

City of Mississauga Department Comments

Date Finalized: 2021-09-08	File(s): A335.21 Ward: 8
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-09-16 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be refused.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a basement entrance proposing a setback measured from concrete stairs to the property line of 0.31m (approx. 1.02ft) whereas By-law 0225-2007, as amended, requires a minimum setback measured from concrete stairs to the property line of 0.61m (approx. 2.00ft) in this instance.

Amendments

While Planning Staff are not in a position to provide an interpretation of the Zoning By-law; Staff would note the variance should be amended as follows, and that variance #2 should be added.

1. A setback measured from concrete stairs to the property line of 0.31m (approx. 1.02ft) whereas By-law 0225-2007, as amended, requires a minimum setback measured from concrete stairs to the property line of 1.2m (approx. 3.94ft) in this instance.
2. A setback measured from a covered porch in the interior side yard to the property line of 0.31m (approx. 1.02ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard to the property line of 1.2m (approx. 3.94ft) measured from a covered porch in this instance.

Recommended Conditions and Terms

Should the Committee see merit, we ask that the accessory structure be equipped with eaves trough and down spout directed in such a manner not to impact the adjacent lands.

Background

Property Address: 3627 Stonecutter Crescent

Mississauga Official Plan

Character Area: Churchill Meadows Neighbourhood

Designation: Residential Low Density II

Zoning By-law 0225-2007

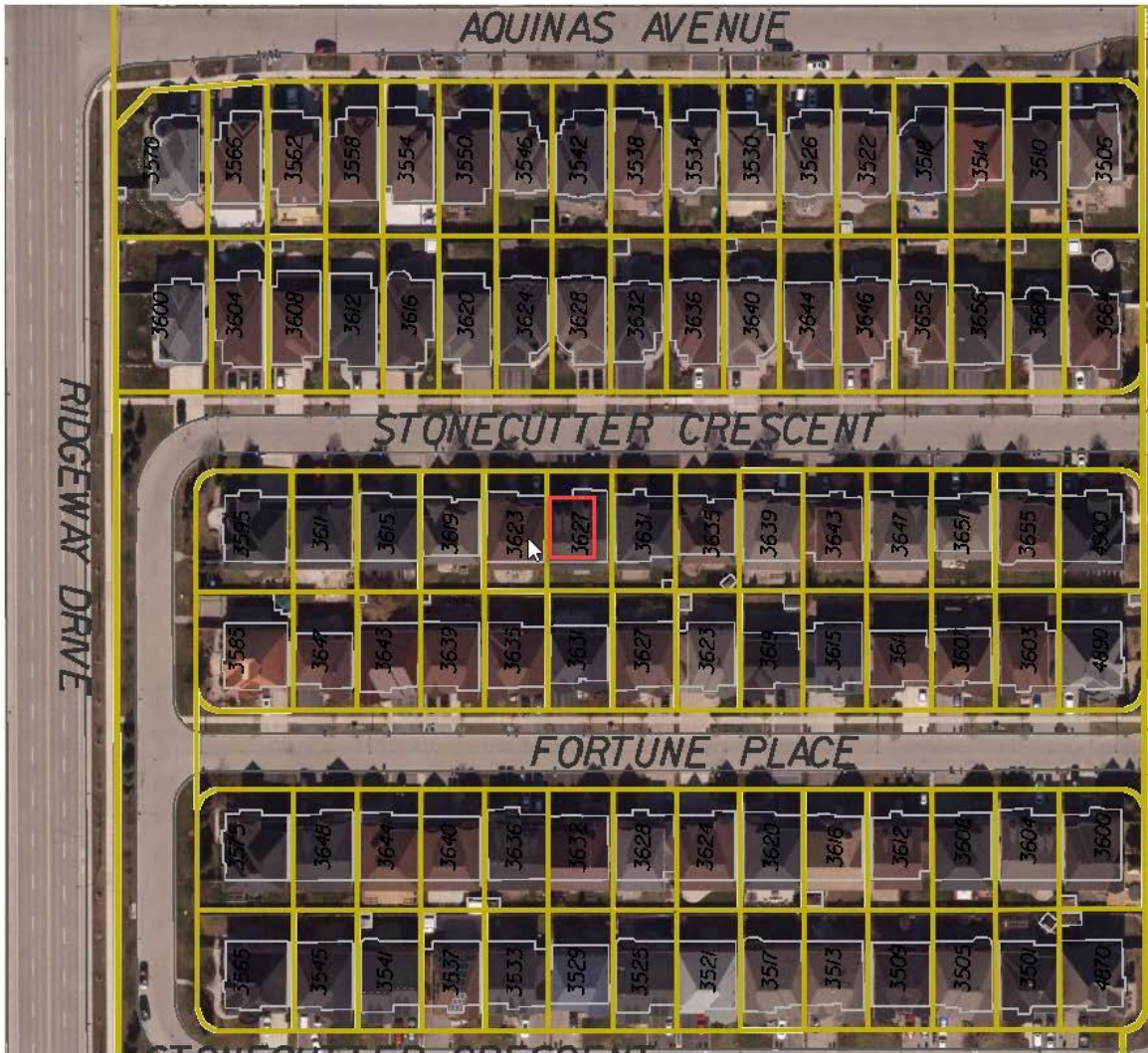
Zoning: R6 - Residential

Other Applications: Building Permit BPA - 75251

Site and Area Context

The subject property is located within the Churchill Meadows Neighbourhood Character Area, southeast of Eglinton Avenue West and Ridgeway Drive. The neighbourhood is entirely residential, consisting of one and two storey detached dwellings with vegetation in both the front and rear yards. The subject property contains an existing two storey dwelling with vegetation in the front yard.

The application proposes a new two storey dwelling requiring variances related to side yards and setbacks.



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 designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan, which permits detached, semi-detached, duplex, triplex and other forms of low rise dwellings with individual frontages. 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 applicant is proposing a setback measured from the concrete stairs to the property line of 0.31m (1.02 ft.), when a minimum setback of 1.2m (3.94 ft.) is required and a setback from a covered porch in the interior side yard to the property line of 0.31m (1.02 ft.), where 1.2m (3.94 ft.) is required. The general intent of these portions of the by-law is to ensure that an adequate buffer exists between the massing of primary structures on adjoining properties and that access to the rear yard ultimately remains unencumbered.

Transportation and Works staff have identified drainage and access issues regarding the “back to front” drainage pattern and the walkway and stairwell construction. Planning Staff echo’s these concerns. Regarding access to the rear yard, the proposed variance would require the applicant to trespass onto the neighboring property to the east in order to access the rear yard. Furthermore, the west side of this dwelling was constructed to a 0.61m (2 ft.) side yard which also impedes access to the rear yard.

Staff is of the opinion that the general intent and purpose of the zoning by-law is not maintained.

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

The variances, as amended, create significant side yard reductions that impact rear yard access. The applicant would need to trespass into the neighbouring property’s side yard (east) in order to access their rear yard and the westerly side yard cannot be used to access the rear yard for maintenance purposes. Furthermore, the proposed stairwell and walkway would negatively impact the drainage of the property by directing storm flows onto other properties. This is an undesirable development of the land, and one whose effects are not minor in nature.

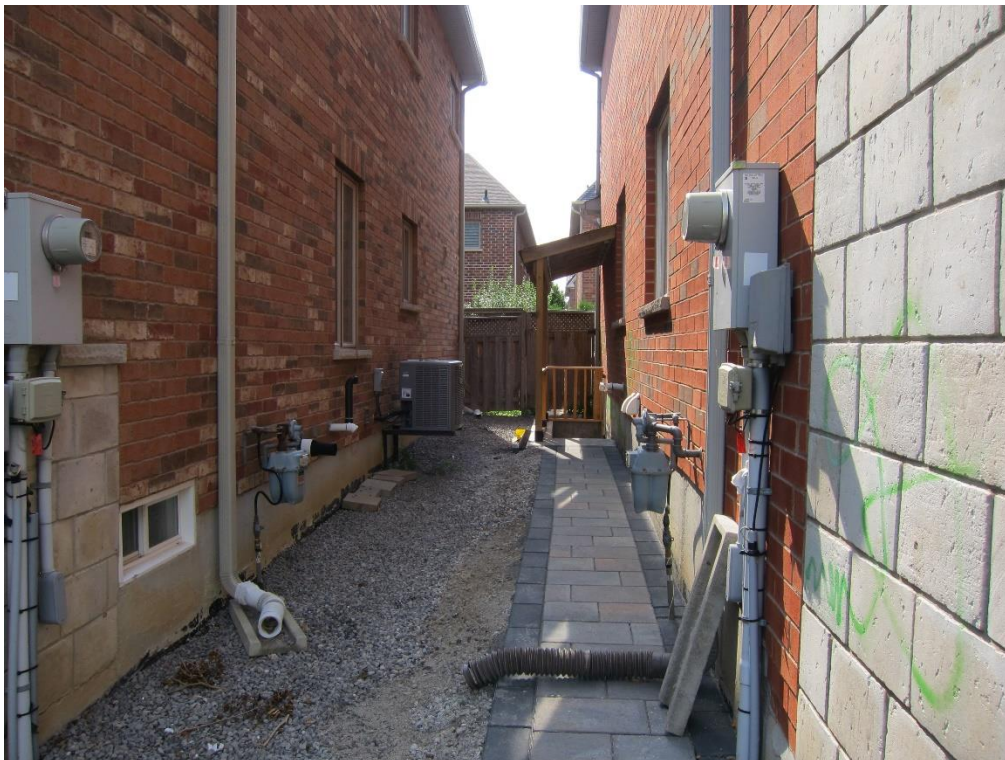
Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This Department has concerns with the proposed basement entrance. Enclosed for Committee's information are some photos which depict the existing below grade stairwell and wooden frame roof cover. We note that the Grading Plan approved for this property (Plan C-39990 attached for reference) depicts a 'back to front' drainage pattern for both this lot and the neighboring lot to the east, meaning that the drainage from the rear yard for both lots is designed to flow through this side yard. In addition to the stairwell construction, a walkway has also been constructed from the front of the dwelling leading to the basement entrance. The construction of both these items does not allow for a proper drainage swale along the property limit. This results in the full rear and side yard drainage from both properties to be directed onto the abutting property which may be a concern for the neighbor. Additionally, the roof cover would need to be equipped with an eaves trough and down spout which would concentrate the drainage onto the neighboring property.

We also question access to the rear yard. In its current state, the applicant would need to trespass onto the neighboring lands in order to access his rear yard. Further, the opposite side of this dwelling was constructed to a 0.61m side yard and cannot be used to access the rear yard with a lawnmower or any large maintenance items.





Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is not in receipt of any permit applications at this time and the applicant is advised that a zoning review has not been completed. We are unable to confirm the accuracy of the requested variance(s) or determine whether additional variance(s) may be required.

***The minimum interior side yard setback for a below grade stairwell in the interior side yard is 1.2 m. In addition, Zoning considers the roof over the below grade stairwell to be a porch and the minimum interior side yard setback to a porch in the interior side yard is 1.2 m. Lastly, A335.21.Dwgs.LATE indicate a proposed Second Unit. At the moment, there is no Building Permit for a Second Unit.

The applicant is advised that a completed zoning review may identify additional instances of zoning non-compliance. The applicant may consider applying for a preliminary zoning review application and submit working drawings for a detailed zoning review to be completed. A minimum of 6-8 weeks will be required to process a preliminary zoning review application depending on the complexity of the proposal and the detail of the information submitted.

Comments Prepared by: Brandon Eidner, Zoning Examiner