

City of Mississauga Department Comments

Date Finalized: 2024-10-16	File(s): A284.24 Ward: 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-10-24 1:00:00 PM

Consolidated Recommendation

The City has no objection to the application. 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 the construction of a backyard deck and swimming pool proposing a lot coverage of 38.95% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance.

Background

Property Address: 5297 Forest Hill Dr

Mississauga Official Plan

Character Area: Central Erin Mills Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R2-8

Other Applications: BP 24-538

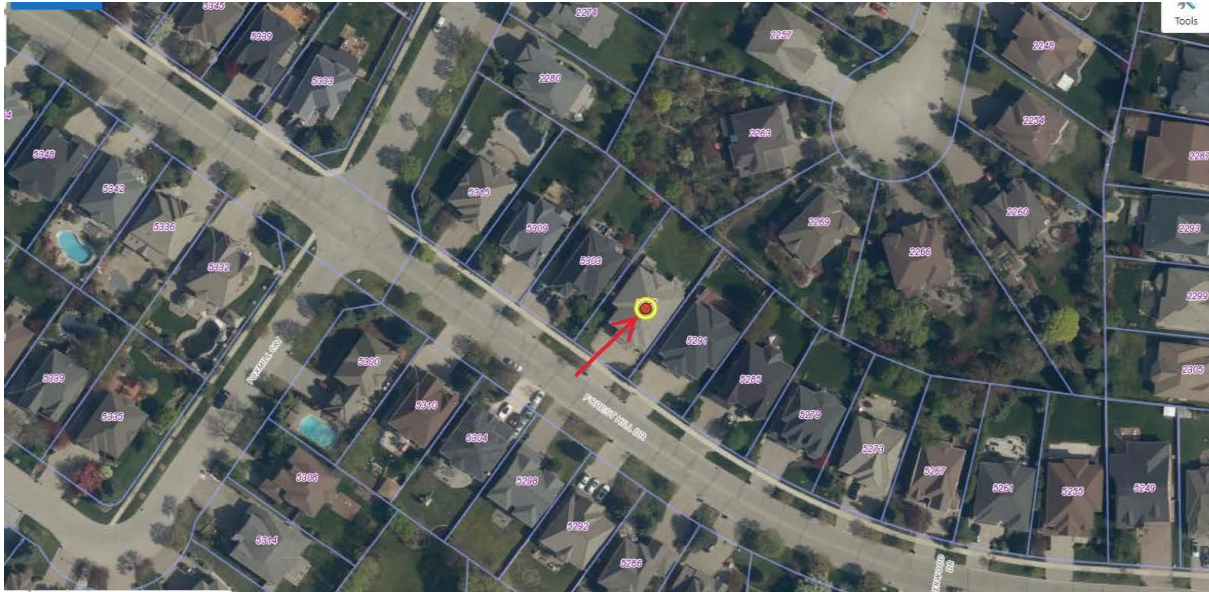
Site and Area Context

The subject property is located within the Central Erin Mills Neighbourhood Character Area, north-east of the Eglinton Avenue West and Erin Mills Parkway intersection. The immediate

area consists primarily of two-storey detached dwellings with mature vegetation in the front yard.

The subject property contains an existing two-storey detached dwelling with limited vegetation in the front yard.

The applicant is proposing the construction of a deck requesting a variance for lot coverage.



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:

Staff note the application was deferred at the July 7th, 2024 hearing due to incomplete submission materials by the applicant and Planning staff's observation that the existing driveway condition did not match the drawings submitted.

Variance 1 pertains to lot coverage. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot which would impact the streetscape as well as abutting properties. Staff note the deck is open on all sides, limiting its massing impacts to the abutting property. Staff are satisfied that the proposal does not represent an overdevelopment of the lot and is sympathetic to both the planned character area and existing dwellings.

Given the above Planning staff are satisfied that the proposal maintains the general intent and purpose of both the official plan and zoning by-law, is minor in nature, and represents appropriate development of the subject property.

While Planning staff are not in a position to interpret the zoning by-law, staff are of the opinion additional variances for driveway width and hammerhead length are required for the subject property.

The applicant has worked with staff to reduce the existing driveway from 10.81m (35.46ft) to 8.72m (28.60ft), whereas the zoning by-law requirement for driveway width beyond 6m (19.68ft) of the garage face is 8.5m (27.88ft). Staff are of the opinion the increase is negligible and will not facilitate additional parking of cars on the subject property.

Furthermore, staff note the proposed driveway hammerhead length is 3.78m (12.41ft), whereas the zoning by-law requires 3m (9.84ft). The intent of this regulation is to permit a hammerhead large enough to allow for vehicles to turn around on the subject property, but not accommodate vehicular parking on the hammerhead. Staff note the existing hammerhead size is smaller than the by-law minimum parking space dimensions (2.6m x 5.2m). Staff are satisfied the hammerhead will not facilitate additional parking and does not compromise front yard soft landscaping requirements.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

From our site inspection of the property, we do not foresee any drainage related concerns with the proposed backyard deck and swimming pool.







Comments Prepared by: Tony Iacobucci, Development Engineering

Appendix 2 – Zoning Comments

The Building Division is processing Building Permit application 24-538. 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: Andrea Patsalides, 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

Please apply previous comments.

Comments Prepared by: Petrele Francois, Junior Planner