

City of Mississauga Department Comments

Date Finalized: 2021-09-29	File(s): A391.21 Ward 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-10-07 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred to allow the applicant to redesign/relocate the proposed entrance.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a below grade entrance proposing a side yard of 0.06m (approx. 0.20ft) whereas By-law 0225-2007, as amended, requires a side yard of 1.20m (approx. 3.93ft) in this instance.

Background

Property Address: 923 Brass Winds Place

Mississauga Official Plan

Character Area: Meadowvale Village Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R10-1 - Residential

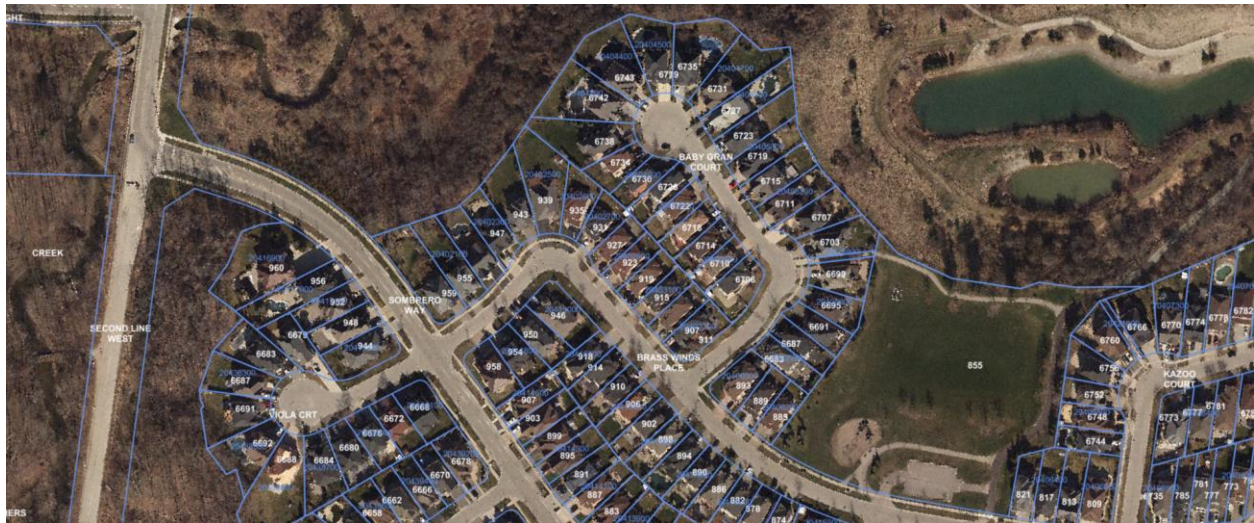
Other Applications: None

Site and Area Context

The subject property is located north-east of the Second Line West and Sombrero Way intersection in the Meadowvale Village neighbourhood. Currently the property contains a two storey detached dwelling with an attached garage, and limited landscape elements in both the

front and rear yards. Brass Winds Place consists exclusively of detached dwellings, however semi-detached dwellings are present in the larger context.

The applicant is proposing stairs to service a below grade entrance requiring a variance for the side yard setback to the stairs.



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:

The subject property is located in the Meadowvale Village 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 sole variance requested is for a reduction in the side yard measured to the stairs servicing a below grade entrance. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between properties, that access to the rear yard ultimately remains unencumbered, and that appropriate drainage can be provided. While access to the rear yard is

maintained via the other side of the detached dwelling, Transportation & Works staff have raised drainage concerns due to the reduced side yard. Planning staff are therefore of the opinion that the proposal, in its current form, does not maintain the general intent and purpose of the Zoning By-law and will have impacts that are not minor in nature.

Furthermore staff note that the existing driveway does not appear to comply with the Zoning By-law. The applicant may wish to add the driveway to the application in order to legalize it if it does not comply with the Zoning By-law. Staff note that they would be unable to support the driveway in its current form.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committee's reference are photos which depict the area where the below grade entrance is being proposed. We note that the Grading Plan approved for this property for (Lot#10 Plan M1474, Grading Plan C-38776 by Rand Engineering) depicts a rear to front drainage pattern meaning drainage from the rear yard was designed to be directed to the front via side yard swale. A reduction in side yard setback to 0.06M (approx. 0.20 ft.) whereas 1.20M is required does not allow for a functional drainage swale between the properties which would result in most of the drainage being directed onto the adjacent property.

It should also be questioned if access to the rear yard will be an issue with a 0.06M setback to the property line should a fence be constructed between the properties.







Comments Prepared by: Tony Iacobucci, 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 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