

City of Mississauga Department Comments

Date Finalized: 2022-03-23	File(s): A163.22 Ward 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-03-31 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a below grade entrance proposing an exterior side yard setback of 5.38m (approx. 17.65ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 6.00m (approx. 19.69ft) in this instance.

Amendments

We advise that the variances should be amended as follows:

1. An exterior side yard setback of 5.21 m to a proposed addition, whereas Zoning By-law 0225-2007, as amended, requires a minimum of 6.00m, in this instance.

Background

Property Address: 7420 Moodie Crt

Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: RM1 - Residential

Other Applications: SEC UNIT 21-5137**Site and Area Context**

The subject property is a corner lot, located on the north-west corner of the Moodie Court and Redstone Road intersection. It currently contains a back split semi-detached dwelling and has a lot area of +/- 480.49m² (5,172ft²). Limited landscaping and vegetation elements are present in both the front and exterior side yards. The surrounding area context is predominantly residential, consisting of a mix of detached and semi-detached dwellings, with parkland located to the rear of the property and educational uses in close proximity.

The applicant is proposing a second unit entrance requiring a variance for the exterior 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:

The subject property is located in the Malton 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, and duplex 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.

While Planning staff have no concerns with the proposed setback itself, staff note that the proposed door leading to the enclosed stairs faces the same direction as the main entrance for the principle dwelling. This creates a considerable impact to the streetscape that staff cannot support and does not maintain the character of the surrounding context. Furthermore this condition may trigger an additional variance to Section 4.1.20.7 of the Zoning By-law.

Staff therefore recommend that the application be deferred in order to allow the applicant to confirm the required variances and either appropriately screen or relocate the proposed entrance.

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 and the below grade entrance is being proposed in an area which will not impact the existing drainage pattern or any of the adjacent properties, we have no drainage related concerns.





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 21-5137. Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

1. An exterior side yard setback of 5.21 m to a proposed addition, whereas Zoning By-law 0225-2007, as amended, requires a minimum of 6.00m, in this instance.

We also advise that more information is required in order to determine whether additional variance(s) will be required.

Please note that comments reflect those provided through the above permit application submitted on 2022/02/02 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

Appendix 3 – Parks, Forestry, and Environment

The Park Planning Section of the Community Services Department has no objections to the minor variance application and advises as follows:

1. The lands to the rear of the subject property are owned by the City of Mississauga, known as Marvin Heights (P-033).
2. Construction access from the park is not permitted.
3. Stockpiling of construction materials and encroachment in the adjacent park is not permitted.

Should further information be required, please contact Jim Greenfield, Park Planner, Community Services Department at 905-615-3200 ext. 8538 or via email jim.greenfield@mississauga.ca

Comments Prepared by: Jim Greenfield, Park Planner