

City of Mississauga Department Comments

Date Finalized: 2022-04-13	File(s): A142.22 Ward 6
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-04-21 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application in order 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 an existing below-grade entrance with:

1. Stairs to facilitate an entrance below-grade 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; and,
2. An exterior side yard setback of 2.28m (approx. 7.48ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 3.50m (approx. 11.48ft) in this instance.

Background

Property Address: 1150 Sawgrass Crescent

Mississauga Official Plan

Character Area: Creditview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: RM2-35 - Residential

Other Applications: None

Site and Area Context

The subject property is located north-east of the Rathburn Road West and Deer Run intersection in the Creditview neighbourhood. It is bordered by Rathburn Road West to the south, Deer Run to the west, and Sawgrass Crescent to the north. Currently the property contains a detached dwelling with some vegetative elements in the front and exterior side yards. The surrounding area consists of both open space and residential uses, with the residential built form including both detached and semi-detached dwellings.

The applicant is proposing a below grade entrance requiring variances for the location and 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:

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject property is located in the Creditview 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 to be compatible with the existing site conditions, the surrounding context, and the landscape of the character area. Planning staff are of the opinion that the proposed below grade entrance is appropriately located on the subject property and will not create any impacts to the surrounding context. Staff are therefore satisfied 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?

Variance 1 requests stairs to facilitate a below grade entrance within an exterior side yard. The intent of this provision is to limit the visual impact of second entrances on streetscapes. Staff are satisfied that the entrance is appropriately located near the rear of the dwelling and that the existing fence provides adequate screening to prevent any detrimental impacts to the streetscape.

Variance 2 requests a reduced exterior side yard setback measured to the proposed addition. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between a structure's massing and the public realm. Staff note that the proposed entrance creates no additional massing and are satisfied that there will be no additional impact to the public realm above the existing condition.

Given the above, Planning staff are of the opinion that the general intent and purpose of the zoning by-law are maintained.

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 on both the streetscape and abutting properties are minor in nature in this instance. Furthermore the proposal represents appropriate development of the subject property at an appropriate scale and intensity of use.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

As this is a corner lot and the below grade entrance has been constructed 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 not in receipt of any permit applications at this time and the applicant is advised that a zoning review has not been completed. We are unable to confirm the accuracy of the requested variance(s) or determine whether additional variance(s) may be required.

Furthermore, we note that a Building Permit is required.

The applicant is advised that a completed zoning review may identify additional instances of zoning non-compliance. The applicant may consider applying for a preliminary zoning review application and submit working drawings for a detailed zoning review to be completed. A minimum of 6-8 weeks will be required to process a preliminary zoning review application depending on the complexity of the proposal and the detail of the information submitted.

Comments Prepared by: Brandon Eidner, Zoning Examiner