

City of Mississauga Department Comments

Date Finalized: 2022-01-12	File(s): A575.21 Ward 9
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-01-20 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a below grade entrance to facilitate a second unit proposing:

1. A pedestrian entrance facing a street whereas By-law 0225-2007, as amended, does not permit a pedestrian entrance facing a street, a private road or a CEC - road, to facilitate a second unit; and
2. A below grade entrance in the exterior side yard whereas By-law 0225-2007, as amended, does not permit stairs, stairwells or retaining walls to facilitate an entrance below grade at any point in an exterior side yard in this instance.

Background

Property Address: 3205 Anderson Crescent

Mississauga Official Plan

Character Area: Meadowvale Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: RM1-5 - Residential

Other Applications: None

Site and Area Context

The subject property is a corner property located north-east of the Britannia Road West and Tenth Line West intersection. It contains a detached dwelling with a lot frontage of +/- 18m (59ft) and a lot area of +/- 657.49m² (7,077ft²). Some landscaping elements are present in both the front and exterior side yards. The surrounding area context is residential, consisting exclusively of detached dwellings on similarly sized lots.

The applicant is proposing a below grade entrance for a second unit, requiring variances for its location in an exterior side yard.

"[Enter air photo]"

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 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 and duplex dwellings.

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 intent of the by-law in prohibiting a below grade entrance in the exterior side yard is to prevent negative visual impact to the overall streetscape.

The proposed below grade entrance is clearly visible from the streetscape and has no screening whatsoever, in direct contradiction to the intent of the Zoning By-law. Furthermore it represents development that is inconsistent and not compatible with the surrounding area context. It is therefore the opinion of staff that the proposal does not meet the general intent or purpose of the Official Plan or Zoning By-law and is not minor or appropriate. Staff recommend that the application be deferred to allow the applicant to relocate the proposed entrance.

In addition to the above comments on the requested variance, a review of 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 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

Enclosed are some photos of the subject property. As the subject lot this is a corner lot, this department foresees no drainage related concerns with the location of the proposed pedestrian entrance.





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