

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-08-04	File(s): A200.21 Ward 10
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-08-12 1:00:00 PM

Consolidated Recommendation

The City has no objections to variance #2, however recommends that variance #1 be refused.

Application Details

The applicants request the Committee to approve a minor variance to allow renovations on the subject property proposing:

1. A pedestrian entrance serving a second unit facing a street whereas By-law 0225-2007, as amended, does not permit a pedestrian entrance serving a second unit facing a street in this instance; and
2. A rear yard measured to a window well of 6.08m (approx. 19.95ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard measured to a window well of 6.39m (approx. 20.96ft) in this instance.

Background

Property Address: 3911 Swiftdale Drive

Mississauga Official Plan

Character Area: Churchill Meadows Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R6 - Residential

Other Applications: SEC UNIT 20-3140

Site and Area Context

The subject property is located at the north-east corner of Longford Dr and Swiftdale Dr. The property is an exterior parcel with a lot area of +/- 410.63m² (4,420 sq.ft.) and a lot frontage of +/- 16m (52 ft.). Currently, the property houses a two-storey, detached dwelling with mature vegetation and landscape elements within the front and rear yards. Contextually, the area is comprised primarily of two-storey detached dwellings possessing lot frontages of +/-12.3m (40 ft.) with mature vegetation and landscape elements in both the front and exterior side yards.

The applicant is proposing renovations to the principal dwelling requiring variances for a secondary unit entrance facing the street and a deficient rear yard measured to a window well.



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 in the Cooksville Neighbourhood Character Area and is designated Residential Low Density II in Section 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, duplex, triplex and street townhouse dwellings, as well as other low rise dwellings with individual frontages. Section 9 of the 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. Staff are in receipt of a front elevation showing the proposed new entrance to the secondary unit and have concerns that the proposal will have a negative visual impact to the overall streetscape and is not compatible with the landscape of the character area. Variance #2 does not raise these concerns as the window well is located in a fenced rear yard and is below grade. Staff are of the opinion that while variance #2 maintains the general intent and purpose of the official plan, variance #1 does not.

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

Variance #1 requests an entrance to facilitate a second unit facing a street. The intent of the regulation prohibiting such an entrance is to prevent a negative visual impact to the overall streetscape. A detached dwelling, even with a secondary unit, should continue to be presented as a detached dwelling from the streetscape. By adding a secondary unit entrance to the front of the dwelling that is clearly visible from the street can impact that perception. In this instance there is no screening or landscaping being proposed that can provide a visual buffer between the proposed entrance and the street. Without mitigating measures, the variance request cannot be considered to be maintaining the general intent and purpose of the zoning by-law.

Variance #2 requests a reduced rear yard measured to a window well. The intent of the rear yard regulations are to ensure an appropriate buffer between the massing of structures on adjoining properties is maintained and that a sufficient rear yard amenity area is provided for the dwelling. The proposed window well presents no massing concerns and does not significantly impact the rear yard amenity space. Therefore staff are of the opinion that the general intent and purpose of the zoning by-law is maintained in this instance.

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

The proposed second unit entrance facing the street represents a significant negative impact to the existing streetscape. While a secondary unit is appropriate for the site, the proposed location

of the entrance is not minor and does not represent the appropriate development of the subject lands. Staff note that variance #2 does not raise the same concerns, represents appropriate development and is minor in nature.

Conclusion

The Planning and Building Department has no objections to variance #2, however recommends that variance #1 be refused.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committee easy reference are photos depicting the subject 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 20-3140. Based on review of the information currently available in this permit application, the variances, as requested are correct.

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: Alana Zheng, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has no objections to the minor variance application and advises as follows:

1. The lands to the rear of the subject property are owned by the City of Mississauga, known as O'Harra Way (P-419).
2. Construction access from the park is not permitted.
3. Stockpiling of construction materials and encroachment in the adjacent park is not permitted.

Should further information be required, please contact Jim Greenfield, Park Planner, Community Services Department at 905-615-3200 ext. 8538 or via email jim.greenfield@mississauga.ca

Comments Prepared by: Jim Greenfield, Park Planner