

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2025-08-21	File(s): A260.25
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:8/28/2025 1:00:00 PM

Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the application, as amended, meets the requirements of Section 45(1) of the Planning Act. The applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Application Details

The applicant requests the Committee to approve a minor variance to allow an accessory structure proposing a rear yard setback to the patio of 2.44m (approx. 8.00ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.50m (approx. 24.61ft) in this instance.

Amendments

Through discussion with Zoning staff, Planning staff are of the opinion that the following amendment is required:

#1 To permit a patio accessory structure with area of 50.4m² (10.57m x 4.87m or 34.7ft x 16ft) beyond the buildable area at Unit 2, whereas all buildings and structures or part thereof are required to be located within the buildable area identified on Exception Schedule RL-207.

#2 To permit a pergola accessory structure with an area of 18.5m² (4.57m x 4.06m or 15ft x 13.35ft) beyond the buildable area at Unit 2, whereas all buildings and structures or part thereof are required to be located within the buildable area identified on Exception Schedule RL-207.

Background

Property Address: 1155 Birchview Dr, Unit 2

Mississauga Official Plan

Character Area: Clarkson - Lorne Park Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

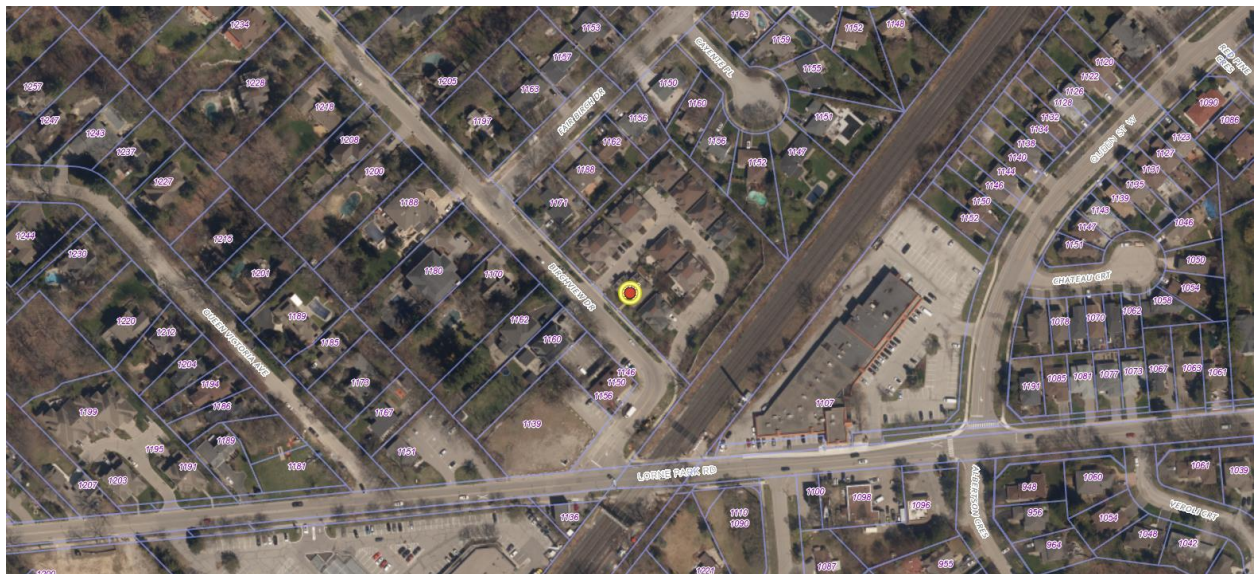
Zoning: RL-207 - Residential

Other Applications: None

Site and Area Context

The subject property is located northeast of the Lorne Park Road and Lakeshore Road west in the Mineola neighbourhood. The subject lot contains a two-storey condominium townhouse with landscaping and vegetation elements present in the rear yard. The surrounding area context is primarily residential, consisting of detached dwellings and mixed-use units. There is a shopping complex in the vicinity of the subject lot.

The applicant is proposing to legalize an existing accessory structure requiring a variance for rear yard setbacks.



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 are as follows:

The subject property is located in the Clarkson - Lorne Park Neighbourhood Character Area and is designated Residential Low Density II. Section 9 of the Mississauga Official Plan (MOP) promotes development with appropriate urban form and site design, regulating that such development is compatible with the existing conditions, the surrounding context and the landscape of the character area. The structure is compatible with the surrounding area and does not pose any significant impact to the abutting properties.

The subject property is zoned RL-207, which is a Residential Large Lot exception zone. This exception zone stipulates a specific buildable area under Schedule RL-07 Map 09. Under the zoning by-law, the buildable area did not account for accessory structures, which are permitted as of right. The by-law restricts the buildable area to a setback of 7.5m. Accessory structures typically require a setback ranging from 0.61m to 1.20m depending on lot size and drainage or access requirements. The pergola proposes a setback of 2.44m (8.00ft), which exceeds the maximum required setbacks for accessory structures. As such, staff are of the opinion that the current variance is technical, required to facilitate the pergola outside of the buildable area.

Through discussion with Zoning staff, Planning staff have identified two variances to facilitate this proposal. Variance #1 pertains to the patio and #2 pertains to the pergola.

The general intent of this portion of the by-law is to ensure that an adequate buffer exists between the massing of the structures on adjoining properties, that maintenance can be performed on the structures and that appropriate drainage patterns can be maintained.

Regarding variance 1, because the patio has a height of 0.39m, the by-law classifies it as an accessory structure. Staff note that with the patio falling outside the established buildable envelope, a variance is required to permit the structure. The patio itself does not impact point of access or drainage pattern. Staff are of the opinion that the patio has no negative impact on the property or abutting neighbours. Furthermore, if the patio was shorter by 0.09m or approx. 4 inches, the patio would be permitted as of right, requiring no separate variance.

With the proposed pergola being open on all four sides, staff are of the opinion that there is a sufficient setback that will allow for the ability to perform any required maintenance on the structure or provide appropriate drainage patterns.

Lastly, Transportation and Works staff have raised on drainage concerns.

Given the above, through a detailed review of the application, staff are of the opinion that the application is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning nature.

Notwithstanding the above, staff note that the existing pergola may be subject to a building permit.

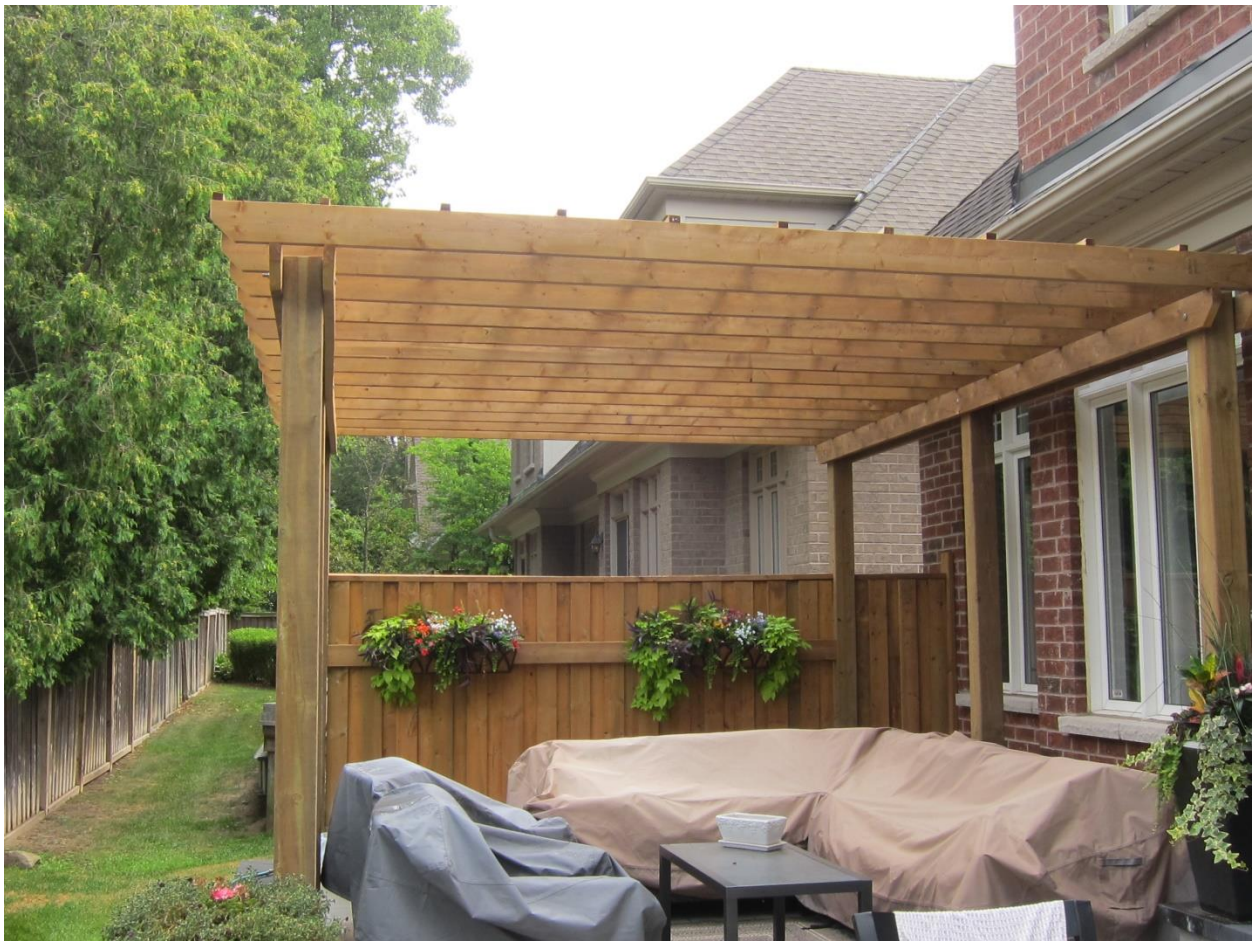
Comments Prepared by: Shivani Chopra, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed are pictures of the structure in the rear yard. We have no drainage related concerns.

Comments Prepared by: John Salvino, Development Engineering Technologist



Appendix 2 – Zoning Comments

We note that a Building Permit is required. In the absence of a Building Permit we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed.

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

Comments Prepared by: Ladan Javanbakht-Samani, 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.

An 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

No comments or objections.

Comments Prepared by: Petrele Francois, Junior Planner

Appendix 5 – Metrolinx

The subject property is located within 300m of the Metrolinx Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.

GO/HEAVY RAIL – ADVISORY COMMENTS

- As the requested variances have minimal impact on Metrolinx property, Metrolinx has no objections to the specified variances should the committee grant approval.
- Please be advised that Metrolinx would be a stakeholder providing comments on the comprehensive application of this site should future development be contemplated. Please continue to engage Metrolinx should future developments be contemplated on the subject site.

Should you have any questions or concerns, please do not hesitate to contact me.

Comments Prepared by: Jenna Auger, Project Analyst