

# City of Mississauga Department Comments

Date Finalized: 2022-02-09	File(s): A64.22 Ward 9
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-02-17 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application.

## 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 a 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; and,
2. To permit stairs, stairwells or retaining walls to facilitate an entrance below grade 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 in an exterior side yard in this instance.

## Background

**Property Address:** 5850 Tayside Crescent

### Mississauga Official Plan

Character Area: Central Erin Mills Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

**Zoning:** R5 - Residential

**Other Applications:** SEC UNIT 21-9533

### Site and Area Context

The subject property is located north-east of the Glen Erin Drive and Castlebridge Drive intersection in the Central Erin Mills neighbourhood. It is a corner lot on the interior of the curve of Tayside Drive. Limited landscaping and vegetation elements are present in the exterior side yard. The property has a lot area of +/- 719.04m<sup>2</sup> (7,740ft<sup>2</sup>), which is larger than most lots in the surrounding context. The surrounding context is exclusively residential, consisting of detached dwellings.

The applicant is proposing a below grade entrance for a secondary unit requiring a variance for the entrance location in the exterior side yard.

## 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 Central Erin Mills 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?**

The requested variances 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 inhibit access to the rear yard and amenity area. Furthermore Planning staff note the absence of any true massing resulting from the proposal and a large setback from the property line. Staff are therefore satisfied 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?**

Planning staff are of the opinion that the impacts of the proposal, to both abutting properties and the streetscape, will be minor in nature. Furthermore 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 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 currently processing a Building Permit under file SEC UNIT 21-9533. 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 submitted on 2021/11/17 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: Jeanine Benitez, Zoning Examiner