

# City of Mississauga Department Comments

Date Finalized: 2021-10-13	File(s): A398.21 Ward 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-10-21 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 the construction of a basement entrance proposing a side yard measured to below grade stairs of 0.70m (approx. 2.30ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to below grade stairs of 1.20m (approx. 3.93ft) in this instance.

## Background

**Property Address:** 7626 Almadale Court

### Mississauga Official Plan

Character Area: Malton Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

**Zoning:** R3-69 - Residential

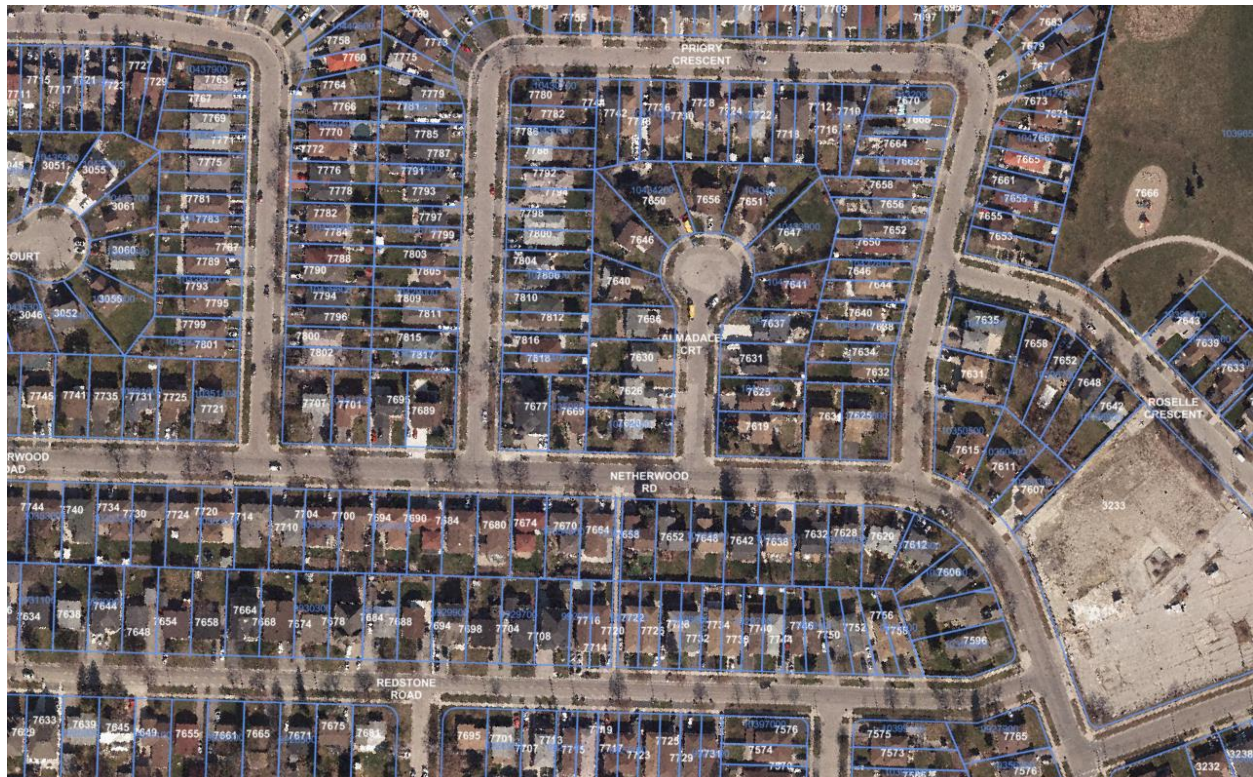
**Other Applications:** None

### Site and Area Context

The subject property is located north-east of the Airport Road and Thamesgate Drive intersection in the Malton Neighbourhood. It currently contains a two storey detached dwelling

with an attached garage and limited landscape elements in both the front and rear yards. Almadale Court consists exclusively of detached dwellings, however semi-detached dwellings are present in the larger area context. The subject property has a frontage of +/- 15.24m (50ft) and an area of +/- 580.6m<sup>2</sup> (6,250ft<sup>2</sup>).

The applicant is proposing to construct 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:

**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). 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. Staff are satisfied that the proposal is compatible with the existing site conditions and surrounding area context. It will have no impact on the streetscape and 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 that an appropriate buffer between structures on abutting properties is maintained as well as ensuring appropriate access to the rear yard and appropriate drainage is preserved. The proposal is for a below grade staircase to access a side entrance into the dwelling which creates no impacts on massing or separation between structures, and preserves access to the rear yard on the other side of the dwelling. Furthermore Transportation & Works staff have raised no drainage concerns regarding the proposal. 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 different than the driveway shown on the drawings and seems 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

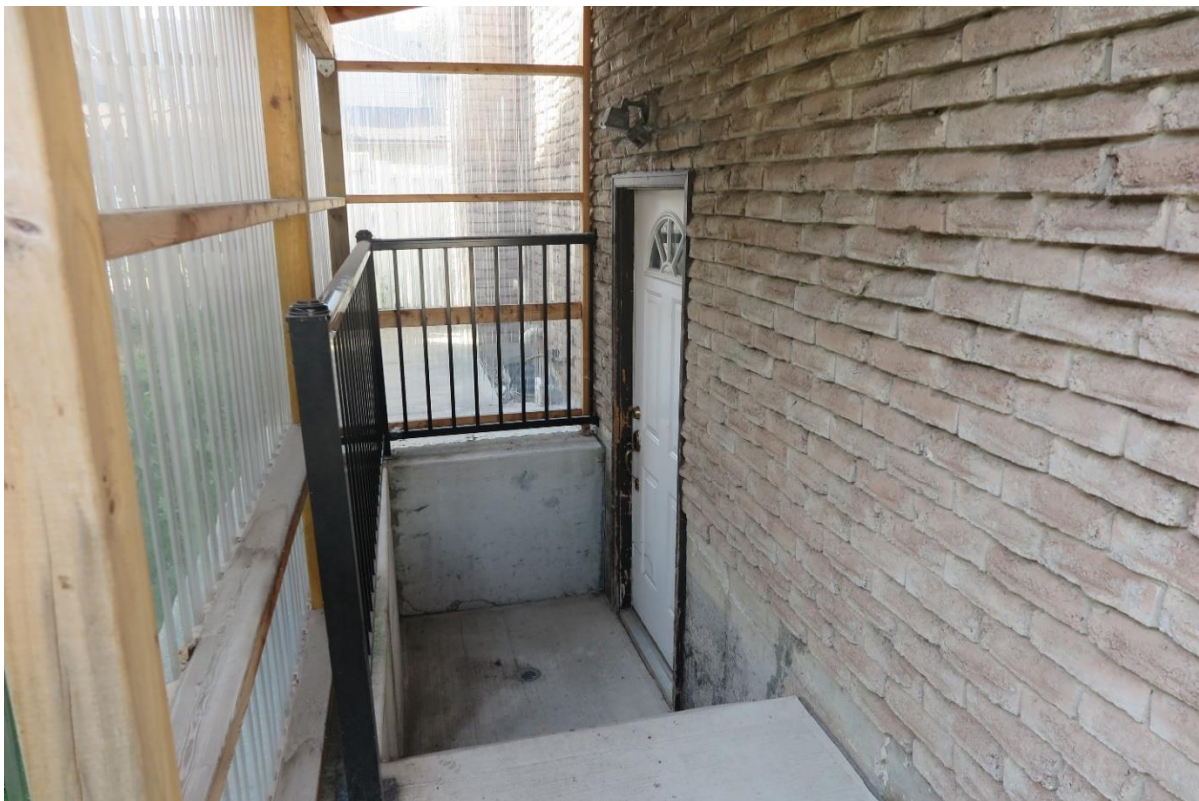


## Appendices

### Appendix 1 – Transportation and Works Comments

From our site inspection we note that both the subject and abutting property have both constructed similar below grade covered entrances. We also note that there is an adequate area between the properties to allow any drainage to be directed out towards the front. In view of the above we do not have any drainage related concerns.









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