

City of Mississauga Department Comments

Date Finalized: 2021-09-29	File(s): A174.21 Ward 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-10-07 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 no additional variances are required.

Application Details

The applicant requests the Committee to approve a minor variance to allow a staircase serving a below grade entrance in an exterior side yard whereas By-law 0225-2007, as amended, does not permit a staircase serving a below grade entrance in an exterior side yard in this instance.

Amendments

The applicant requests the Committee to approve a minor variance to allow a staircase serving a below grade entrance in an exterior side yard whereas By-law 0225-2007, as amended, does not permit a staircase serving a below grade entrance in an exterior side yard in this instance.

Recommended Conditions and Terms

"[Enter terms and conditions here]"

Background

Property Address: 7773 Netherwood Road

Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

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Zoning: R3-69 - Residential

Other Applications: None

Site and Area Context

The subject property is located north-east of the Airport Road and Thamesgate Drive intersection in the Malton neighbourhood. It is a corner property with a lot area of +/- 724.73m² (7,800.93ft²) and a frontage of +/- 22.8m (74.8ft). Limited landscaping elements exist in both the front and rear yard. Due to its location as a corner lot the subject property is larger than most others in the surrounding area. The area's built form consists of both detached and semi-detached dwellings, as well as industrial uses to the west of Airport Road.

The applicant is proposing a below grade entrance to service a second unit requiring a variance for its location in the exterior side yard.

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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 Malton Neighbourhood Character Area and is designated Residential Low Density II 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 applicant is proposing a secondary unit within a permitted dwelling. Staff note that the entrance is appropriately screened from the streetscape by the existing privacy fence and is compatible with the surrounding context. Staff are satisfied that the general intent and purpose of the Official Plan are maintained.

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

The intent of the regulations surrounding second unit entrances are to ensure that the entrances do not negatively impact the overall streetscape. In this instance the applicant has located the entrance behind the existing fence which appropriately screens the stairwell from both the front and exterior side yards. Staff are satisfied that any negative impact to the streetscape has been appropriately mitigated by the design and that the general intent and purpose of the Zoning By-law have been maintained.

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

Staff are satisfied that the application is minor in nature. The proposed entrance is well screened and will not have significant impacts on the streetscape. Furthermore the addition of a permitted second unit represents appropriate development of the subject lands.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

"[Enter T&W staff comments]"

Comments Prepared by: [Click here to insert name, title...](#)

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.

From a cursory review, the variance may be amended to the following:

1. The applicant requests the Committee to approve a minor variance to allow a staircase serving a below grade entrance in an exterior side yard whereas By-law 0225-2007, as amended, does not permit a staircase serving a below grade entrance in an exterior side yard in this instance.

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

Appendix 3 – Parks, Forestry & Environment

"[Enter Community Services staff comments]"

Comments Prepared by: [Click here to insert name, title...](#)

Appendix 4 – Heritage

"[Enter Community Services staff comments]"

Comments Prepared by: [Click here to insert name, title...](#)