

City of Mississauga Department Comments

Date Finalized: 2021-09-22	File(s): A369.21 Ward 6
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-09-30 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

Application Details

The applicant requests the Committee to approve a minor variance to allow a below grade entrance proposing a side yard of 1.16m (approx. 3.81ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (approx. 3.93ft) in this instance.

Background

Property Address: 830 Avonshire Court

Mississauga Official Plan

Character Area: East Credit Neighbourhood
Designation: Residential Medium Density

Zoning By-law 0225-2007

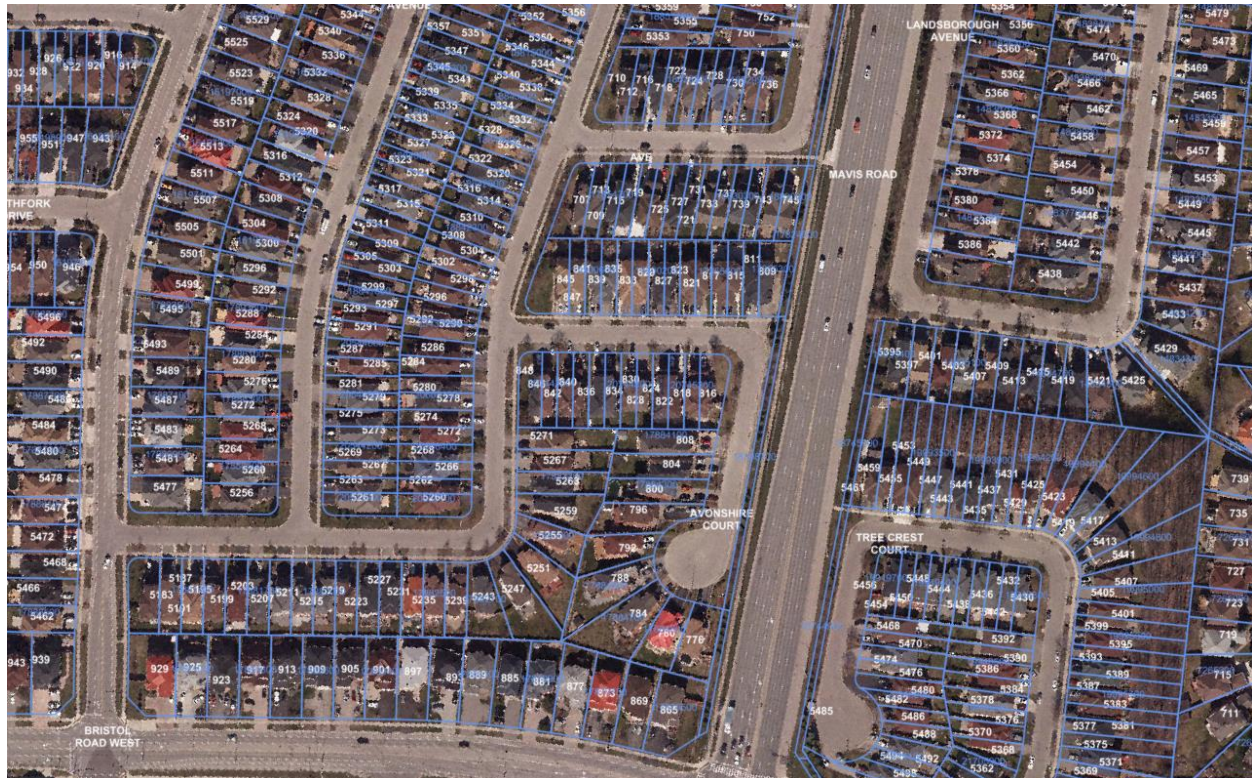
Zoning: RM5-13 - Residential

Other Applications: SU 21-4944

Site and Area Context

The subject property is located north-west of the Mavis Road and Bristol Road West intersection in the East Credit neighbourhood. The property contains a 2-storey semi-detached dwelling with an attached garage and minimal vegetation and landscaping elements in both the front and rear yards. The surrounding context includes both detached and semi-detached dwellings with attached garages.

The applicant is proposing a below grade entrance in the rear yard requiring a variance for the setback to the 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 in the East Credit Neighbourhood Character Area and is designated Residential Medium Density in Schedule 10 of the Mississauga Official Plan (MOP). 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 rear yard and will not be visible from the street. 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 is maintained as well as access to the rear yard is upheld. The proposal is for a below grade staircase to access a second unit entrance which creates no impacts on massing or separation between structures. Furthermore the staircase in no way restricts access to the rear yard via the unattached side of the dwelling and Transportation & Works staff have not identified any grading concerns. 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.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We are noting that the location of the proposed below grade entrance directly behind the dwelling and not within the side yard which contains the drainage swale will not alter the existing grading and drainage pattern for this property. The submitted Site Plan also indicates that the A/C Unit will be relocated from its current location which would have obstructed access to the rear yard.

Acknowledging that the new below grade entrance will be utilized to provide a new access to the basement, the applicant should be advised that any walkway constructed within the side yard should allow for a drainage swale to allow drainage from the rear yard to be directed out towards the front of the dwelling.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a second unit application permit under file SU-21-4944. Based on last review of the information currently available in this permit application on 2021-May-06, we advise that more information is required for the setback of the proposed stairwell in rear yard.

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: Sherri Takaloo – Zoning Examiner