

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

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| Date Finalized: 2025-01-17                | File(s): A418.21                     |
| To: Committee of Adjustment               |                                      |
| From: Committee of Adjustment Coordinator | Meeting date:1/23/2025<br>1:00:00 PM |

## Consolidated Recommendation

The City has no objections to variances 1 and 3, however recommends variance 2 be refused.

## Application Details

The applicant requests the Committee to approve a minor variance to allow for an addition proposing:

1. An interior side yard setback to a covered deck of 0.28m (approx. 0.92ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback to a covered deck of 0.61m (approx. 2.00ft) in this instance;
2. A setback to the eaves of 0.00m whereas By-law 0225-2007, as amended, requires a minimum setback to the eaves of 0.16m (approx. 0.52ft) in this instance; and,
3. A lot coverage of 37.62% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance.

## Background

**Property Address: 485 Chantenay Drive**

### Mississauga Official Plan

Character Area: Cooksville Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

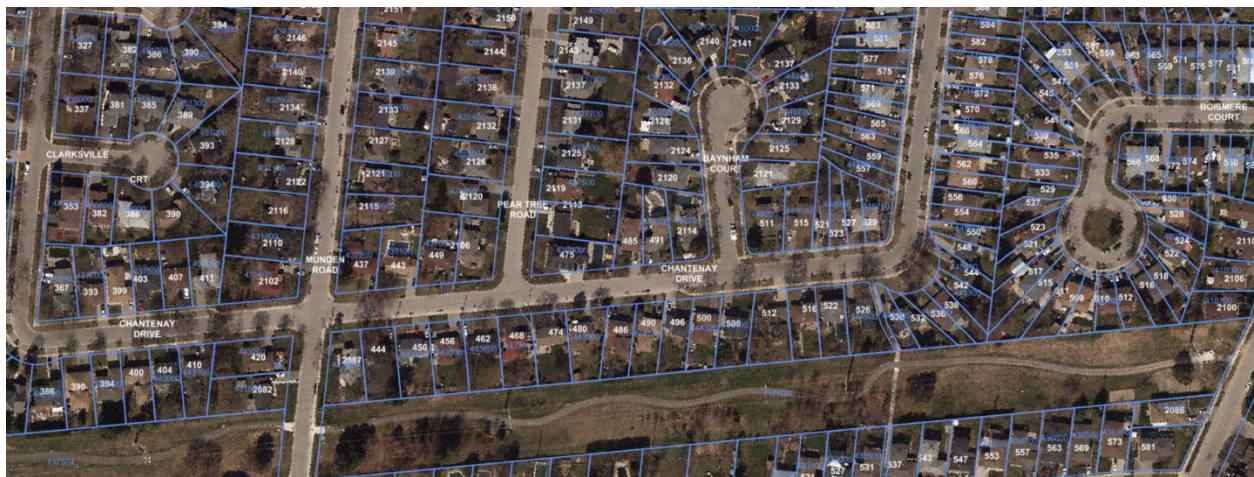
**Zoning: R3 - Residential**

**Other Applications: BP 21-6770**

### Site and Area Context

The subject property is located north-west of the Cawthra Road and Queen Elizabeth Way interchange in the Cooksville Neighbourhood Character Area. Currently the property contains a detached dwelling with an attached garage. The surrounding context is exclusively residential, with a mix of detached and semi-detached dwellings. There is limited vegetation and landscaping in both the front and rear yards.

The applicant is proposing rear and side patios requiring variances for setbacks and 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:

Planning staff note the applicant requested deferral of the application on November 4<sup>th</sup>, 2021 to address staff comments at that time. Staff note the proposal remains unchanged from the original submission.

The subject property is located in the Cooksville 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, duplex and triplex dwellings, as well as other low-rise dwellings with individual frontages. Section 9 of MOP promotes development with

appropriate urban form and site design, regulating that such development is compatible with the existing site conditions, the surrounding context, and the landscape of the character area.

While Planning staff do not have concerns with variances 1 and 3, staff echo the same concerns that were noted for the 0m eaves setback (variance 2) in the previous 2021 staff report. The intent of the eaves setback regulations in the by-law is to ensure an appropriate buffer between structures on abutting properties. Staff note the 0m setback does not provide an appropriate buffer and causes significant massing impacts on the abutting property. Furthermore, staff note the applicant may require traversing on the abutting property to maintain the covered deck area and its eaves due to the elimination of the setback.

Additionally, Transportation & Works staff echo the same concerns regarding the as-built covered deck that has been constructed within the limits of an existing storm sewer easement that is present on the subject property. The storm sewer easement is intended to protect existing infrastructure from damage and is to remain an unencumbered area for maintenance operations should the existing infrastructure need to be replaced and/or maintained in the future. The easement language which is registered on title of the property prohibits buildings and structures within the extent of the easement.

As there are no changes to the proposal and staff comments remain the same from the original submission, staff are of the opinion that variance 2 fails to maintain the general intent and purpose of the official plan and zoning by-law, is not minor in nature and does not represent orderly development of the subject property.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

We note for Committee's information that this request is similar to the request brought forward to the November 11, 2021, Committee of Adjustment Hearing which has had no resolution and/or decision to date. From a recent site inspection of the property and as evident in the attached photos the constructed covered patio remains.

Enclosed for Committee's ease of reference are photos depicting the constructed covered patio and the existing catch basin in the rear yard. As depicted on the Site Plan submitted with the application (A2, by Ultimate Building Design, revised November 22, 2024), the covered patio has been constructed within the limits of an existing storm sewer easement. In accordance with City Plan and Profile Dwg C-08405 and Storm and Sanitary Sewer Plan Dwg C-08401 (both plans prepared by G.V. Kleinfeldt & Associates Ltd. and dated June 1966) there is an existing 3.05 m (10.0ft) storm sewer easement which contains a 10-inch catch basin lead extending into the rear yard where there is a catch basin. A review of the Grading Plan approved for this area (Plan C-08403, dated June 1966) indicates that the rear yards of the northerly lots (approximately 4 lots) on the west side of Baynham Court were designed such that drainage from their rear yards was to be directed into the catch basin located on this property.

From our site inspection, and as evident in the photos provided, the existing catch basin has not been impeded and appears to be accommodating drainage from the lots to the north (lots fronting onto Baynham Court), however, it should be noted that we could only visually inspect what is visible from the rear yard of 485 Chantenay Drive.

With regards to the existing constructed covered porch within the easement, this Department cannot support a permanent encroachment. The storm sewer easement is intended to protect existing infrastructure from damage and provide an unencumbered area for maintenance operations should the existing infrastructure need to be replaced and/or maintained in the future. The easement language which is registered on title of the property prohibits buildings and structures within the extent of the easement. All buildings and structures, such as the covered porch in the side and rear yard, within the easement are to be removed and re-instated with appropriate landscaping as permitted within the easement language. The constructed covered porch makes it impossible to maintain or replace the storm sewer should it fail in the future.

This Department requests refusal of the side yard and eaves variance requests as it relates to the constructed covered porch in the side and rear yard that is encroaching into the existing easement located on the subject site.





















## Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit application under file BP21-6770. Based on review of the information currently available for this building permit, the variances, as requested are correct.

Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

"[Enter zoning staff comments]"

Comments Prepared by: Ramsen Hedoo, Zoning Planner.

## Appendix 3 – Parks, Forestry & Environment

### Forestry Comments

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