

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-10-28	File(s): A352/20 Ward: 8
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-11-05

Consolidated Recommendation

The City recommends that variances #1-4 be refused, however, have no objections to variance #5. The applicant may choose to defer the application to verify the requested variances and ensure additional variances are not required.

Application Details

The applicants request the Committee to approve a minor variance to allow the existing decks and shed to remain on the subject property proposing:

1. An easterly side yard to the cedar deck of 0.10m (approx. 0.33ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 0.61m (approx. 2.00ft) in this instance;
2. A rear yard to the deck of 0.20m (approx. 0.66ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard of 1.50m (approx. 4.92ft) in this instance;
3. A westerly side yard to the deck of 0.20m (approx. 0.66ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 0.61m (approx. 2.00ft) in this instance;
4. An easterly side yard to the stone patio of 0.10m (approx. 0.33ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 0.61m (approx. 2.00ft) in this instance; and
5. An easterly side yard to the back deck of 0.40m (approx. 1.31ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 0.61m (approx. 2.00ft) in this instance.

Background

Property Address: 4100 Pheasant Run

Mississauga Official Plan

Character Area: Erin Mills Neighbourhood

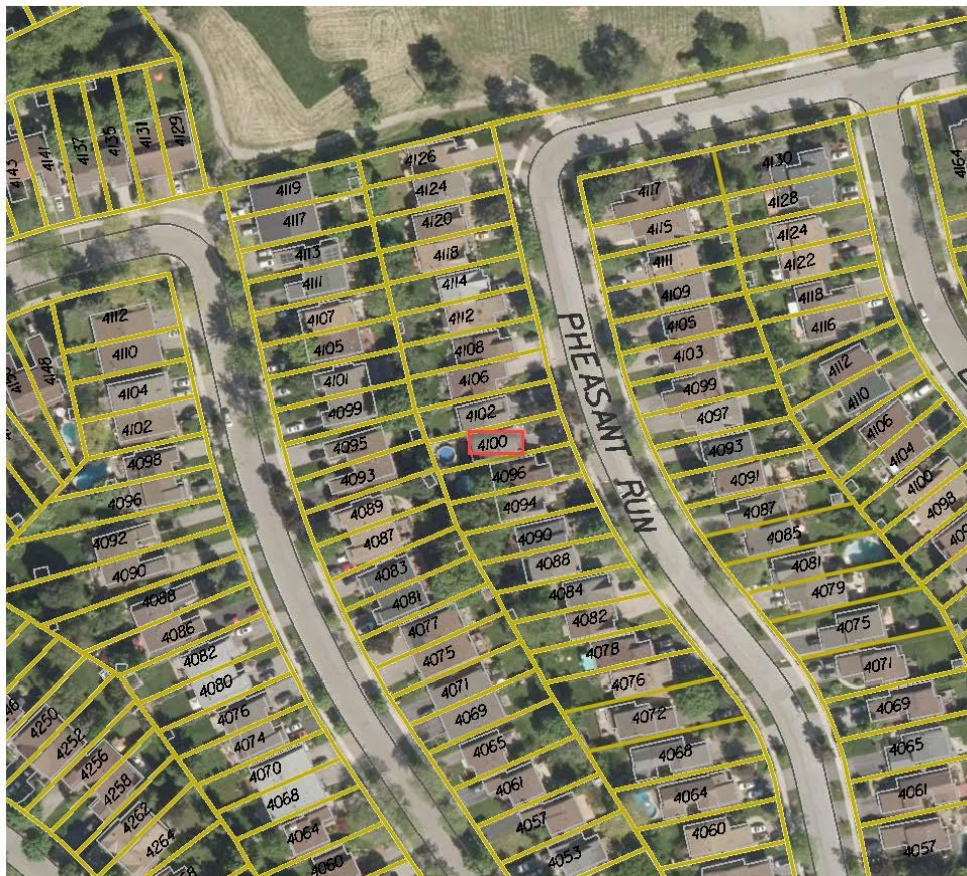
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: RM1 (Residential)

Site and Area Context

The subject property is located within the Erin Mills Neighbourhood Character Area, northeast of Burnhamthorpe Road West and Winston Churchill Boulevard. The neighbourhood is entirely residential consisting of semi-detached dwellings with mature vegetation. The subject property contains an existing two storey semi-detached dwelling. The applicant is requesting to allow the existing deck and shed to remain in the rear yard, proposing deficient setbacks measured to both the deck and shed.



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:

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject property is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP) which permits detached, semi-detached and duplex, triplex and other forms of 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. Generally, staff recommends a setback of at least 0.30 m to allow for sufficient drainage and a swale should one be required. In this instance, variances #1-4 propose setbacks that do not maintain the context of the surrounding neighbourhood and may have negative impacts regarding drainage to neighbouring properties. The deck encroaches into each required lot line and as low as 0.10 m on the easterly lot line which is a significant deviation from what is required. Staff is of the opinion that variances #1-4 do not maintain the general intent and purpose of the official plan.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

Variances #1-4 propose deficient setbacks measured to the deck and stone patio from each lot line. The intent of this portion of the by-law is to ensure that an appropriate buffer exists between abutting properties. The proposed setbacks do not meet the minimum 0.30 m setback generally required by planning staff to accommodate the drainage needs on the property. Furthermore, deficient setbacks may also cause concerns regarding maintenance, most notably on the easterly property line where a 0.10 m setback is being requested. This is a substantial decrease from the 0.60 m setback required within the by-law. As such, staff is of the opinion that these variances do not maintain the general intent and purpose of the by-law.

Variance #5 proposes a setback measured to a shed of 0.40 m whereas a minimum of 0.60 m is required. The intent of the zoning by-law is to ensure that the structures maintain an appropriate buffer to abutting properties to minimize any massing impacts. The proposed structure is sufficiently setback to the neighbouring property and does not pose any unacceptable adverse impact from what the by-law permits. Staff is of the opinion that the variance maintains the general intent and purpose of the by-law.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

The setbacks to the existing deck represents a significant deviation from the required setbacks contained within the by-law, most notably on the easterly lot line which is nearly built at the property line. The proposed deck raises concerns regarding drainage and maintenance due to the minimal setbacks being proposed. As such, staff is of the opinion that variances #1-4 do not represent orderly development of the lands and is not minor in nature.

Conclusion

The Planning and Building Department recommends that variances #1-4 be refused, however, have no objections to variance #5. The applicant may choose to defer the application to verify the requested variances and ensure additional variances are not required.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We have reviewed the application and have been on site to view the existing wood deck that spans across a majority of the rear yard. This Department has concerns with the amount of non-porous 'hard surface' material that has been introduced into the rear yard area.

Should Committee see merit in the application, we would request that the application be deferred until such time that the applicant submit a certification from a P. Eng. stating that the drainage run-off at the edges of the deck and patio areas will not impact the surrounding neighbours and that the intent of the original Subdivision Lot Grading Plan for this lot has not been affected.





Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

The Planning and Building Department is not in receipt of any permit applications at this time and the applicant is advised that a zoning review has not been completed. We are unable to confirm the accuracy of the requested variances or determine whether additional variances may be required.

Comments Prepared by: Brian Bonner, Zoning Examiner

Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the November 5th, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Consent Applications: B-54/20, B-55/20

Minor Variance Applications: A-312/20, A-338/20, A-340/20, A-341/20, A-342/20, A-344/20, A-345/20, A-348/20, A-349/20, A-350/20, A-352/20

Comments Prepared by: Diana Guida, Junior Planner