

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-02-24	File(s): A62.21 Ward: 6
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-03-04 1:00 PM

Consolidated Recommendation

The City has no objection to the variance, as requested. The Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Application Details

The applicants request the Committee to approve a minor variance to allow the construction of a below grade entrance in an exterior side yard whereas By-law 0225-2007, as amended, does not allow a below grade entrance in an exterior side yard in this instance.

Background

Property Address: 851 Genovese Place

Mississauga Official Plan

Character Area: East Credit Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: RM2-26 - Residential

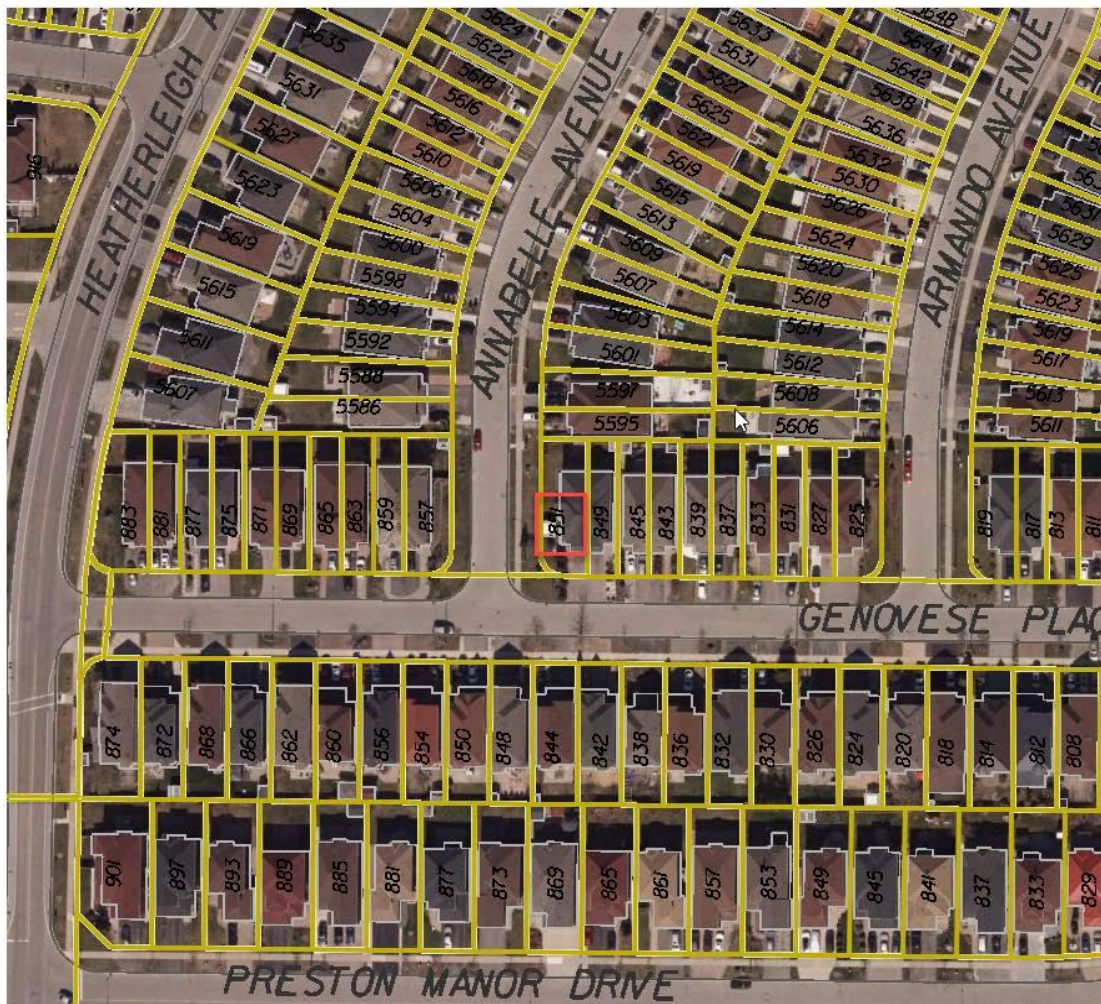
Other Applications: BPA- 66676

Site and Area Context

The subject property is located north-west of the Mavis Rd and Preston Manor Dr. intersection. The property is an exterior parcel with a lot area of +/- 286.8m² and a lot frontage of +/- 9.75 m.

Currently, the property houses a two-storey, semi-detached dwelling with a significant amount of vegetation and landscape elements within the front and rear yards. Contextually, the area is comprised primarily of two-storey semi-detached dwellings that possess lot frontages of +/-8.0m and possess moderate amounts of vegetation and landscape elements in the front yards.

The applicant is proposing a secondary unit that requires variances for a below grade entrance.



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:

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject property is located within the East Credit Neighbourhood character area and designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). The Residential Low Density II designation permits detached dwellings; semi-detached dwellings, duplex dwellings triplexes, street townhouses and other forms of low-rise dwellings with individual frontages. 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. The proposed secondary unit is permitted within this designation. Staff is of the opinion that the general intent and purpose of the Official Plan is maintained.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

The intent of the by-law in prohibiting a below grade entrance in the exterior side yard is to prevent a negative visual impact to the overall streetscape. The proposed entrance is sufficiently screened by a fence surrounding the property and the proposed entrance does not inhibit access to the rear yard. Furthermore, Planning Staff note the absence of any true massing resulting from the proposal. Staff is of the opinion that the variance, as requested, maintains the general intent and purpose of the by-law.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

Given the location of the proposed below grade entrance Staff are of the opinion that potential impacts are minimized by sufficient screening from the streetscape. The variance, as requested results in both the orderly development of the lands, and whose impacts will be minor in nature. Staff is of the opinion that the application raises no concerns of a planning nature.

Conclusion

The Planning and Building Department recommends that the Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the application meets the requirements of Section 45 (1) of the Planning Act.

Comments Prepared by: Brooke Herczeg RPP, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We are noting that the location of the proposed below grade entrance will not alter the existing grading and drainage pattern for this property.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is not in receipt of any permit applications at this time and the applicant is advised that a zoning review has not been completed. We are unable to confirm the accuracy of the requested variance(s) or determine whether additional variance(s) may be required.

The applicant is advised that a completed zoning review may identify additional instances of zoning non-compliance. The applicant may consider applying for a preliminary zoning review application and submit working drawings for a detailed zoning review to be completed. A minimum of 6-8 weeks will be required to process a preliminary zoning review application depending on the complexity of the proposal and the detail of the information submitted.

Comments Prepared by: Brandon Eidner, Zoning Examiner

Appendix 5 – Region of Peel Comments

We have no comments or objections to the following applications:

Minor Variance Applications: A-30/21, A-54/21, A-56/21, A-57/21, A-59/21, A-60/21, A-62/21, A-64/21, A-66/21.

Comments Prepared by: Diana Guida, Junior Planner