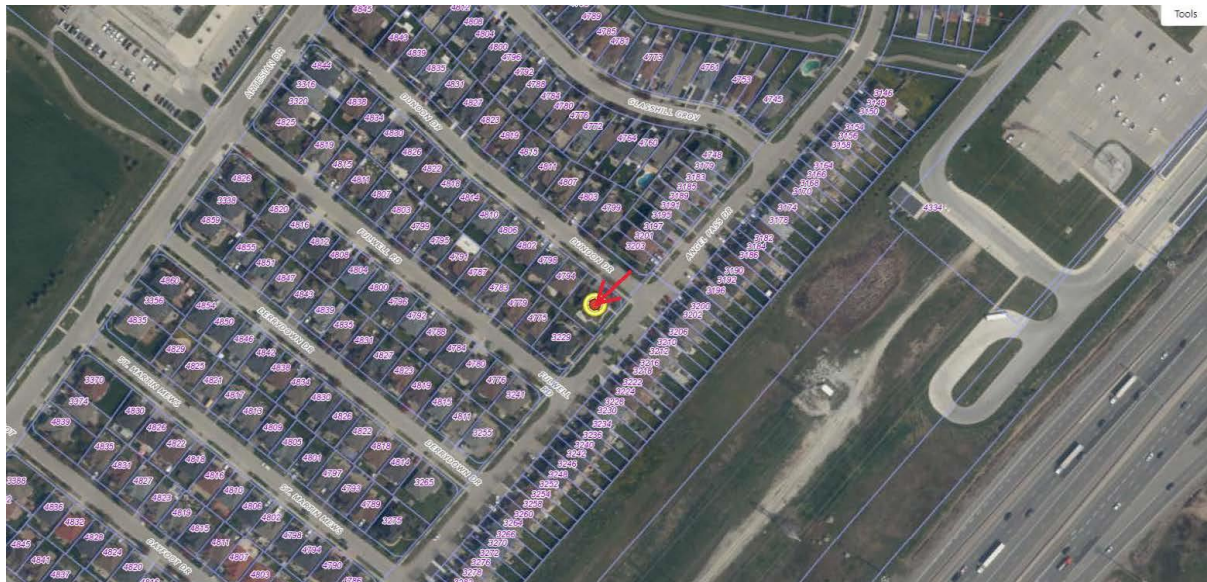
Zoning: R6-Residential

Other Applications: Building Permit application 24-917

Site and Area Context

The subject property is located within the Churchill Meadows Neighbourhood Character Area, southwest of Eglinton Avenue West and Winston Churchill Boulevard. The neighbourhood is entirely residential consisting of two storey detached and semi-detached dwellings with vegetation mostly within the municipal boulevard. The subject property contains an existing two storey detached dwelling with vegetation contained within the municipal boulevard.

The applicant is seeking to permit an addition to the rear of the dwelling for an additional residential unit (ARU) requiring a variance for a reduced 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 designated Residential Low Density II on Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, duplex, triplexes, street townhouses and other forms of low-rise dwellings with individual frontages. Bill 23, More Homes Built Faster Act, 2022, requires official plans and zoning by-laws to permit “as of right” small-scale residential uses of up to three units per lot in areas where municipal services are available.

City Council passed By-Law 0174-2023, on November 10, 2023, amending the City’s parent Zoning By-Law 0225-2007, to introduce and regulate Accessory Residential Units (ARU). An attached ARU is required to comply with the dwelling’s base zone regulations.

Staff discussed the proposal with the agent and has confirmed that the proposal is being amended to provide a rear yard setback of 1.8m (5.9ft).

The general intent of this portion of the bylaw is to ensure that an adequate buffer exists between the massing of structures on adjoining properties, and that maintenance can be performed on the structures. Staff note that while the attached ARU must maintain the dwelling’s regulations, a detached ARU is permitted on the lot with a rear yard a setback of 1.8m (5.9ft). Staff are of the opinion that by respecting the setbacks of detached ARU standards within the attached ARU addition to the principal dwelling, the proposal maintains the intent of the ARU regulations regarding its massing impacts. Further, Staff note that the attached ARU is one storey in height and meets the required height and side yard setback regulations. Additionally, the attached ARU does not span the full depth of the dwelling, maintaining sufficient rear yard amenity space.

Staff are of the opinion that the proposed ARU represents appropriate development of the lands and modest intensification. Staff are satisfied that these variances respect the surrounding context and that the impacts of the requested variances are minor and will not cause undue impacts on adjacent properties.

Comments Prepared by: Shivani Chopra, 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/secondary unit will be addressed by our Development Construction Section through SEC UNIT-24/917.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Division is processing Building Permit application 24-917. 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: Sibila Lass Weldt, 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.

Comments Prepared by: Jamie Meston, Landscape Technician

Appendix 4 – Region of Peel

Please apply nay previous comments.

Comments Prepared by: Petrele Francois, Junior Planner