

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-03-31	File(s): A103.21 Ward 9
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-04-08 1:00 PM

## Consolidated Recommendation

The City has no objection to the variances, as amended.

## Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a below grade stairwell proposing:

1. An exterior side yard measured to a stairwell of 4.00m (approx. 13.12ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard measured to a stairwell of 4.50m (approx. 14.76ft) in this instance; and
2. A below grade entrance in an exterior side yard whereas By-law 0225-2007, as amended, does not permit a below grade entrance in an exterior side yard in this instance.

## Amendments

The Building Department is currently processing a building permit application under file SEC UNIT 21-4743. Based on review of the information currently available for this building permit, we advise that the following variance(s) should be amended/added as follows:

1. An exterior side yard measured to a stairwell of 4.00m (approx. 13.12ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 4.50m (approx. 14.76ft) in this instance;
2. Stairs, stairwell and retaining wall to facilitate an entrance below grade within the exterior side yard whereas By-law 0225-2007, as amended, does not permit Stairs, stairwell and retaining wall to facilitate an entrance below grade within the exterior side yard in this instance.
3. A new pedestrian entrance facing a street to facilitate second dwelling unit, whereas By-law 0225-2007, as amended, does not permit A new pedestrian entrance facing a street

to facilitate second dwelling unit in this instance.

## Background

**Property Address:** 7634 Doverwood Drive

### Mississauga Official Plan

Character Area: Meadowvale Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

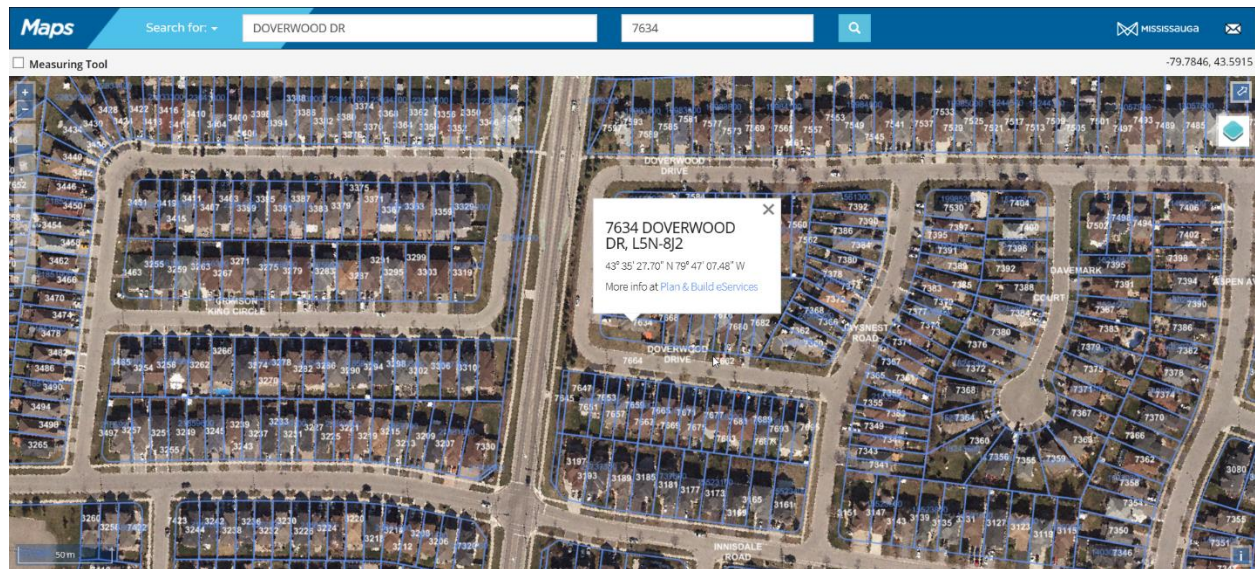
**Zoning:** RM2-25

**Other Applications:** Sec UNIT 21-4743 SU

### Site and Area Context

The subject property is located south-east of the Argentia Rd and Tenth Line W. intersection. The property is an exterior parcel with a lot area of +/- 359.6m<sup>2</sup> and a lot frontage of +/- 10.9m. Currently the property houses a semi-detached dwelling with minimal vegetation and landscape elements within the front and rear yards. Contextually, the area is comprised primarily of semi-detached dwellings that possess lot frontages +/-6.80m and minimal vegetation and landscape elements in the front yards.

The applicant is proposing a secondary unit that requires variances for a reduced side yard and 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 Meadowvale Neighbourhood character area and is 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 and triplexes, street townhouse 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. As is the case with the majority of below-grade entrances, Planning Staff note the absence of any true massing resulting from the

proposal. While the exterior side yard setback has been reduced to 4.00m to accommodate the below grade entrance, adequate access to the rear yard still remains. The applicant has also amended their site plan to extend the existing fence so that it sufficiently screens the entrance from the streetscape. Planning Staff find the application 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 any potential impacts from the minor variances are minimized by sufficient screening from the streetscape. The variance as requested, will result in the orderly development of the lands whose impacts will be minor in nature. Staff is of the opinion that the application raises no concerns of a planning nature.

## **Conclusion**

Planning Staff have no objection to the variances, as amended.

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 stairwell 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**

### **BP RECEIVED, AMEND VARIANCE**

The Building Department is currently processing a building permit application under file SEC UNIT 21-4743. Based on review of the information currently available for this building permit, we advise that the following variance(s) should be amended/added as follows:

1. An exterior side yard measured to a stairwell of 4.00m (approx. 13.12ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 4.50m (approx. 14.76ft) in this instance;
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facilitate second dwelling unit in this instance.

Our comments are based on the plans received by Zoning staff on 12/18/2020 for the above captioned building permit application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: A. McCormack

#### **Appendix 5 – Region of Peel Comments**

We have no comments or objections.

Comments Prepared by: Diana Guida, Junior Planner