

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2025-01-23	File(s): A601.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:1/30/2025 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 the construction of new porches and landscaping proposing:

1. A lot coverage of 47.04% of the lot area whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35% of the lot area in this instance;
2. A porch encroachment into an interior side yard of 1.19m (approx. 3.90ft) whereas By-law 0225-2007, as amended, permits a maximum porch encroachment into an interior side yard of 0.60m (approx. 1.97ft) in this instance;
3. A walkway attachment of 1.55m (approx. 5.09ft) whereas By-law 0225-2007, as amended, permits a maximum walkway attachment of 1.50m (approx. 4.92ft) in this instance; and
4. A setback to a concrete patio of 0.0m whereas By-law 0225-2007, as amended, requires a minimum setback of 0.60m (approx. 1.97ft) in this instance.

Background

Property Address: 58 Surbray Grove

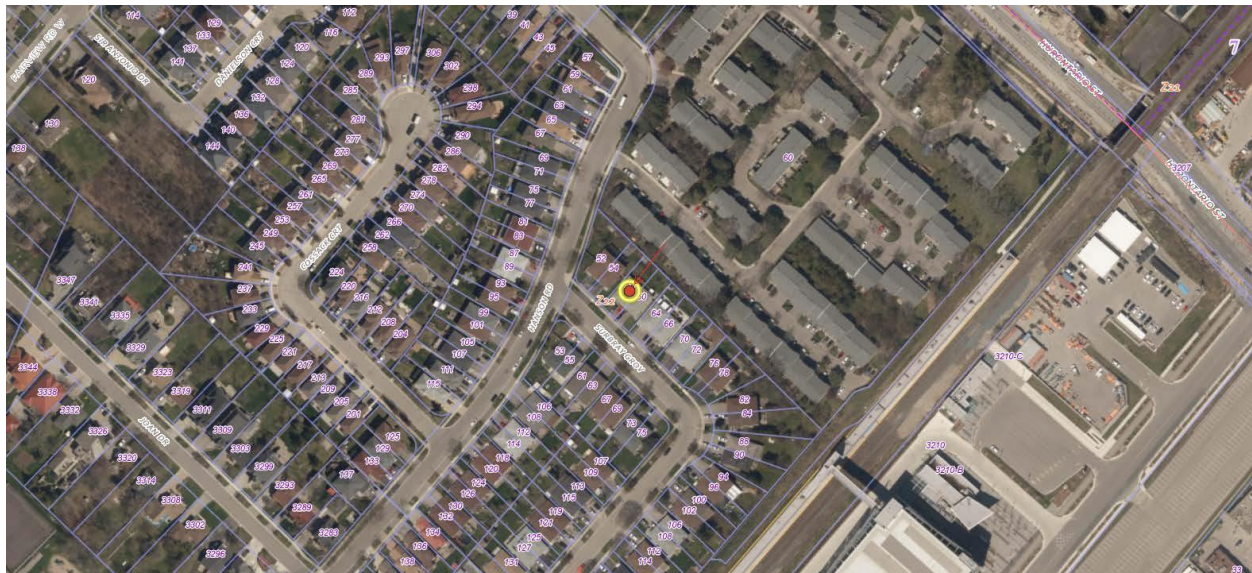
Mississauga Official Plan

Character Area: Fairview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007**Zoning: RM1 - Residential****Other Applications: SEC UNIT 24-3415****Site and Area Context**

The subject property is located south-west of the Hurontario Street and Fairview Road intersection in the Fairview Neighbourhood Character Area. It is a two-storey semi-detached dwelling with an attached garage. Limited landscaping and vegetative elements are present on the subject property. The surrounding area is exclusively residential, consisting of detached, semi-detached and townhouse dwellings.

The applicant is proposing to legalize the existing attached additional residential unit requiring variances for lot coverage, porch encroachment, walkway attachment and setback to hard surface landscaping.



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 Fairview Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan. Section 9 of the 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. Planning staff are satisfied that the proposal is appropriate for the subject property given surrounding conditions and will not negatively impact the streetscape. Staff are therefore of the opinion that the application maintains the general intent and purpose of the official plan.

Variance 1 requests an increase in 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. The proposal includes the replacement of the existing sloped patio roof in the rear yard. Staff note the existing dwelling, rear yard shed and front yard balcony account for 34.82% of the lot coverage. The proposed front yard concrete porch and steps as well as the proposed rear yard covered patio roof would account for an additional 12.22% of the lot coverage. Staff further note that the covered patio roof will be one-storey in height and will be completely open on all sides, limiting massing impacts on the abutting properties. No additional variances for setbacks or height are proposed. Staff are satisfied that the proposal does not represent an overdevelopment of the subject property and is sympathetic to both the planned character of the area and existing dwellings.

Variance 2 requests an increased porch encroachment. The intent of this portion of the by-law is to ensure that an appropriate buffer between the porch and lot lines is maintained. Staff note that the request is minor in nature and are satisfied that the porch on the subject property is appropriately sized and setback from the lot line.

Variance 3 requests an increase in walkway attachment width. The intent of the walkway attachment regulations are to provide a convenient and dedicated pathway to accommodate pedestrians as well as define an entryway to the dwelling, while ensuring the walkway cannot be utilized for parking purposes. The proposal includes the replacement of the existing front yard concrete porch. Staff are satisfied that the proposed width is a negligible increase over the by-law permissions and the proposed walkway will not be able to facilitate the movements or parking of motor vehicles.

Variance 4 requests a reduced side yard setback for the hard surfaced landscaping. The general intent of this portion of the by-law is to ensure appropriate drainage patterns can be maintained. Staff note Transportation & Work's staff have not identified any drainage concerns.

Given the above, Planning staff are of the opinion that the proposal meets the general intent and purpose of the official plan and zoning by-law, is minor in nature and represents appropriate development of the subject property. Additionally, the proposed development will have only minor impacts on the surrounding properties and the streetscape. The request is appropriate for the site and does not negatively impact the planned character of the neighbourhood.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

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. We note that the rear yard slopes towards the rear of the site where drainage is directed towards the abutting townhouse development located at 60 Hanson Road.





Comments Prepared by: Tony Iacobucci, Development Engineering

Appendix 2 – Zoning Comments

The Building Division is processing Building Permit SEC UNIT 24-3415. Based on the review of the information available in this application, the requested variance are 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: Gary Gagnier, Zoning Examiner

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.

Comments Prepared by: Jamie Meston, Landscape Technician

Appendix 4 – Region of Peel Comments

We have no comments or objections.

Comments Prepared by: Petrele Francois, Junior Planner

Appendix 5 – Metrolinx

- The subject property is located within 300m of the CP Galt Subdivision which carries Metrolinx's Milton GO Train service.

GO/HEAVY-RAIL – ADVISORY COMMENTS

- As the requested variances have minimal impact on Metrolinx property (i.e. Milton Corridor), Metrolinx has no objections to the specified variances should the Committee grant approval.
- The Proponent is advised of the following:
 - Warning: Metrolinx and its assigns and successors in interest operate commuter transit service within 300 metres from the subject land. In addition to the current use of these lands, there may be alterations to or expansions of the rail and other facilities on such lands in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx or any railway assigns or successors as aforesaid may expand their operations, which expansion 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 units. Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under these lands.

Comments Prepared by: Farah Faroque, Project Analyst