

City of Mississauga Department Comments

Date Finalized: 2022-03-16	File(s): A121.22 Ward 6
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-03-24 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 an existing below grade entrance proposing 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.

Amendments

We advise that the variance(s) should be amended as follows:

1. A new pedestrian door facing Ajax Gate to facilitate a second unit; whereas By-law 0225-2007, as amended, does not permit a new pedestrian entrance facing a street, a private road or a CEC - road, to facilitate a second unit in this instance.
2. Stairwell to facilitate a below grade entrance to a second unit 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 the exterior side yard.

Background

Property Address: 1069 Windbrook Grove

Mississauga Official Plan

Character Area: East Credit Neighbourhood

Designation: Residential Medium Density

Zoning By-law 0225-2007

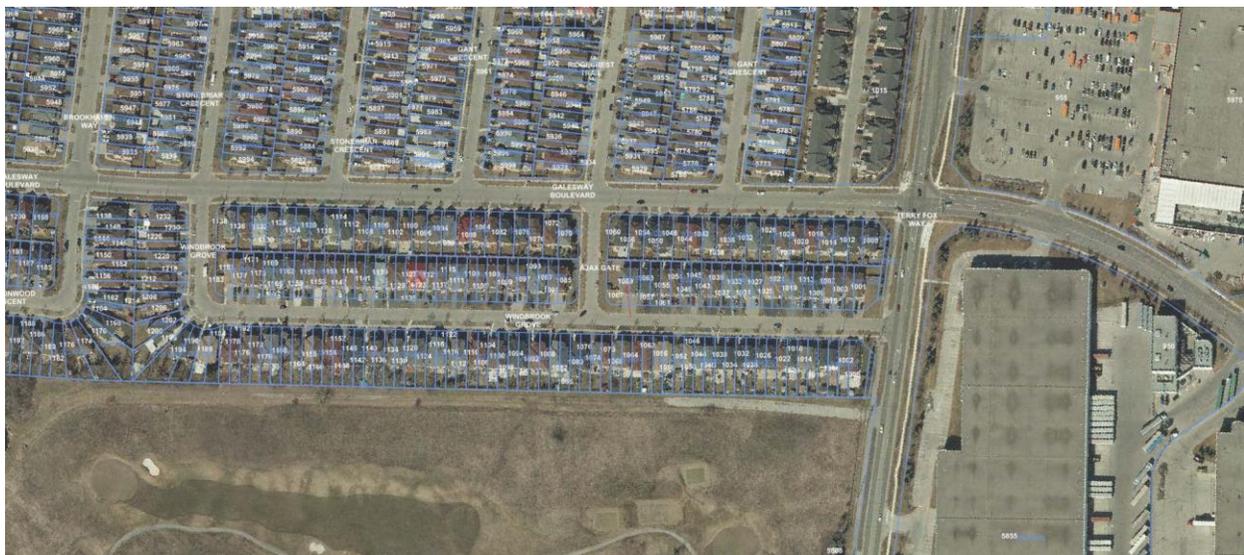
Zoning: RM5-13 - Residential

Other Applications: SEC UNIT 21-8766

Site and Area Context

The subject property is located south-west of the Britannia Road West and Terry Fox Way intersection in the East Credit neighbourhood. It currently contains a two-storey semi-detached dwelling with an attached garage. The property has a lot area of +/- 456.28m² (4,911.4ft²) and a lot frontage of +/- 15.5m (50.9ft). Limited landscaping and vegetation elements are present in both the front and exterior side yards. The surrounding area context includes residential uses that include detached and semi-detached dwellings, as well as industrial uses further east and Brae Ben golf course further south.

The applicant is proposing a below grade entrance facing a street requiring a variance for its 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 East Credit Neighbourhood Character Area and is designated Residential Medium Density in Schedule 10 of the Mississauga Official Plan (MOP). 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 variance relates to a below grade entrance serving a secondary unit facing a street. Zoning staff have identified an additional variance for the stairs to be located in the exterior side yard. 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 this is a corner lot and noting the location of the constructed below grade entrance, this department foresees and has no drainage related concerns with the request.





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 21-8766. Based on review of the information currently available in this permit application, we advise that the variance(s) should be amended as follows:

1. A new pedestrian door facing Ajax Gate to facilitate a second unit; whereas By-law 0225-2007, as amended, does not permit a new pedestrian entrance facing a street, a private road or a CEC - road, to facilitate a second unit in this instance.
2. Stairwell to facilitate a below grade entrance to a second unit 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 the exterior side yard.

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