

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-09-01	File(s): A357.21 Ward 10
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-09-09 1:00:00 PM

Consolidated Recommendation

The City has no objections to the requested variance, however the applicant may wish to defer the application to redesign and legalize the existing driveway.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a side door proposing an interior side yard measured to a below grade stairwell of 0.40m (approx. 1.31ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard measured to a below grade stairwell of 1.20m (approx. 3.93ft) in this instance.

Background

Property Address: 7374 Watergrove Road

Mississauga Official Plan

Character Area: Lisgar Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: RM2-24 - Residential

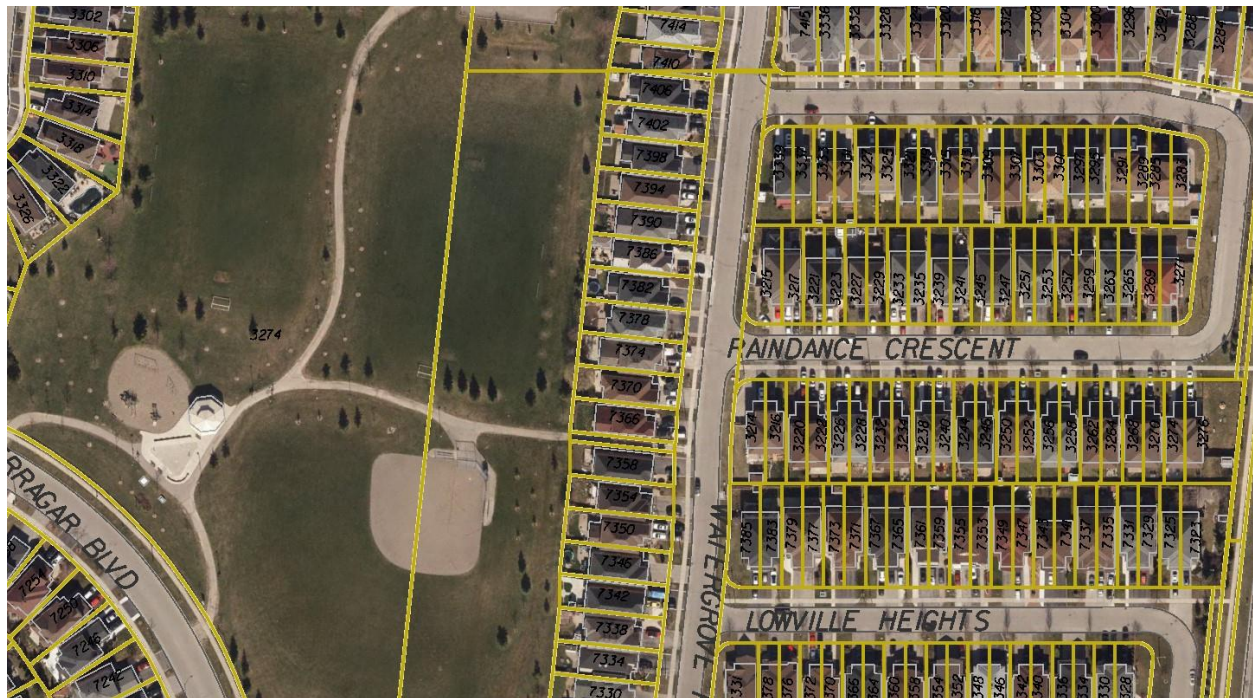
Other Applications: BP 9ALT 21-5548

Site and Area Context

The subject property is located south-west of the Tenth Line West and Cactus Gate intersection in the Lisgar Neighbourhood. It contains a two storey detached dwelling and backs onto Tobias

Mason Park. The surrounding context includes both detached and semi-detached dwellings. There is limited vegetation on the subject property, which is characteristic of the area.

The applicant is proposing to construct a side entrance to the dwelling requiring a variance for the side yard setback to the stairs to service the door.



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 Lisgar Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, duplex and triplex dwellings, as well as other 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 entrance that the applicant is proposing is located in the interior side yard and will service a permitted detached dwelling. Staff are of the opinion that the application maintains the general intent and purpose of the Official Plan.

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

The intent of the side yard regulations in the By-law is to ensure an appropriate buffer between structures on abutting properties as well as maintain access to the rear yard. The proposal is for a below grade staircase to access a side entrance which creates no impacts on massing or separation between structures. Furthermore the applicant is proposing only a few steps and not a full staircase generating a difference of less than 2 feet between the existing grade and the landing for the door at a total length of less than 6 feet. Finally, access to the rear yard is maintained by the side yard on the opposite side of the dwelling. Staff are therefore satisfied that the request 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?

Staff are of the opinion that the side yard proposal represents appropriate development of the subject property and that the application is minor in nature. There are no impacts to the streetscape and circulation around the exterior of the dwelling is maintained.

In addition to the side yard request, after a review of the property staff note that the existing driveway appears to be wider than the permissions of the By-law. Staff have concerns with the existing width of the driveway and its impact on the streetscape, however are unable to comment on if the driveway meets the four tests of a minor variance without confirmation of the width and an appropriate Site Plan.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committee's information are some photos which depict the existing below grade stairwell. We note that the Grading Plan approved for this property depicts a split drainage pattern meaning that the high point is approximately in the middle of the dwelling in the area where the basement stairwell has been constructed. Acknowledging that the stairwell has been constructed at approximately the high point, we note from our site inspection that the basement entrance and walkway will result in drainage from this property being directed onto the abutting property which may be a concern for the neighbour.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit application under file BP 9ALT 21-5548. 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: Brandon Eidner, Zoning Examiner