

# City of Mississauga Department Comments

Date Finalized: 2022-04-20	File(s): A214.22 Ward 10
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-04-28 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 above grade entrance to facilitate a second unit proposing:

1. A pedestrian entrance in the exterior yard facing a street whereas By-law 0225-2007, as amended, does not permit a pedestrian entrance in an exterior yard facing a street in this instance; and,
2. An exterior side yard setback of 3.6m (approx. 11.8ft) to the window well whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 4.0m (approx. 13.1ft) in this instance.

## Amendments

We advise that variance # 2 is not required.

## Background

**Property Address:** 3856 Passway Rd

### Mississauga Official Plan

Character Area: Lisgar Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

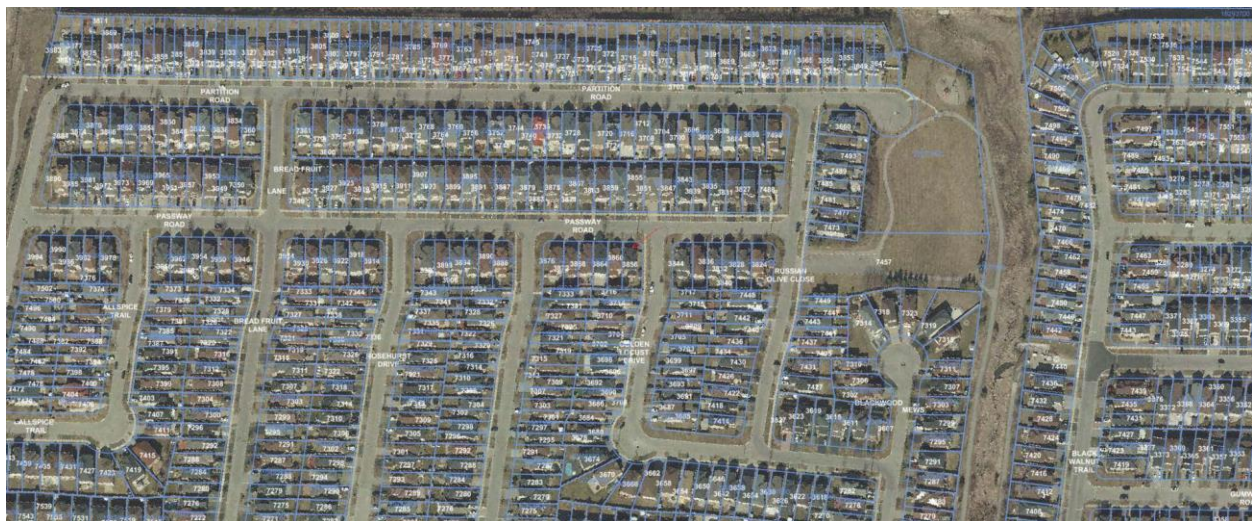
**Zoning:** R5-31 - Residential

## Other Applications: SEC UNIT 22-94

### Site and Area Context

The subject property is located north-west of the Terragar Boulevard and Black Walnut Trail intersection in the Lisgar neighbourhood. It currently contains a two-storey detached dwelling with a lot frontage of +/- 13.5m (44.3ft) and a lot area of +/- 426.3m<sup>2</sup> (4,588.7ft<sup>2</sup>). Limited landscaping and vegetative elements are present in both the front and exterior side yards. The surrounding area context is exclusively residential, consisting of detached dwellings on similarly sized lots and semi-detached dwellings on smaller lots.

The applicant is proposing a secondary unit on the subject property requiring variances for entrance 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 Lisgar Neighbourhood Character Area and is designated Residential Low Density II 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. The proposed entrance and window well will be nearly imperceptible from the streetscape and will have no impact on the surrounding context. Furthermore the entrance and window well are appropriately situated on the site given existing conditions. Staff are therefore satisfied that the general intent and purpose of the official plan are maintained.

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

Variance 1 relates to a second unit entrance facing a street. The intent of this portion of the by-law is to prevent negative visual impact to the overall streetscape. In this instance the entrance is located behind the existing privacy fence, limiting the impact of the entrance to the streetscape. Staff further note that the second unit entrance is at grade, lending to the appearance of the door as a legal side entrance for the main dwelling.

Zoning staff have identified that variance 2 is not required.

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.

Notwithstanding the above comments on the requested variance, a review of the property has revealed that the existing shed does not appear to meet the requirements under the Zoning By-law. Staff are unable to comment if the shed meets the four tests of a minor variance without confirmation of the size and setbacks. As such the applicant may wish to defer the application at this time to resubmit the application with any additional necessary variances and an updated drawing for review.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

As this is a corner lot and the above 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 currently processing a Building Permit under file SEC UNIT 22-94. Based on review of the information currently available in this permit application, variance # 1 as requested is correct.

Furthermore, we advise that variance # 2 is not 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: Maria Fernandez, Zoning Examiner

## **Appendix 3 – Region of Peel**

Development Engineering: Camila Marczuk (905) 791-7800 x8230

**Comments:** Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. All works associated with the servicing of this site will be at the applicant's expense. For more information, please contact Servicing Connections [at siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca)

Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Region of Peel Site Servicing connection approvals are required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections at [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca)