

City of Mississauga Department Comments

Date Finalized: 2022-01-19	File(s): A17.22 Ward 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-01-27 1:00:00 PM

Consolidated Recommendation

The City has no objections to the variances, as amended. 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 stairs to facilitate an entrance below grade located 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.

Amendments

The Building Department is currently processing a building permit under file SEC UNIT 21-7260. Based on review of the information currently available in this permit application, we advise that additional variances should be added as follows:

2. A new pedestrian entrance facing a street, to facilitate a second unit, whereas By-law 0225-2007, as amended, does not permit new pedestrian entrance facing a street, to facilitate a second unit, in this instance;
3. An exterior side yard setback of 2.42m (approx. 7.94ft) measured to roof canopy, whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 4.50m (approx. 14.76ft) measured to roof canopy, in this instance;
4. An exterior side yard setback of 3.52m (approx. 11.55ft) measured to window well, whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 3.89m (approx. 12.76ft) measured to window well, in this instance.

Background

Property Address: 6147 Duford Drive

Mississauga Official Plan

Character Area: East Credit Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

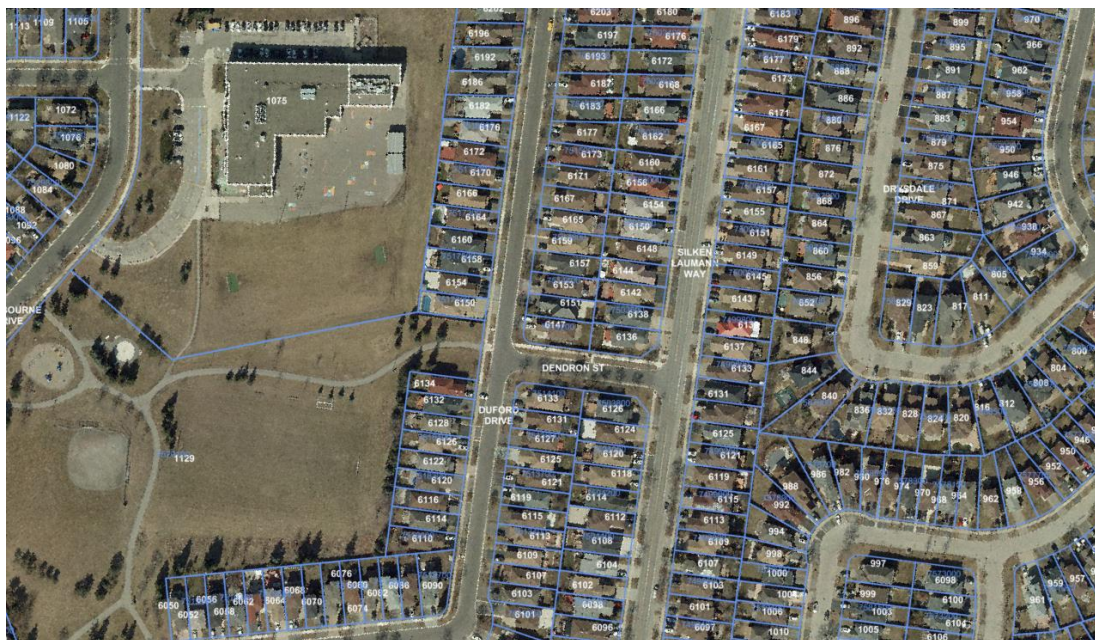
Zoning: R5-14 - Residential

Other Applications: SEC UNIT 21-7260

Site and Area Context

The subject property is located north-west of the Ivandale Drive and Silken Laumann Way intersection in the East Credit neighbourhood. It currently contains a detached two storey dwelling with an attached garage. Limited landscaping and vegetation elements are present in the front, exterior side, and rear yards. The surrounding area context is exclusively residential, consisting of detached homes on similarly sized lots. Townhouses and commercial uses are present in the larger area context.

The applicant is proposing a below grade entrance and canopy in the exterior side yard, requiring variances for the entrance location and exterior setbacks to a canopy and window well.



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 East Credit 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 does not significantly alter the existing dwelling. The development is compatible with both existing site conditions and the surrounding context, and therefore 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 & 2 relate to a below grade entrance serving a secondary unit facing a street. 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 surrounding the property and the entrance does not prevent access to the rear yard and amenity area. Furthermore Planning staff note the absence of any true massing resulting from the proposal aside from the proposed canopy, which in the opinion of staff is relatively minor in nature and does not significantly impact the streetscape.

Variances 3 & 4 relate to the exterior side yard setback to the canopy and window well. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between a structure's massing and, in this case, the public realm. Staff note that the window well causes no massing concerns as it is strictly below grade, and the canopy is relatively small in size. Staff are satisfied that these elements of the proposal pose no massing concerns to the public realm and that an appropriate buffer is maintained.

Given the above staff are of the opinion that the variances maintain 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?

Planning staff are satisfied that the proposed variances are minor in nature as impacts on the streetscape and abutting properties are limited. It is the opinion of staff that the proposal represents appropriate development of the subject property.

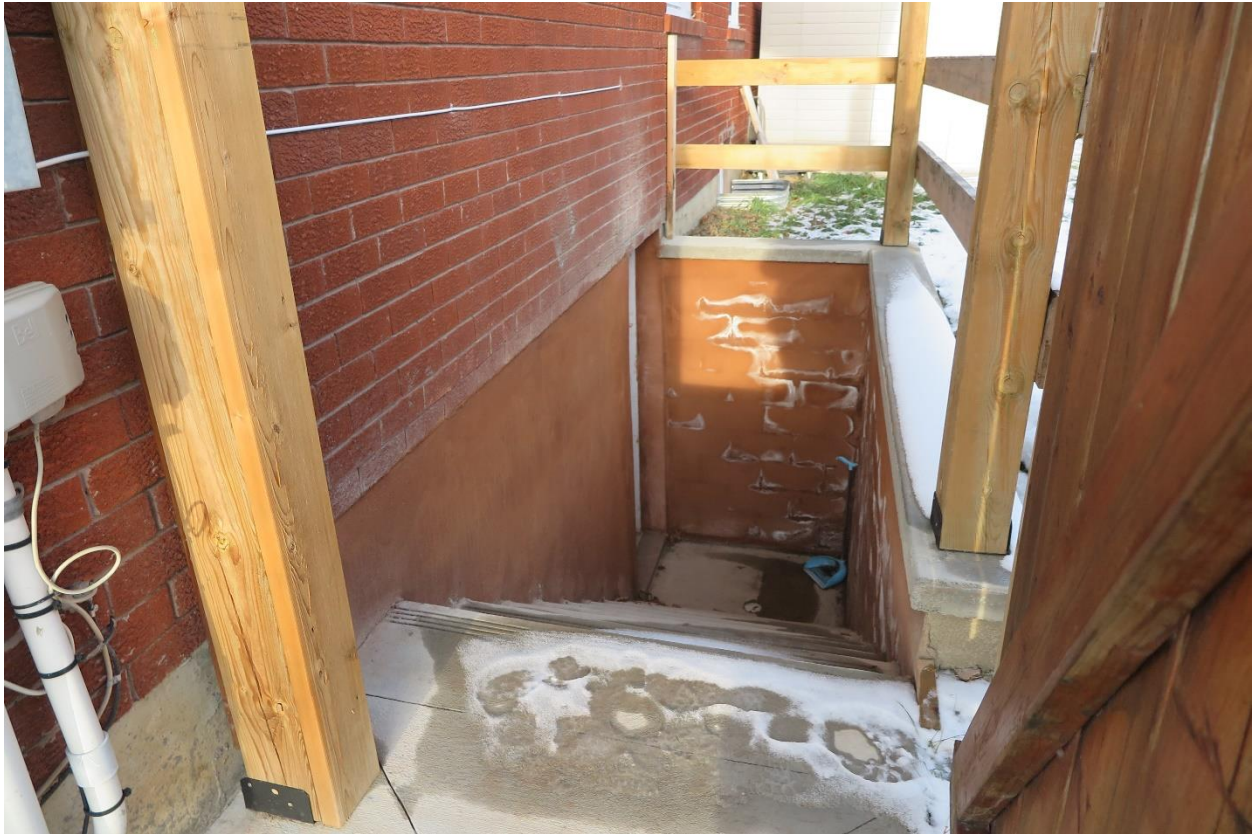
Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

As this is a corner lot, this department foresees no drainage related concerns with the location of the existing pedestrian entrance.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit under file SEC UNIT 21-7260. Based on review of the information currently available in this permit application, we advise that additional variances should be added as follows:

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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