

City of Mississauga Department Comments

Date Finalized: 2022-01-12	File(s): A20.22 Ward 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-01-20 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 below grade entrance proposing:

1. A pedestrian entrance facing the street to facilitate a second unit whereas By-law 0225-2007, as amended, does not permit a pedestrian entrance facing a street to facilitate a second unit in this instance;
2. Stairs to facilitate an entrance below grade in the exterior side yard whereas By-law 0225-2007, as amended, does not permit stairs to facilitate an entrance below grade in an exterior side yard in this instance; and,
3. A setback measured from a concrete walkway to a side lot line of 0.0m whereas By-law 0225-2007, as amended, requires a minimum setback measured from a concrete walkway to a side lot line of 0.6m (approx. 2.0ft) in this instance.

Background

Property Address: 6492 Valiant Heights

Mississauga Official Plan

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

Zoning By-law 0225-2007

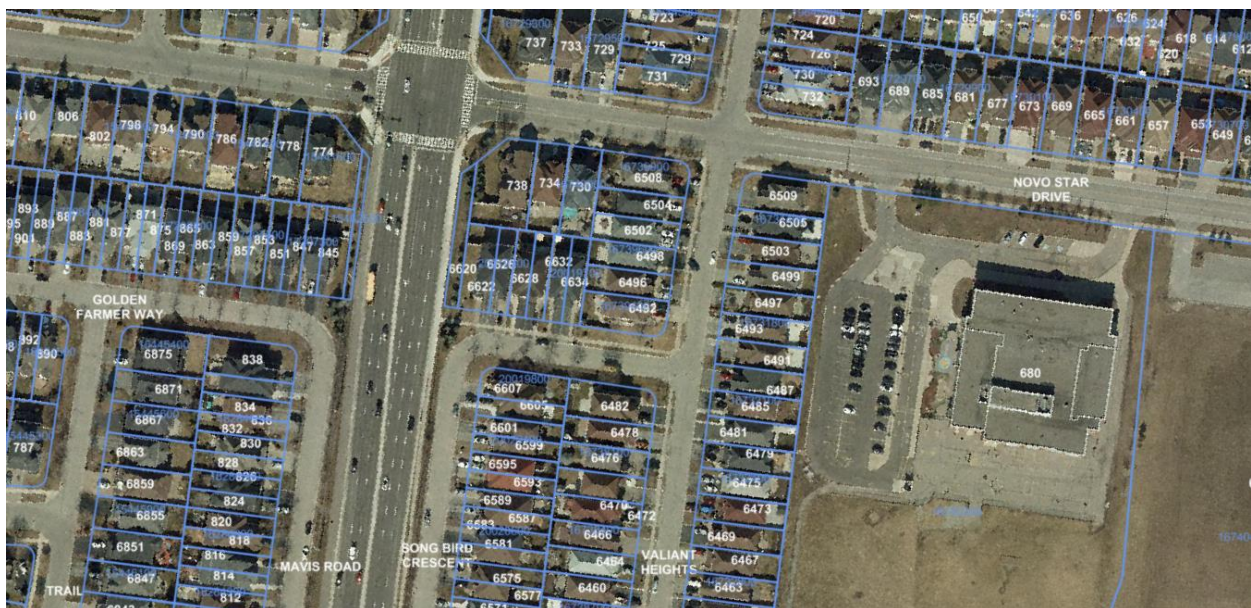
Zoning: R11-1 - Residential

Other Applications: None

Site and Area Context

The subject property is located south-east of the Mavis Road and Novo Star Drive intersection in Meadowvale Village. It is a corner property containing a detached dwelling with a lot frontage of +/- 13.67m (44.85ft) and a lot area of +/- 427m² (4,596ft²). Limited landscaping and vegetation elements are present in the front, rear, and exterior side yards. The surrounding area context is predominantly residential, consisting of detached dwellings on similarly sized lots and semi-detached dwellings on smaller lots.

The applicant is proposing a below grade entrance and hardscaping requiring variances for the location of the entrance and the setback to the hardscaping.



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 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. Staff are satisfied that the proposed development is compatible with the surrounding context and is appropriate for the subject property. There are no anticipated impacts to the streetscape or public realm. Staff are therefore of the opinion that the application maintains the general intent and purpose of the Official Plan.

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

Variances 1 and 2 relate to the proposed location of the below grade entrance. It is located in the property's exterior side yard and therefore faces Song Bird Crescent. 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 entrance is screened behind a fence and the entrance does not prohibit access to the rear yard and amenity area. Furthermore Planning staff note the absence of any true massing resulting from the proposal.

Variance 3 requests a reduced side yard measured to hardscaping. The intent of the regulation requiring a side yard for hardscaping is to ensure that appropriate drainage can be maintained on the subject property. Planning staff note that the proposed 0 setback is only for a portion of the lot line and that Transportation and Works have not raised any drainage related concerns.

Given the above staff are of the opinion that the application maintains the general intent and purpose of the Zoning 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 proposal represents appropriate development of the subject lands. Any impacts on abutting properties would not be significant and therefore staff are satisfied that the application is minor in nature.

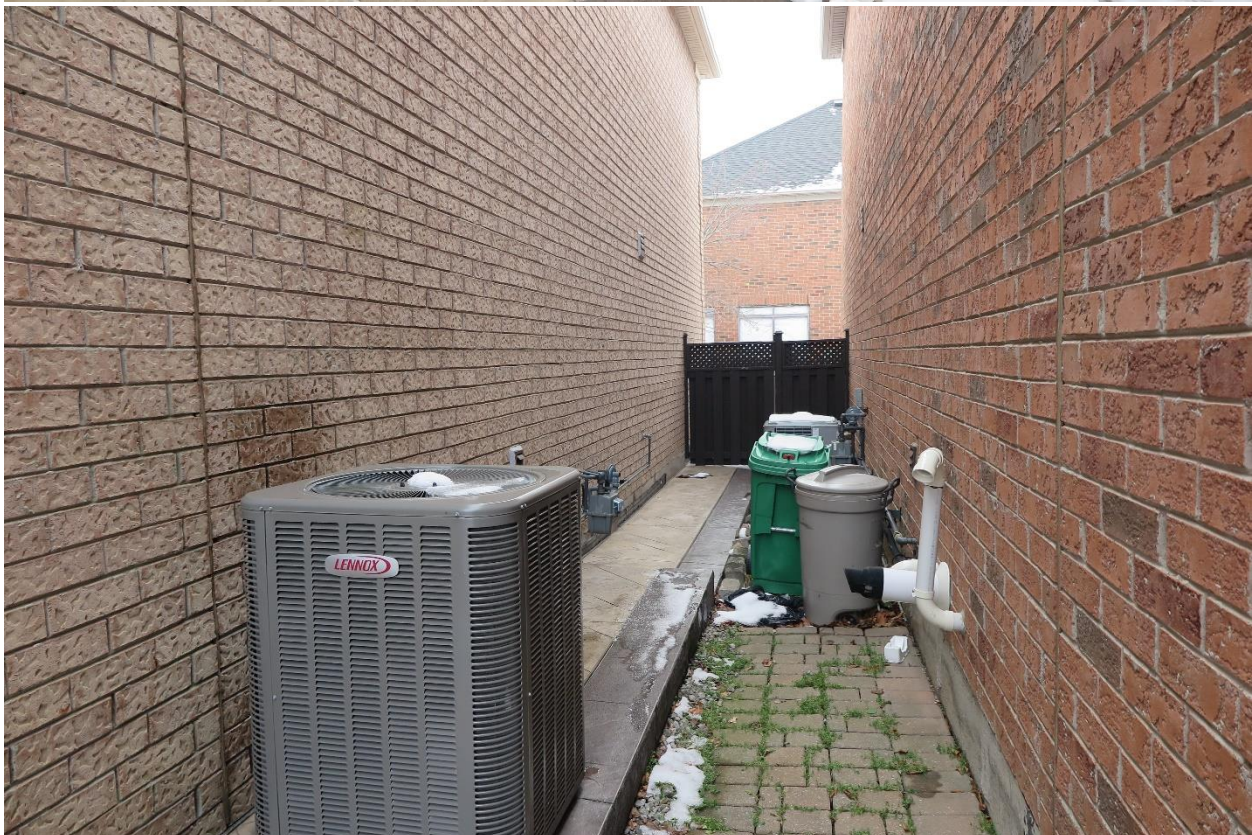
Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

As the subject lot this is a corner lot, this department foresees no drainage related concerns with the location of the proposed pedestrian entrance. With regards to Variance #3, we note that this property has a split drainage pattern and the drainage should not be impeded by the walkway.





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