

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-04-07	File(s): A124.21 Ward: 10
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-04-15 1:00 PM

Consolidated Recommendation

Planning staff have no objection to the variance, as amended.

Application Details

The applicants request the Committee to approve a minor variance to allow the construction of a below grade entrance on the subject property proposing an exterior side yard of 1.12m (approx. 3.67ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 1.20m (approx. 3.93ft) in this instance.

Amendments

While Planning Staff are not in a position to provide an interpretation of the Zoning By-law; Staff note the variance should be amended as follows:

- The applicants request the Committee to approve a minor variance to allow the construction of a below grade entrance on the subject property proposing an interior side yard of 1.12m (approx. 3.67ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 1.20m (approx. 3.93ft) in this instance

Background

Property Address: 3830 Milkwood Crescent

Mississauga Official Plan

Character Area: Lisgar Neighbourhood

Designation: Residential Low Density II

Zoning By-law 0225-2007

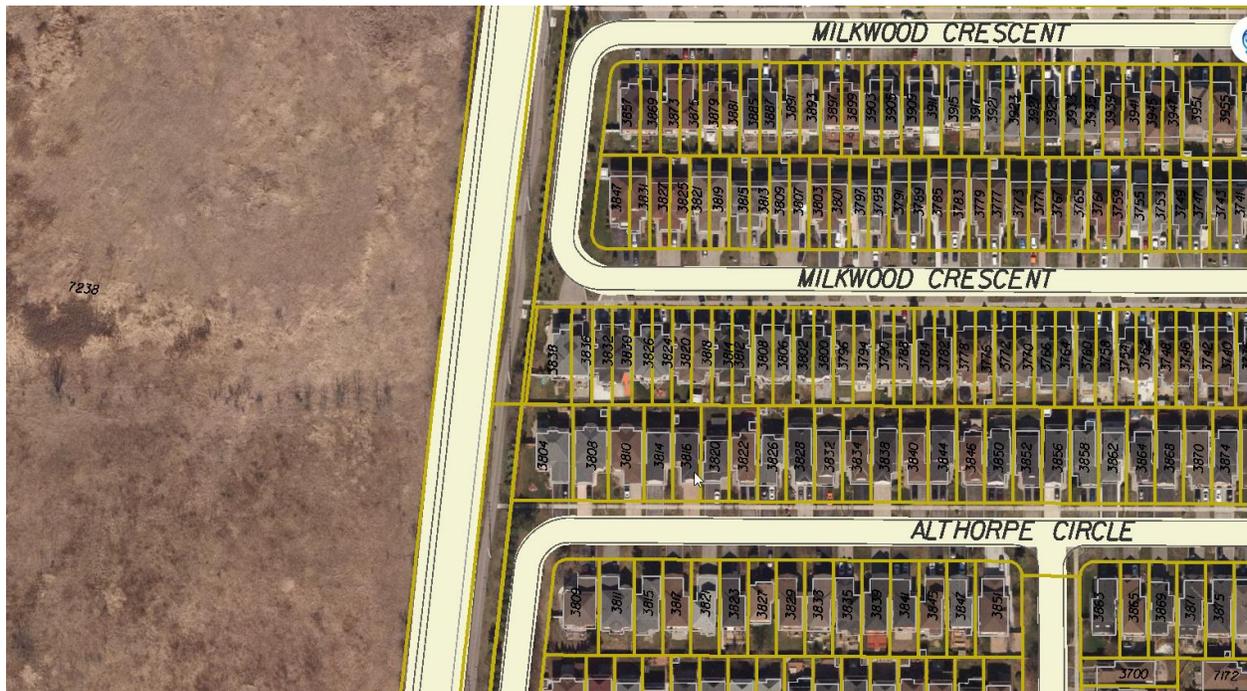
Zoning: RM2 - Residential

Other Applications: SU 2237-20

Site and Area Context

The property is located south-east of the Ninth Line and Terragar Rd. intersection. The property is an interior parcel, with a lot area of approximately +/- 229.98m² and a lot frontage of approximately +/- 7.22m. The property currently houses a two-storey semi-detached dwelling with minimal vegetation and landscaping elements within the front and rear yards. Contextually, the surrounding neighbourhood consists of two-storey semi-detached homes. Properties in the immediate area possess lot frontages of +/- 7.0m, with minimal vegetation and landscape elements within 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 Lisgar 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 interior side yard is to prevent a negative visual impact to the overall streetscape. While the interior side yard setback has been reduced to 1.12m whereas 1.2m is required, 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. Additionally, access to the rear yard remains unencumbered. 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

Planning staff have no objection to the variance, as amended.

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

Appendices

Appendix 1 – Transportation and Works Comments

We are noting that the below grade entrance is being proposed in a location which will not impact on the existing drainage pattern for this property.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file SEC UNIT 20-2237 SU. Based on review of the information currently available in this permit 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.

Please note that comments reflect those provided through the above permit application and should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the application file noted above, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments.

Comments Prepared by: Brandon Eidner, Zoning Examiner

Appendix 5 – Region of Peel Comments

We have no comments or objections

Comments Prepared by: Diana Guida, Junior Planner