

City of Mississauga Department Comments

Date Finalized: 2021-11-17	File(s): A475.21 Ward 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-11-25 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 a below grade entrance proposing:

1. A stairwell to facilitate an entrance below grade in an exterior side yard, whereas By-law 0225-2007, as amended, does not permit a stairwell to facilitate an entrance below grade in an exterior side yard in this instance;
2. An exterior side yard setback of 2.21m (approx. 7.25ft) whereas By-law 0225-2007, as amended, requires a minimum exterior yard setback of 4.50m (approx. 14.76ft) in this instance; and
3. An exterior side yard setback of 0.84m (approx. 2.76ft) for an accessory structure whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 4.50m (approx. 14.76ft) for an accessory structure in this instance.

Background

Property Address: 3369 Testimony Square

Mississauga Official Plan

Character Area: Fairview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R4-2 - Residential

Other Applications: BP 9ALT 21-5401

Site and Area Context

The subject property is located south-west of the Confederation Parkway and Central Parkway West intersection in the Fairview neighbourhood. It is a corner property containing a detached dwelling with an attached garage. Limited landscaping/vegetation elements are present in both the front and rear yards. The surrounding context is mostly residential, consisting exclusively of detached dwellings. Parkland and a high school are present across Confederation Parkway.

The applicant is proposing to legalize a below grade entrance and shed requiring variances for the location of the stairs and setbacks.



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 Fairview 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 below grade entrance is compatible with existing site conditions and creates no impacts on the surrounding neighbourhood. Regarding the shed, accessory structures are common in the surrounding context. Staff are satisfied that the general intent and purpose of the Official Plan is maintained.

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

Variance 1 requests a below grade entrance in an exterior side yard. The intent of the zoning by-law in limiting stairs in the exterior side yard is to ensure that both the visual integrity of the streetscape is maintained, and that access to the rear yard ultimately remains unencumbered. In this instance the stairs are screened by an existing fence, preventing them from being visible from the streetscape, and are additionally located between the shed and some larger bushes. Furthermore access to the rear of the dwelling is maintained both due to the setback of the stairs and through the opposite side of the dwelling.

Variances 2 and 3 request a reduction in the exterior side yard to both the below grade entrance stairs and the shed. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between a structure's massing and the public realm. In this instance the stairs create no massing concerns as they are below grade. The shed is located behind the fence and no additional variances for height or size have been requested. Staff are satisfied that the impacts to the public realm are minimal in this instance due to the fence and the orientation of the shed.

Given the above, staff are satisfied that the general intent and purpose of the Zoning By-law is maintained.

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

The below grade entrance is appropriately screened from the streetscape by the existing privacy fence, and the shed does not create any significant impacts on abutting properties. The shed is located behind the fence and does not require additional variances for height or size. Staff are therefore satisfied that the application represents appropriate development of the subject lands and is minor in nature.

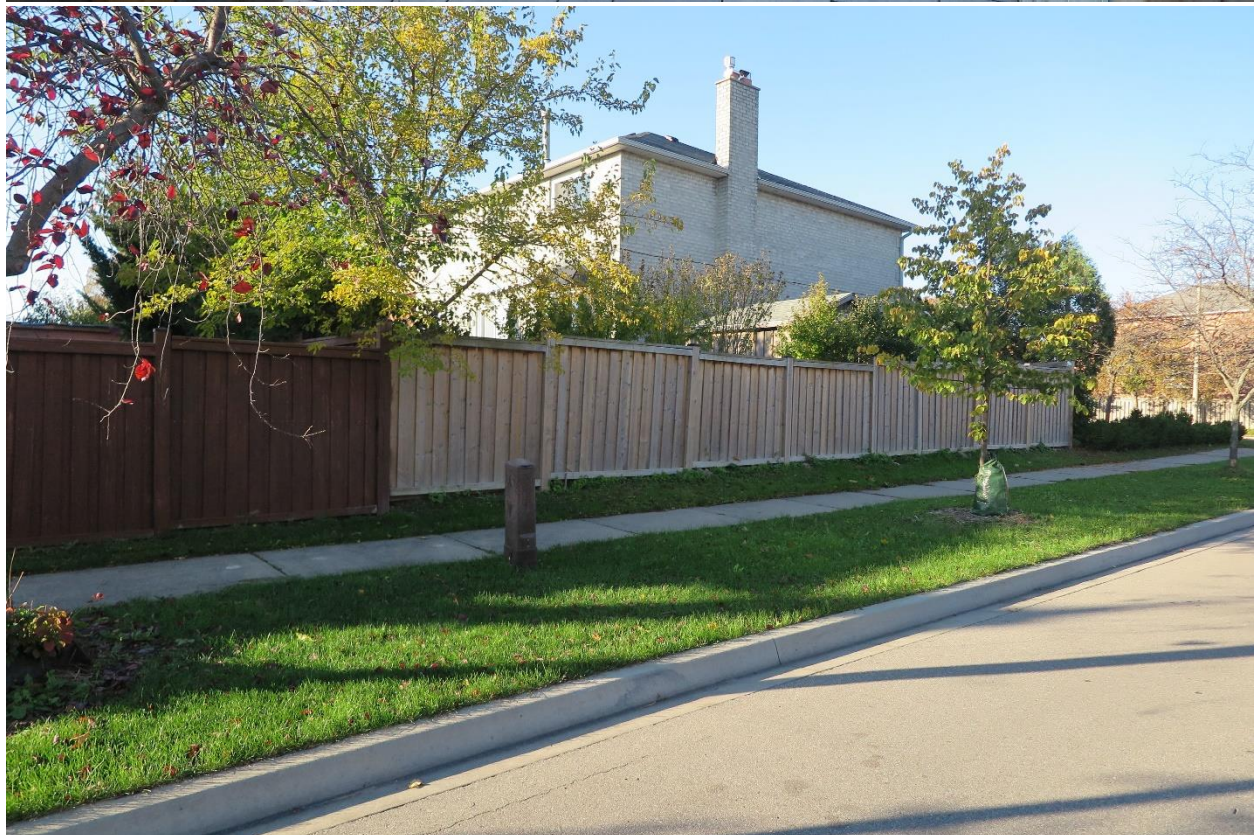
Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committee's information are some photos which depict the below grade entrance and accessory structure. Acknowledging that this is a corner lot, both the below grade entrance and accessory structure are located in an area where there are no drainage related concerns to any immediate abutting properties.





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 21-5401. Based on review of the information currently available in this permit application, the variances 1 and 2, as requested are correct.

However, we advise that more information is required in order to verify the accuracy of the requested variance:

3. An exterior side yard setback of 0.84m (approx. 2.76ft) for an accessory structure whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 4.50m (approx. 14.76ft) for an accessory structure in this instance.

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: Brandon Eidner, Zoning Examiner