

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2025-02-27	File(s): A308.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:3/6/2025 1:00:00 PM

## Consolidated Recommendation

The City recommends the application be deferred for redesign and to identify the correct variances.

## Application Details

The applicant requests the Committee to approve a minor variance to allow an addition proposing a lot coverage of 42.59% (147.89 sq m) whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% (121.54 sq m) in this instance.

## Background

**Property Address:** 3790 Morning Star Dr

### Mississauga Official Plan

Character Area: Malton Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

**Zoning:** RM1 - Residential

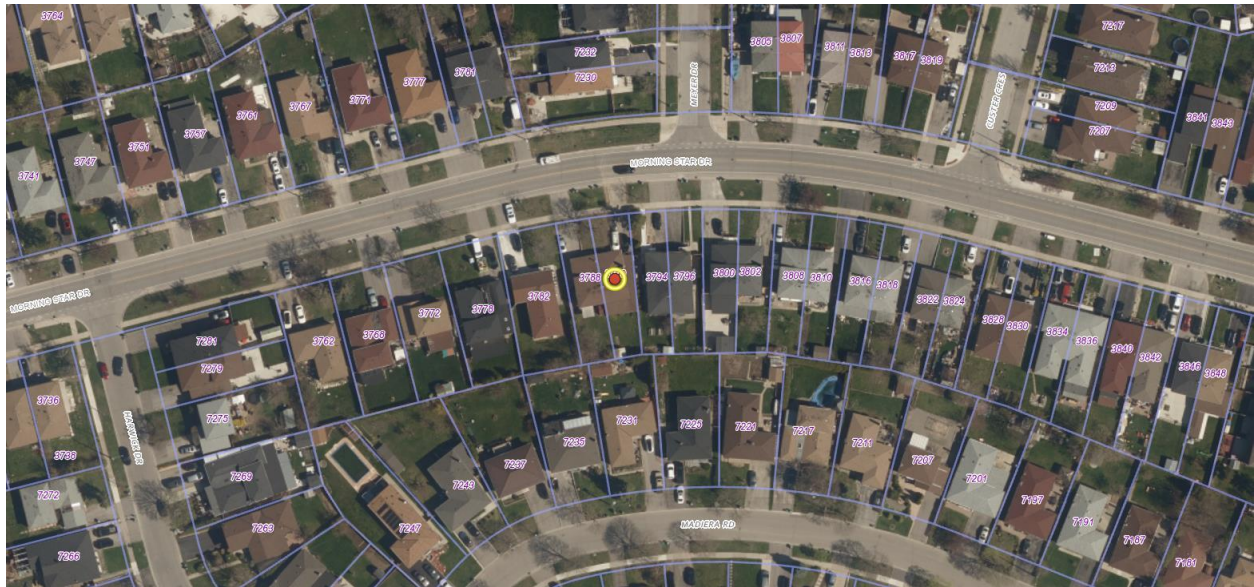
**Other Applications:** Building Permit 23-10208

### Site and Area Context

The subject property is located north-east of the Derry Road East and Goreway Road intersection in the Malton Neighbourhood Character Area. It is an interior lot containing a two-

storey semi-detached dwelling with an 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 legalize an existing canopy requiring a variance for 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:

The subject property is located in the Malton Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). 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.

The sole variance pertains to 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. While Planning staff have no concerns with the existing canopy footprint and subsequent lot coverage, staff note there is a discrepancy concerning the existing conditions and the site plan provided. The site plan submitted depicts the existing canopy as

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having a 0.62m (2.03ft) side yard setback, whereas the site photos provided by Transportation & Work's staff depict the existing canopy as having no setback to the subject property's side boundary line. Zoning staff have also confirmed that more information is required to determine whether additional variances may be required. Transportation & Work's staff have also noted drainage concerns based on current site conditions.

Based on the preceding information, Planning staff recommend deferral of the application.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment

## Appendices

### Appendix 1 – Transportation and Works Comments

Enclosed for Committee's reference are several photos which depict the subject property, in particular the excessive canopy constructed at the rear and side of the dwelling. We note that the Site Plan submitted under the Building Permit Application, file BP 9ALT23-10208 and Site Plan circulated with this application are similar. Both the Site Plans indicate that there is a 0.62M setback to the property line which we assume would be a measurement to the extent of the "Proposed Canopy".

From our site inspection, and as clearly depicted in our submitted photos, and assuming that the existing fence is in the correct location, the 0.62M setback clearly does not exist. In this regard we question if the applicant will be re-constructing the canopy to reflect a 0.62M setback, or alternatively if this variance application would have to be amended to reflect the reduced side yard setback.

If the constructed canopy is to remain in its current location, this department would not support the request as the existing drainage pattern is not acceptable. The downspouts from the dwelling are directed onto the canopy areas where the additional drainage from the canopy is then directed to two downspouts which are not functional as they exist. As clearly depicted in the photos the downspout is connected to a PVC pipe abutting the driveway, the PVC pipe is broken and clearly not functional. Even if the PVC pipe was not broken, this would not be acceptable. It should also be noted that the abutting property has a reverse grade driveway, and every effort should be made to alleviate any drainage from this property being directed to the abutting property.

Alternatively, should the existing canopy be modified to reflect the depicted setbacks as per the Site Plan circulated with the Building Permit Application, then any requirements can adequately be addressed through BP 9ALT23-10208.















Comments Prepared by: Tony Iacobucci, Development Engineering

### **Appendix 2 – Zoning Comments**

The Building Department is processing Building Permit application 23-10208. Based on review of the information available in this application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required. The applicant hasn't addressed all outstanding comments / questions from the last review cycle AND may be missing possible Minor Variances. Further information is required.

Please note that comments reflect those provided through the above application. 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: Andrew Wemekamp, Zoning Examiner.



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

We have no comments or objections.

Comments Prepared by:     Petrele Francois, Junior Planner