

City of Mississauga Department Comments

Date Finalized: 2022-04-20	File(s): A206.22 Ward 8
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-04-28 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be refused.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a below grade entrance with an exterior side yard setback of 0.10m (approx. 0.33ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 1.20m (approx. 3.94ft) in this instance.

Background

Property Address: 3471 Chartrand Cres

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R5 - Residential

Other Applications: Building Permit under file SEC UNIT 22-120.

Site and Area Context

The subject property is located within the Erin Mills Neighbourhood Character Area, southeast of Ridgeway Drive and the Queen Elizabeth Way. The subject property backs onto Ridgeway Drive. The immediate neighbourhood is entirely residential, consisting of two-storey detached

dwelling on lots with mature vegetation in the front yards. The subject property contains a two-storey detached dwelling with vegetation in the front yard.

The applicant is proposing a below grade entrance requiring a variance for a 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 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, triplex and street house 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. Staff are concerned that the proposed side yard setback is not appropriate or compatible with the existing and surrounding context of the character area. As such, staff is of the opinion that the proposal does not maintain the general intent and purpose of the official plan.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

The applicant is proposing a 0.10m (0.33ft) exterior side yard setback where a minimum 1.20m (3.94ft) is required. Zoning staff cannot confirm the accuracy of the requested variance and have requested additional information from the applicant. Planning staff are of the opinion that the subject property is an interior (not exterior) lot; therefore, the requested variance is incorrect.

The general intent of interior side yard setback requirements are 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. Staff has no concerns regarding the proposal as it relates to providing an adequate buffer between the massing of primary structures on adjoining properties. However, according to Transportation and Works (T&W) staff, the proposal for a basement entrance in the side yard will prevent the ability to provide the space required to accommodate a required drainage swale and therefore redirect the surface drainage onto the neighbouring lot. T&W staff has also identified concerns with rear yard access, as the proposed setback will encumber the owner's ability to access to the rear yard. Furthermore, the alternate access to the rear yard via the southerly side yard is obstructed by a structure attached to the existing dwelling. As such, staff are of the opinion that the proposal does not maintain 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?

Staff are of the opinion that the variance requested does not represent appropriate development of the subject lands. Furthermore, the variance appears to be inaccurate, cannot be considered minor in nature, and will obstruct access to the rear yard and have undue impacts on the abutting property to the north.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

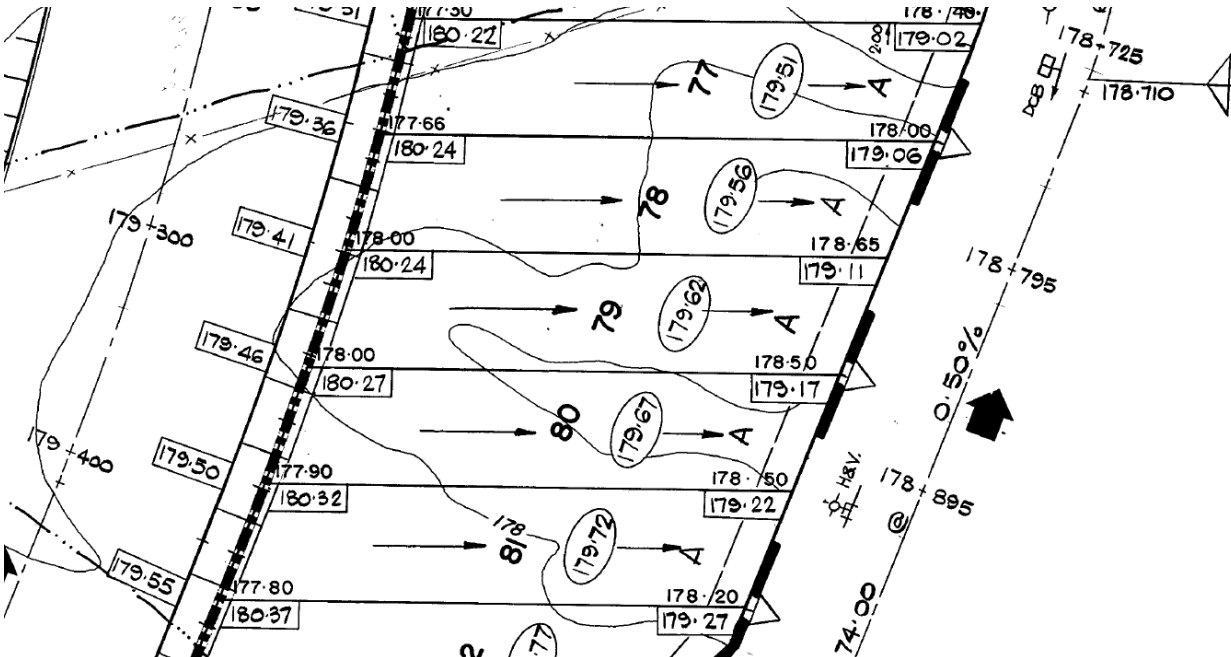
Appendix 1 – Transportation and Works Comments

Enclosed you will find pictures of the side yard area where the below grade entrance is proposed. You will also find an excerpt from the Subdivision Lot Grading Plan (C-23095) which was prepared by Proctor and Redfern Consulting Engineers for the original subdivision design. You will clearly see from the excerpt that this particular lot was designed to be a 'back to front' draining lot, meaning that all the surface drainage from the rear yard is directed to the street via the side yard swales. The proposal for a basement entrance in the side yard will eliminate the space required for the swale and therefore redirecting the surface drainage onto the neighbouring lot.

The first photo is the area where the basement entrance is proposed. In the second photo, you will also notice that on the other side of the dwelling, there is structure attached to the side wall. We question how the applicant can safely access the rear yard without having to encroach onto the neighbouring lots to access the rear yard.







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 22-120. Based on review of the information currently available in this permit application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

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: Brandon Eidner, Zoning Examiner