

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-06-16	File(s): A240.21 Ward: 6
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-06-24 1:00 PM

## Consolidated Recommendation

The City has no objection to variances #1 and #2, however, recommends that the application be deferred to permit the Applicant the opportunity to redesign the driveway.

## Application Details

The applicant requests the Committee to approve a minor variance to allow a new side entrance proposing:

1. A second unit entrance facing a street, whereas By-law 0225-2007, as amended, does not permit a second unit entrance to face a street in this instance; and
2. A stairwell and retaining wall to facilitate a below grade in the front or exterior side yard, whereas By-law 0225-2007, as amended, does not permit a stairwell and retaining wall to facilitate a below grade entrance in the front or exterior side yard in this instance.

## Amendments

While Planning Staff are not in a position to provide an interpretation of the Zoning By-law; Staff would note that additional minor variances may be required for the existing widened driveway.

And note that the following should be added:

A gravel driveway whereas By-law 0225-2007, as amended requires all parking areas, driveways and loading areas shall have a minimum overall vertical depth of 15.0 cm comprised of a stable surface such as asphalt, concrete, pervious materials or other hard-surfaced material.

## Background

**Property Address:** 918 Oasis Drive

**Mississauga Official Plan**

Character Area: East Credit NHD  
Designation: Residential Medium Density

**Zoning By-law 0225-2007**

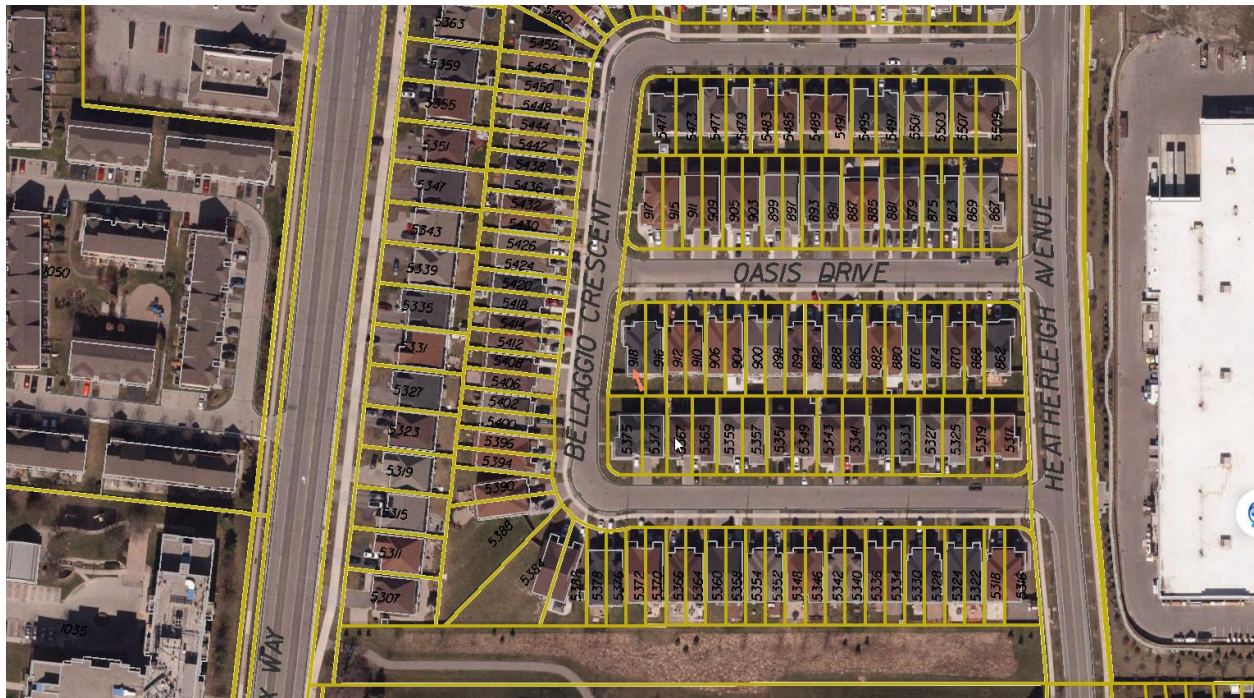
**Zoning:** RM2-53 - Residential

**Other Applications:** None

**Site and Area Context**

The subject property is located south-east of the Terry Fox Way and Bristol Road W. intersection. The property is an exterior parcel with a lot area of +/- 347.83m<sup>2</sup> and a lot frontage of +/- 8.06m. Currently the property houses a two-storey, detached dwelling with vegetation and landscape elements within the both the front and rear yards. Contextually, the immediate area is comprised exclusively of two-storey semi-detached dwellings, possessing lot frontages of +/- 7m and vegetation and landscape elements in both the front and exterior side yards.

The applicant is proposing a side entrance requiring variances for a secondary unit entrance facing the street and a stairwell and retaining wall to facilitate a below grade in the front or exterior side yard.



## 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 is designated Residential Medium Density in Schedule 10 of the Mississauga Official Plan (MOP). The Residential Medium Density designation permits all forms of townhouse dwellings. 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 front/exterior yard and facing a street is to prevent a negative visual impact to the overall streetscape. While the proposed entrance faces the street, the proposed is located within an existing portico that sufficiently screens the entranceway. Additionally, the portico possesses an existing railing that hides the proposed entrance from the streetscape, softening the impact. Staff are of the opinion that this deviation from the by-law can be supported based on existing built conditions of the portico. Staff is supportive of Variances #1 and #2 and are of the opinion that these maintain the general intent and purpose of the zoning by-law.

Upon review of the photos provided by T&W, Planning Staff note that additional variances may be required for an existing widened driveway. Staff do not support these additional variances and recommend the application be deferred to permit the Applicant the opportunity to redesign the driveway.

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

The proposed secondary unit entrance is sufficiently screened and will not impact the streetscape. Planning Staff are of the opinion that this application represents the orderly development of the lands, and is minor in nature.

**Conclusion**

The City recommends that the application be deferred to provide the Applicant the opportunity to redesign.

Comments Prepared by: Connor DiPietro, Planning Associate

## Appendices

### Appendix 1 – Transportation and Works Comments

Enclosed for Committees information are some photos which depict the existing second unit entrance. We have no drainage related concerns with regards to the location of the stairwell.







**Appendix 2 – Zoning Comments**

The Building Department is currently processing a Second Unit under file SEC UNIT 21-5592 SU. Based on review of the information currently available in this permit application, we advise that the current variances requested are correct, and that more information is required in order to 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