

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2025-02-20	File(s): A11.25
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2/27/2025 3:30:00 PM

Consolidated Recommendation

The City recommends the application be deferred for redesign.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a Detached Additional Residential Unit proposing:

1. A height for Detached Additional Residential Unit (ARU) – flat roof of 7.41 m (approx. 24.31ft) whereas By-law 0225-2007, as amended, permits a maximum height for Detached Additional Residential Unit (ARU) – flat roof of 5.80 m (approx. 19.03ft) in this instance;
2. A Detached Additional Residential Unit (ARU) to be located in the side yard whereas By-law 0225-2007, as amended, requires a Detached Additional Residential Unit (ARU) to be located in the rear yard in this instance; and
3. A floor area for Detached Additional Residential Unit (ARU) of 93.54sq m (approx. 1006.86sq ft) whereas By-law 0225-2007, as amended, permits a maximum floor area for Detached Additional Residential Unit (ARU) of 10% of the lot area in this instance.

Amendments

The Building Department is processing Building Permit application BP 9NEW 24-4986. Based on the review of the information available in this application, we advise that following amendments are required:

2. A Detached Additional Residential Unit (ARU) to be located in the front yard and the interior side yard, whereas By-law 0225-2007, as amended, requires a Detached Additional Residential Unit (ARU) to be located in the rear yard in this instance;
3. A floor area for Detached Additional Residential Unit (ARU) of 93.54sq m (approx. 1006.86sq ft) whereas By-law 0225-2007, as amended, permits a maximum floor area for Detached

Additional Residential Unit (ARU) of 78.98sq m (approx. 850.13sq ft) which is 10% of the lot area in this instance.

Background

Property Address: 4764 Yarmarok Crt

Mississauga Official Plan

Character Area: Hurontario Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

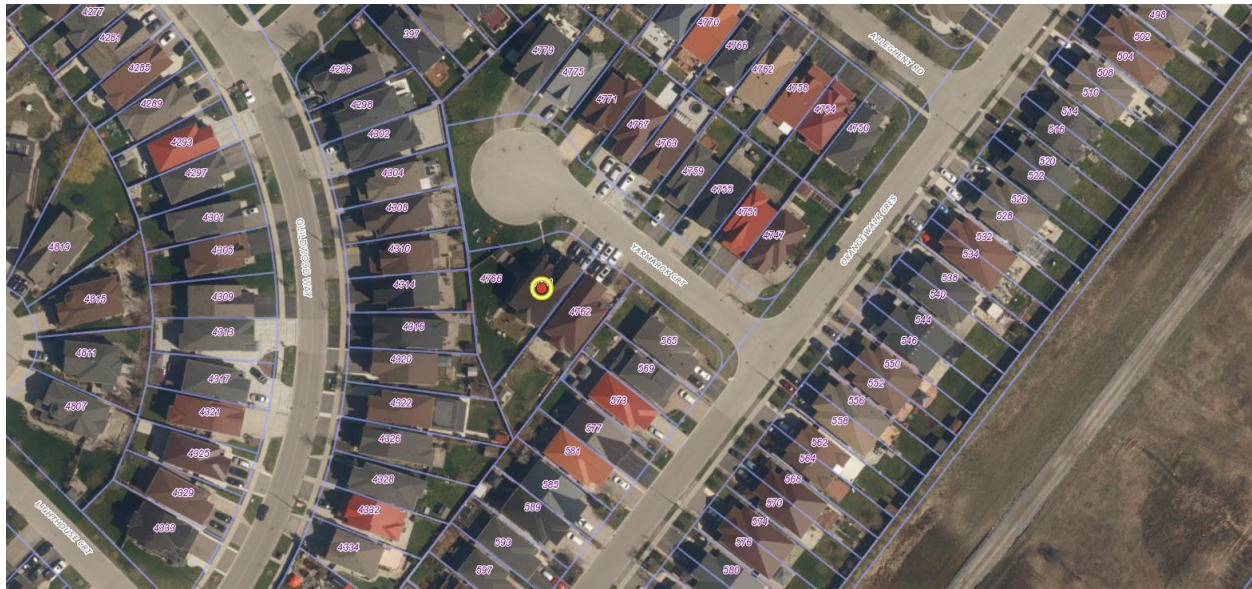
Zoning: R5-41-Residential

Other Applications: BP 9NEW 24-4986

Site and Area Context

The subject property is located north-east of the Highway 403 and Mavis Road interchange in the Hurontario Neighbourhood Character Area. It is an interior lot with a two-storey detached dwelling and attached garage. Limited landscaping and vegetative elements are present on the subject property. The surrounding area context is exclusively residential, consisting of detached and semi-detached dwellings.

The applicant is proposing to construct a two-storey detached additional residential unit in the front and interior side yard requiring variances for additional residential unit height, gross floor area and location.



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 Residential Low Density II on Schedule 10 of the Mississauga Official Plan (MOP). 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. Bill 23, More Homes Built Faster Act, 2022, requires official plans and zoning by-laws to permit “as of right” small-scale residential uses of up to three or four units per lot in areas where municipal services are available.

City Council passed By-Law 0174-2023, on November 10, 2023, amending the City’s parent zoning By-Law 0225-2007, to introduce and regulate Accessory Residential Units (ARU). The intent of the zoning by-law provisions regarding the size and height of the ARU is to ensure that the structure is subordinate to the primary dwelling, it is proportional to the lot and dwelling while not presenting any massing concerns to neighbouring lots. Staff note that the ARU area regulations are based on a property’s lot size.

While staff do not have any concerns with variances 2 and 3, staff are of the opinion variance 1 does not meet the intent of the zoning by-law. Staff note the height of the proposed detached ARU presents massing concerns to neighbouring lots is not a minor deviation from the by-law regulations. Further, Zoning staff note more information is required to determine if additional variances are required. As such, staff recommend the application be deferred for redesign.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We are noting for Committee's information that any Transportation & Works Department concerns/requirements for the proposed Detached Additional Residential Unit will be addressed through the Building Permit Process (BP 9 NEW 24-4986).

From our site inspection, and as depicted in the photos, the driveway has been widened with no curb cut and abuts a light standard within the municipal boulevard. This Department requests that the municipal boulevard (area between the municipal curb and property line) in proximity to the existing light standard is re-instated with a topsoil and sodded condition. We also note that any driveway is to be a minimum of 1.5 m away from any utility, including light standards.









Comments Prepared by: Tony Iacobucci, Development Engineering

Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application BP 9NEW 24-4986. Based on the review of the information available in this application, we advise that following amendments are required:

2. A Detached Additional Residential Unit (ARU) to be located in the front yard and the interior side yard, whereas By-law 0225-2007, as amended, requires a Detached Additional Residential Unit (ARU) to be located in the rear yard in this instance;
3. A floor area for Detached Additional Residential Unit (ARU) of 93.54sq m (approx. 1006.86sq ft) whereas By-law 0225-2007, as amended, permits a maximum floor area for Detached Additional Residential Unit (ARU) of 78.98sq m (approx. 850.13sq ft) which is 10% of the lot area in this instance.

We also advise that more information is required in order to verify the accuracy of the remaining variance or to determine whether additional variance(s) will be required.

Please note that comments reflect those provided through the above application submitted on 11/14/2024. These comments may no longer be valid should there be changes contained within

this Committee of Adjustment application that have not been submitted and reviewed through the application noted above. The applicant must submit any changes and/or updates to information and/or drawings separately through the above application in order to receive updated comments.

Comments Prepared by: Jeanine Benitez, 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

- Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. All works associated with the servicing of this site will be at the applicant's expense. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at servicingconnections@peelregion.ca.

- Any changes to the underground water or sanitary sewer will require review by the

Region of Peel. Site Servicing approvals are required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at servicingconnections@peelregion.ca.

Comments Prepared by: Brian Melnyk, Development Engineering

Appendix 5 – Ministry of Transportation

The subject site described above appears to be located within the MTO Permit Control Area for Highway 403; as a result, the applicant should be made aware that an MTO Building & Land Use Permit(s) will be required from this office prior to the start of any onsite construction/works.

Information regarding the application process, forms and the policy can be found at the following link: <https://www.ontario.ca/page/highway-corridor-management>

Comments Prepared by: Nicole Hajjar, Corridor Management Officer