

City of Mississauga Department Comments

Date Finalized: 2021-11-02	File(s): A422.21 Ward 10
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-11-11 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application, as requested. The applicant may wish to defer the application in order to legalize the existing driveway and hardscaping in the front yard.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a below grade entrance with an interior side yard setback of 1.17m (approx. 3.84ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.20m (approx. 3.94ft) in this instance.

Background

Property Address: 5923 Manzanillo Crescent

Mississauga Official Plan

Character Area: Churchill Meadows Neighbourhood
Designation: Residential Medium Density

Zoning By-law 0225-2007

Zoning: RM1-14 - Residential

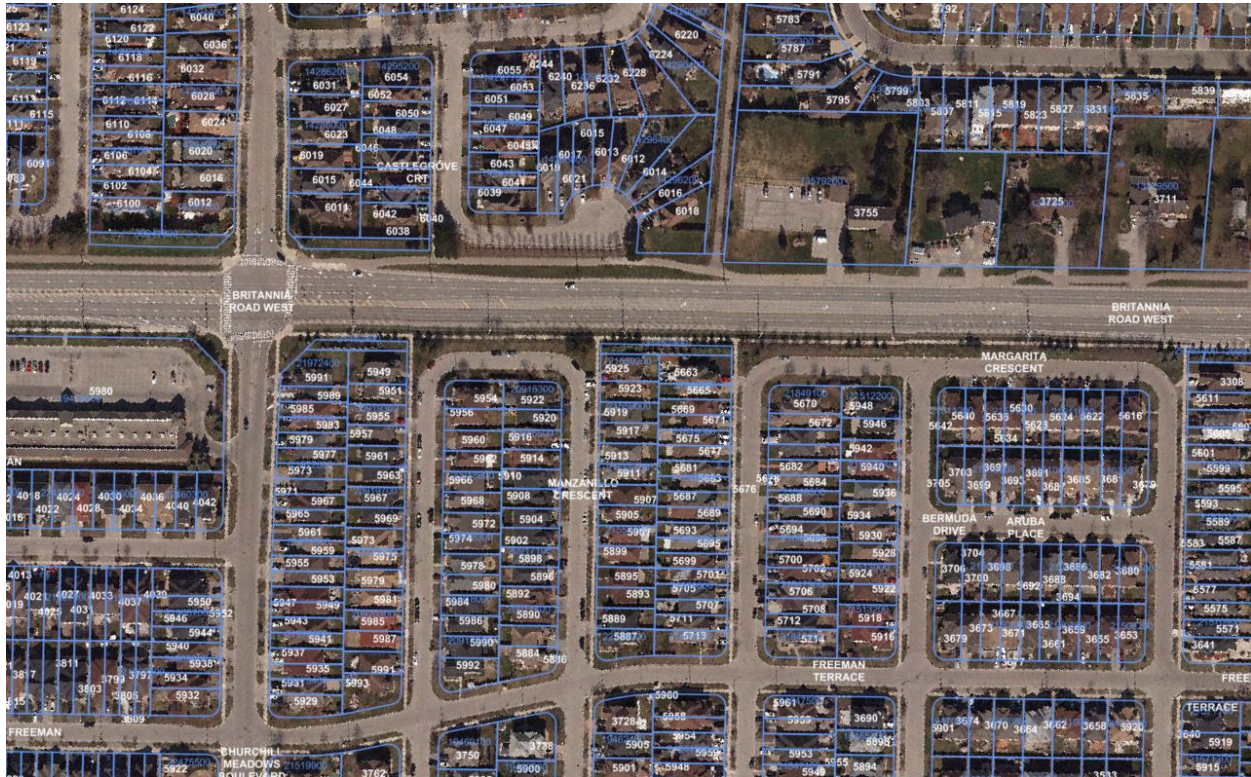
Other Applications: BP 9ALT 21-7250

Site and Area Context

The subject property is located south-east of the Britannia Road West and Churchill Meadows Boulevard intersection in the Churchill Meadows neighbourhood. It currently contains a semi-detached dwelling with an attached garage. There are limited vegetation and landscaping

elements in both the front and rear yards. Manzanillo Crescent contains exclusively semi-detached dwellings, however detached dwellings are present in the larger context.

The applicant is proposing a below grade entrance requiring a variance for side yard setback.



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 Churchill Meadows 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. Staff are satisfied that the side yard reduction

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. The proposal creates no massing impacts or separation issues between structures while preserving access to the rear yard. Furthermore Transportation & Works staff have raised no significant drainage concerns regarding the proposed entrance. 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. The side entrance does not impact the streetscape and circulation around the exterior of the dwelling is maintained.

Notwithstanding the above comments on the requested variance, a site visit to the property has revealed that the existing driveway appears different than the driveway shown on the drawings. Staff note that the width of the driveway appears to be larger than is permitted under the Zoning By-law. Staff have concerns with the existing width of the driveway and its impact on the streetscape, however are unable to comment if the driveway meets the four tests of a minor variance without confirmation of the width and an appropriate Site Plan. As such the applicant may wish to defer the application at this time to resubmit the application with any additional necessary variances and an updated drawing for review.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Should Committee see merit in the applicant's request we would recommend that the existing drainage pattern in the area of the proposed side stairwell be maintained. We note that the stairwell is being proposed in an area of the property where there will still be an adequate area to maintain a drainage swale and not alter the existing drainage pattern.



Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file BP 9ALT 21-7250. Based on review of the information currently available in this permit application, the variances, as requested are correct.

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: Alana Zheng, Zoning Examiner