

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2025-06-12	File(s): A58.25
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 6/19/2025 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application, subject to the amendments.

Application Details

The applicant requests the Committee to approve a minor variance to allow a front porch proposing:

1. A porch eaves setback to the exterior side lot line of 1.71m (approx. 5.61ft) whereas By-law 0225-2007, as amended, requires a minimum setback to the exterior side lot line of 3.95m (approx. 12.96ft) in this instance;
2. A driveway setback of 0.00m whereas By-law 0225-2007, as amended, requires a minimum driveway setback of 0.60m (approx. 1.97ft) in this instance;
3. An awning setback in the exterior side yard of 1.36m (approx. 4.46ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 5.39m (approx. 17.68ft) in this instance; and
4. A front porch setback to the exterior side lot line of 2.115m (approx. 6.94ft) whereas By-law 0225-2007, as amended, requires a minimum setback to the exterior side lot line of 4.40m (approx. 14.44ft) in this instance.

Amendments

The Building Division is processing Building Permit application 24-2009. Based on the review of the information available in this application, we are suggesting that the variances be reworded to appropriately reflect the provisions of the by-law that require the variances to permit this as built condition to remain. Please see the suggested revisions below:

Variance #1 should be reworded as follows

A porch eaves encroachment of 4.29m (approx. 14.07ft) into a required exterior side yard, whereas By-law 0225-2007, as amended, permits a maximum encroachment of 0.45m (approx.

1.47ft) in this instance, resulting in a 1.71m (approx. 5.6ft) exterior side yard setback to porch eaves;

Variance #2 is correct

Variance #3 should be reworded as follows:

An awning encroachment of 4.64m (approx. 15.22ft) into a required exterior side yard whereas by-law 0225-2007, as amended, permits a maximum encroachment of 0.61m (2.0ft) in this instance, resulting in a 1.36m (approx. 4.46ft) exterior side yard setback to an awning;

Variance #4 should be reworded:

A porch encroachment of 3.89m (approx. 12.76ft) into a required exterior side yard whereas By-law 022502007, as amended, permits a maximum encroachment of 1.6m (approx. 5.24ft) in this instance, resulting in a 2.11m (approx. 6.9ft) exterior side yard setback to a porch;

Background

Property Address: 2461 Donnavale Dr

Mississauga Official Plan

Character Area: Cooksville Neighbourhood (East)
Designation: Residential Low Density I

Zoning By-law 0225-2007

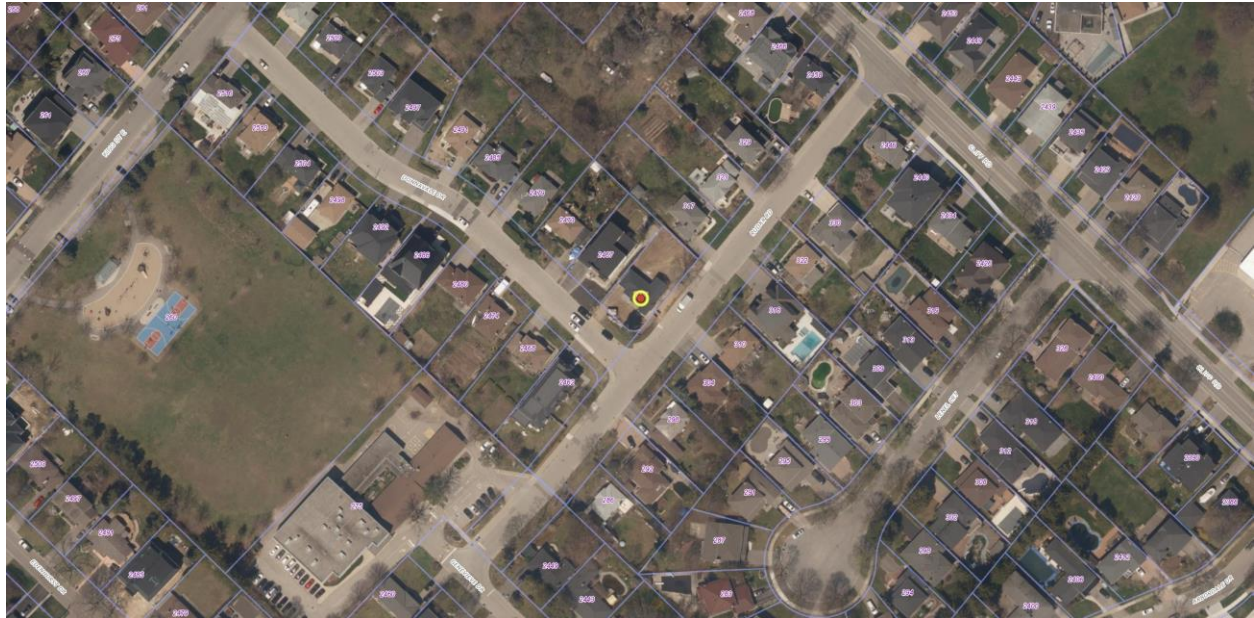
Zoning: R3 - Residential

Other Applications: BP 9ALT 24-2009

Site and Area Context

The subject property is located north-west of the Queensway East and Cliff Road intersection in the Cooksville Neighbourhood (East) Character Area. It is a corner lot containing a one-storey 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 dwellings on similarly sized lots.

The applicant is proposing to legalize an existing covered porch and driveway requiring variances for eaves, awning and porch encroachment as well as a reduced driveway 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:

Planning staff note the applicant deferred the application at the March 27th, 2025 Committee of Adjustment hearing. The application was deferred to confirm the variance requested and identify additional variances related to the dwelling's existing conditions on the subject property.

The subject property is located in the Cooksville Neighbourhood Character Area and is designated Residential Low Density I 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 existing site conditions, the surrounding context and the landscape of the character area. Staff are of the opinion that the existing dwelling is compatible with the surrounding area context and planned character of the neighbourhood.

Variances 1, 3 and 4 have been amended by Zoning staff. The amended variances have changed from proposed setbacks to encroachments for the eaves, porch and awning to accurately reflect the correct provisions in the zoning by-law. The intent of the encroachment regulations in the by-law is to ensure an appropriate buffer between the specified built form element and lot lines. Staff note the variances are technical due to Zoning staff's interpretation of the perceived encroachment. In this instance, both a portion of the dwelling and built form elements encroach into the required exterior side yard of 6m, triggering the requirement for the encroachment variances. Planning staff are of the opinion that the proposed elements maintain the intent of the zoning regulations. The resulting built form provides an appropriate buffer to the exterior side lot line and results in a negligible impact to the abutting streetscape.

Variance 2 pertains to a reduced setback to the side yard lot line. The intent of the driveway setback regulation is to ensure appropriate drainage can be maintained and a visual separation of properties is provided. Staff note that the concrete retaining wall that runs along the left side of the driveway clearly delineates the property boundary. Additionally, Transportation and Work's staff have no concerns regarding drainage.

Based on the preceding information, Planning staff are of the opinion that the proposal maintains the general intent and purpose of the official plan and zoning by-law, is minor in nature and represents orderly development of the subject property.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committee's ease of reference are photos depicting the subject property. We note that there is a Building Permit associated with this property, BP 9ALT 24-2009.





Comments Prepared by: Tony Iacobucci, Development Engineering

Appendix 2 – Zoning Comments

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Variance #4 should be reworded:

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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: Andrea Dear, MCIP RPP, Zoning Supervisor

Appendix 3 – Region of Peel Comments

We have no comments or objections.

Comments Prepared by: Petrele Francois, Junior Planner