

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2025-02-06	File(s): A613.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2/13/2025 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 existing accessory structure to remain on the property proposing:

1. An accessory structure whereas By-law 0225-2007, as amended, does not permit an accessory structure in this instance; and
2. A rear yard of 4.68m (approx. 15.35ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard of 15.00m (approx. 49.21ft) in this instance.

## Amendments

The Building Division is processing Building Permit application BP 9NEW 24-5117. Based on review of the information available in this application, we advise that following amendment(s) is/are required:

1. To permit a Cabana (Area of 27.24m<sup>2</sup> & Height of 4.91m) with wood patio (18.85m<sup>2</sup>) on the subject property within the PB1 - Park Belt zone; whereas By-law 0225-2007, as amended, does not permit Cabana with a wood patio on the subject property within the PB1 - Park Belt zone in this instance;
2. To permit a Cabana rear yard setback of 4.68 m; whereas By-law 0225-2007, as amended, requires a minimum rear yard of 15.00 m (49.21 ft.) in this instance;

## Background

**Property Address:** 4329 Wilcox Rd

**Mississauga Official Plan**

Character Area: Rathwood Neighbourhood  
Designation: Parkway Belt West Plan

**Zoning By-law 0225-2007**

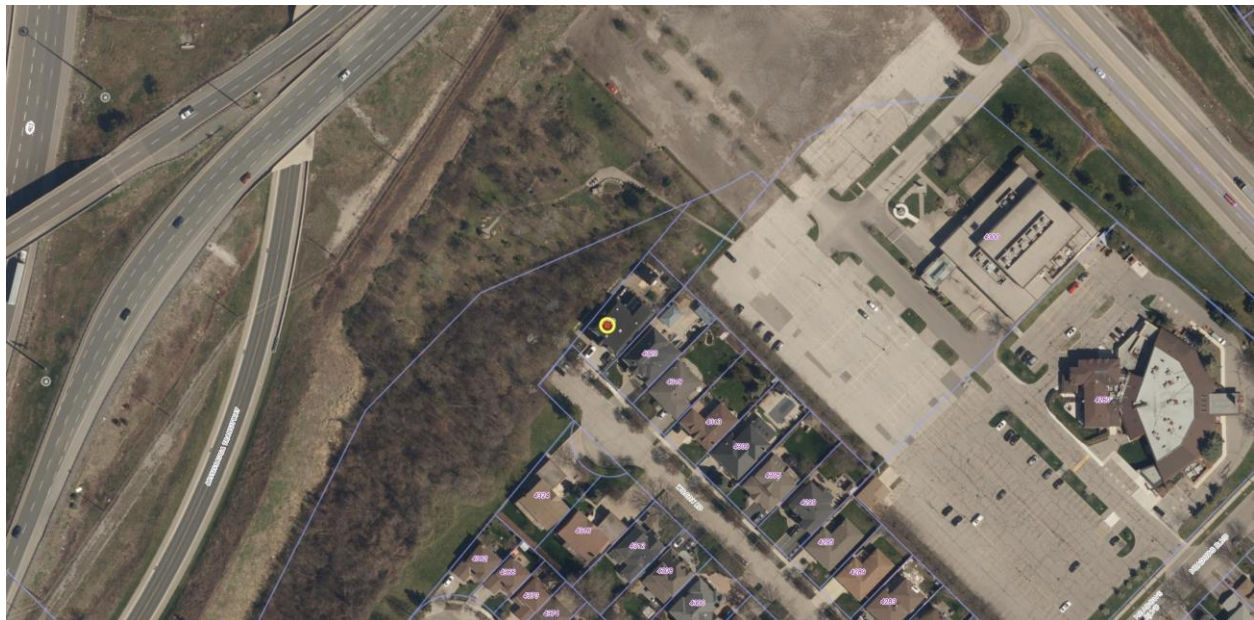
**Zoning: PB1 - Parkway Belt**

**Other Applications: BP 9NEW 24-5117**

**Site and Area Context**

The subject property is located north-west of the Cawthra Road and Meadows Boulevard intersection in the Rathwood Neighbourhood Character Area. It is an interior lot containing a two-storey dwelling with an attached garage. Limited landscaping and vegetative elements are present throughout the subject property. The surrounding area is exclusively residential, consisting of detached dwellings. Additionally, the lands abutting the subject property directly to the north are the Parkway Belt West Plan lands and the St. Maximilian Kolbe Parish Place of Religious Assembly to the east.

The applicant is proposing to legalize the existing accessory structure on the subject property requiring variances for the structure and rear yard setback.



## 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 designated Parkway Belt West on Schedule 10 of the Mississauga Official Plan (MOP). Staff note Wilcox Road was established prior to the development of Highway 403 and the cul-de-sac was added in the late 1980s when the lands on the west side of the street were developed. The dwelling on the subject property legally existed prior to the adoption of the Parkway Belt West Plan, and is therefore a permitted use. The subject property is an outlier on Wilcox Road because it is designated as Parkway Belt West, whereas the remainder of the street is designated as Residential Low Density I. Similarly, the subject property is zoned PB1, whereas the remainder of the street is zoned R3.

Variance 1 requests that the accessory structure be permitted on the subject property. Staff note while the subject property falls within the Parkway Belt West Plan designation, the variance is technical as the parcel contains a residential dwelling that is legally permitted. While the existing accessory structure is taller than what the by-law permits in a residential zone, staff note massing impacts are limited as the only other residential property is located directly to the south. The accessory structure is positioned centrally in the rear yard and is located closer to the north side lot line, where the neighbouring property is zoned PB1 and contains heavy, mature vegetation. Staff are of the opinion that accessory structures are a typical function of residential lots. Staff are satisfied the proposed accessory structure is subordinate to the primary dwelling on the residential parcel, is appropriately located on the subject property and has regard for the larger residential context.

Variance 2 requests a reduced rear yard setback for the accessory structure. The required front yard, rear and side yard setbacks for the PB1 zone are intended to create an ample buffer to provide separation and definition of urban area boundaries, infrastructure corridors and open spaces. As mentioned above, the variance is technical as the parcel contains a residential dwelling that is legally permitted. The proposed rear yard is 4.68m (15.35ft), whereas 1.2m (3.93ft) would be required if the subject lot was zoned R3. Staff are of the opinion the existing accessory structure provides an adequate buffer between structures on adjoining properties, that maintenance can be performed on the structure and that appropriate drainage patterns can be maintained.

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Given the above, staff are satisfied that the variances, both individually and cumulatively, meet the general intent and purpose of the official plan and zoning by-law, are minor in nature and contribute to orderly development of the subject property.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

We note that the Transportation and Works Department has no objections to the applicant's request to permit the existing accessory structure as we observed no drainage related concerns on this property from our site inspection.









Comments Prepared by: Tony Iacobucci, Development Engineering

### **Appendix 2 – Zoning Comments**

The Building Division is processing Building Permit application BP 9NEW 24-5117. Based on review of the information available in this application, we advise that following amendment(s) is/are required:

3. To permit a Cabana (Area of 27.24m<sup>2</sup> & Height of 4.91m) with wood patio (18.85m<sup>2</sup>) on the subject property within the PB1 - Park Belt zone; whereas By-law 0225-2007, as amended, does not permit Cabana with a wood patio on the subject property within the PB1 - Park Belt zone in this instance;
4. To permit a Cabana rear yard setback of 4.68 m; whereas By-law 0225-2007, as amended, requires a minimum rear yard of 15.00 m (49.21 ft.) in this instance;

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: Andrew Wemekamp. Zoning Examiner

### **Appendix 3 – Region of Peel Comments**

We have no comments or objections.

Comments Prepared by: Petrele Francois, Junior Planner