

City of Mississauga Department Comments

Date Finalized: 2024-10-16	File(s): A467.24 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-10-24 3:30:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

The applicant requests the Committee to approve a minor variance to allow an accessory structure proposing:

1. A rear yard setback of 0.14m (approx. 0.46ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 1.20m (approx. 3.94ft) in this instance;
2. A side yard setback of 0.20m (approx. 0.66ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance;
3. An accessory structure gross floor area of 40.30sq m (approx. 433.79sq ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure gross floor area of 15.00sq m (approx. 161.46sq ft) in this instance;

Background

Property Address: 52 Mississauga Rd N

Mississauga Official Plan

Character Area: Port Credit Neighbourhood (West)
Designation: Residential Medium Density

Zoning By-law 0225-2007

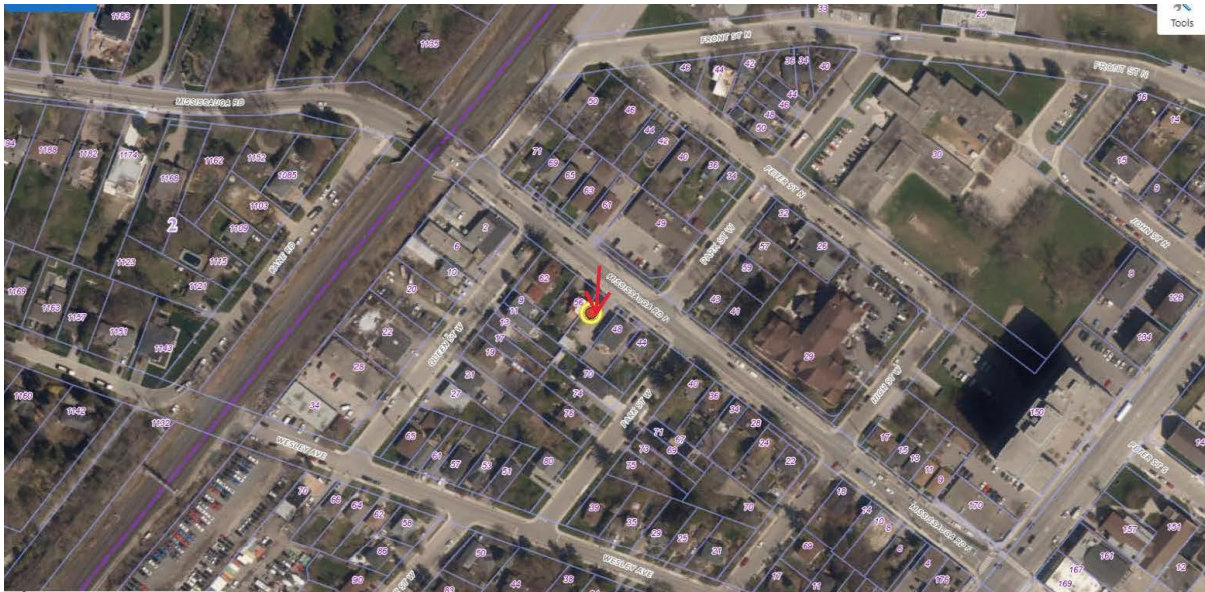
Zoning: RM4-64 - Residential

Other Applications: Building Permit/Certificate of Occupancy/ Preliminary Zoning Review/Independent Zoning Review application BP 9ALT 21-6012

Site and Area Context

The subject property is located northwest of the Lakeshore Road West and Mississauga Road intersection in the Port Credit West neighbourhood. The subject lot contains a two-storey dwelling. No landscaping and vegetation elements are present. The surrounding area context is residential along with some industrial uses in the vicinity. There is a commercial plaza across the street.

The applicant is proposing to legalize an accessory structure requesting variances for side yard and rear yard setbacks and accessory structure area.



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 Port Credit West Neighbourhood Character Area and is designated Residential Medium Density in Schedule 10 of the Mississauga Official Plan (MOP). The subject property is also located on lands identified as Special Site 18 in the MOP which permits detached, semi-detached, duplex, triplex dwellings and street townhouses.

The applicant is proposing to legalize an existing accessory structure in the rear yard. Through discussions with Zoning staff, it has been identified that the variances are not accurate. As a result, Planning staff are unable to fully assess the application and provide a fulsome review at this time. Further, staff are unable to confirm the current use of the dwelling and require more information to verify the applicable regulations.

As such, staff recommend that the application be deferred to allow the applicant an opportunity to work with Zoning staff to capture all variances correctly.

Comments Prepared by: Shivani Chopra, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed are pictures of the existing structure. We have no concerns provided that the structure be equipped with an eaves trough and down spout directed in such a manner that the adjacent properties are not affected.

Comments Prepared by: John Salvino, Development Engineering Technologist





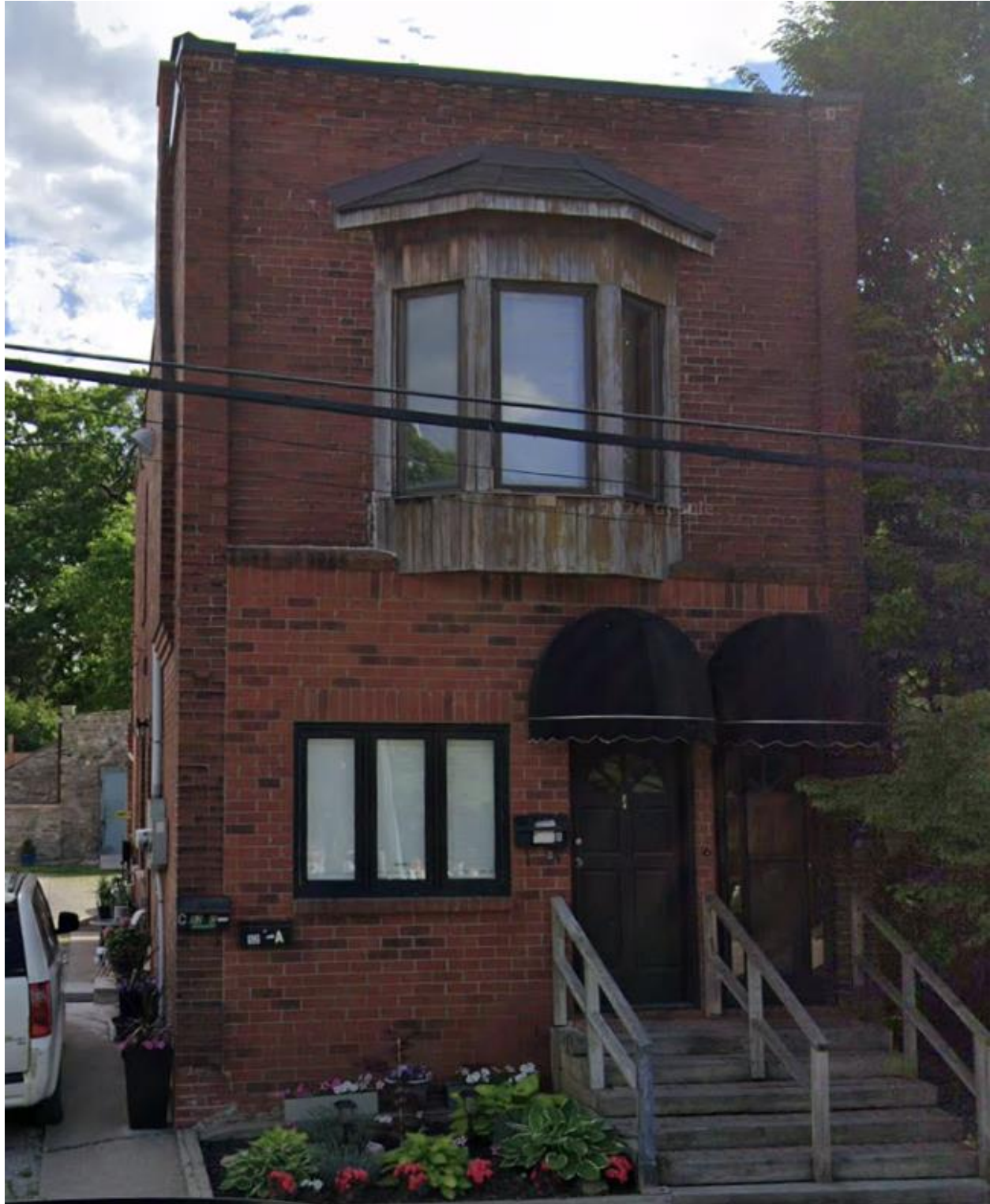


Appendix 2 – Zoning Comments

The Building Department was processing Building Permit Application BP 9ALT 21-6012, in 2021, but a new application appears to have been made which is still in a pre-screening review (application BPA-107648). Zoning has not yet had the opportunity to review the most recent drawings and materials. We can see from a cursory review that these two applications have a number of differences. Without the benefit of a fulsome review of the drawings and materials submitted as part of the new application, the variances requested cannot be confirmed at this time. There may be some changes to the variances as requested, and there may also be some additional variances required. Zoning staff would like the opportunity to complete the review and advise the applicant through the process the variances required to the applicable zoning provisions.

Although both our records and MPAC (Municipal Property Assessment Corporation) identify this dwelling as a single family dwelling, it appears that it may be a duplex or a triplex based on images of the building and in particular the number of entrances and mailboxes. More

information is required on this to determine if additional variances are required to legally the existing use.



Please note that comments are meant to reflect those provided through the above application (BPA – 107648). These comments may no longer be valid should there be changes contained within this Committee of Adjustment application that have not been submitted and reviewed through the applications noted above. The applicant must submit any changes and/or updates to information and/or drawings separately through the above application (BPA – 107648) in order to receive updated comments.

Comments Prepared by: Andrea Dear MCIP, RPP, Supervisor of Zoning

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 – Metrolinx

Metrolinx is in receipt of the Minor Variance application for 52 Mississauga Rd N to allow an existing accessory structure on the subject property as circulated on September 27, 2024, and to be heard at Public Hearing on October 24, 2024, at 3:30 PM. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of the Metrolinx Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.

GO/HEAVY-RAIL – ADVISORY COMMENTS

- The Proponent is advised the following:
 - **Warning:** The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

Should you have any questions or concerns, please contact farah.faroque@metrolinx.com.

Comments Prepared by: Farah Faroque, Project Analyst, Third Party Project Review

Appendix 5 – Region of Peel

We have no comments or objections.

Comments Prepared by: Petrele Francois, Junior Planner