

City of Mississauga Department Comments

Date Finalized: 2022-03-02	File(s): A102.22 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-03-10 1:00:00 PM

Consolidated Recommendation

The City has no objection to the variance as requested, however, recommends that the application be deferred to permit the Applicant the opportunity to redesign the driveway.

Application Details

The applicant requests the Committee to approve a minor variance to allow an existing below grade entrance with an interior side yard setback of 0.63m (approx. 2.07ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.20m (approx. 3.94ft) in this instance.

Background

Property Address: 729 Byngmount Avenue

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-75 - Residential

Other Applications: Building Permit - Sec Unit 21-8991

Site and Area Context

The subject property is located within the Lakeview Neighbourhood Area, south-west of the Lakeshore Road East and East Avenue intersection. The immediate neighbourhood is entirely residential consisting of two-storey detached dwellings on lots with minimal vegetation in both

the front and rear yards. The subject property contains a two-storey detached dwelling with minimal vegetation in the front yard.

The applicant is proposing a below grade entrance requiring a variance for interior side yard setback.



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 within the Lakeview Neighbourhood and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). The Residential Low Density II designation permits detached 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 proposed secondary unit is permitted within this designation. As such, staff is of the opinion 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?

The general intent of this portion of the by-law is to ensure that an adequate buffer exists between the massing of primary structures on adjoining properties, and that access to the rear yard ultimately remains unencumbered. The proposed below grade entrance is located in the easterly side yard. The property abutting the subject property to the east contains two residential apartment buildings that are significantly setback from the shared property line. Furthermore, a large amount of open space and mature vegetation is located on the adjacent property to the east, providing a natural buffer between the proposed below grade entrance and the apartment buildings.

Access to the rear yard is maintained from the westerly side yard, where a side yard setback of 1.81m (5.94ft) to 2.76m (9.06ft) is provided. As such, staff is of the opinion that the requested variance maintains the general intent and purpose of the zoning by-law.

Planning Staff note that additional variances may be required for an existing widened driveway. Staff do not support these additional variances and recommend the application be deferred to permit the Applicant the opportunity to redesign the driveway.

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

The proposed secondary unit entrance will not adversely impact the neighbouring property or encumber access to the rear yard of the subject property. Planning Staff are of the opinion that this application represents the orderly development of the lands, and is minor in nature.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committees information are photos depicting the existing below grade entrance. The existing entrance does not seem to impose any drainage concerns.





Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file SEC UNIT 21-8991. Based on review of the information currently available in this permit application, the variance, as requested is correct.

In addition, there appears to be a minor variance required for the driveway width of 7.62 m whereas By-law 0225-2007, as amended, requires a maximum driveway width of 6.0 m 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: Maria Fernandez, Zoning Examiner