

# City of Mississauga Department Comments

Date Finalized: 2022-04-27	File(s): A202.22 Ward 9
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-05-05 1:00:00 PM

## Consolidated Recommendation

The City has no objections to variance 1, however the Committee of Adjustment has no jurisdiction over variance 2. The applicant may wish to defer the application 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 a below grade entrance to facilitate a second unit proposing:

1. An interior side yard setback of 0.30m (approx. 0.98ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.20m (approx. 3.94ft) in this instance; and
2. A limiting distance of 14.92% whereas By-law 0225-2007, as amended, permits a maximum limiting distance of 13.00% in this instance.

## Background

**Property Address:** 5773 Glen Erin Dr

### Mississauga Official Plan

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

### Zoning By-law 0225-2007

**Zoning:** R3-24 - Residential

**Other Applications:** SEC UNIT 22-150

## Site and Area Context

The subject property is located on the east side of Glen Erin Drive, north of the Castlebridge Drive intersection. Currently the property contains a two storey detached dwelling with an attached garage. It has a lot area of +/- 641.14m<sup>2</sup> (6,901ft<sup>2</sup>) which is common for detached dwellings along this stretch of Glen Erin Drive, but larger than detached dwelling lots in the surrounding area. The surrounding area context is primarily residential, consisting of detached and townhouse dwellings. Two schools and open space are present across Glen Erin Drive from the subject property.

The applicant is proposing a side entrance requiring variances for side yard setback and limiting distance.



## 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 Central Erin Mills 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. Staff are satisfied that the proposal is compatible with the existing site conditions and surrounding area context. It will have no impact on the streetscape and 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 intent of the side yard regulations in the by-law is to ensure that an appropriate buffer between structures on abutting properties is maintained as well as ensuring appropriate access to the rear yard and appropriate drainage is preserved. The proposed steps and side entrance create no massing impacts or separation issues between structures while preserving access to the rear yard from the other side of the dwelling. Furthermore Transportation & Works staff have raised no significant drainage concerns regarding the proposal. Staff are therefore satisfied that the request maintains the general intent and purpose of the by-law.

Regarding variance 2, staff note that limiting distance is a building code issue and not a zoning issue. The Committee of Adjustment does not have authority over the building code.

**Is the proposal desirable for the appropriate development of the subject lands and minor in nature?**

Staff are of the opinion that the side yard proposal represents appropriate development of the subject property and that the application is minor in nature. There are no impacts to the streetscape and circulation around the exterior of the dwelling is maintained.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

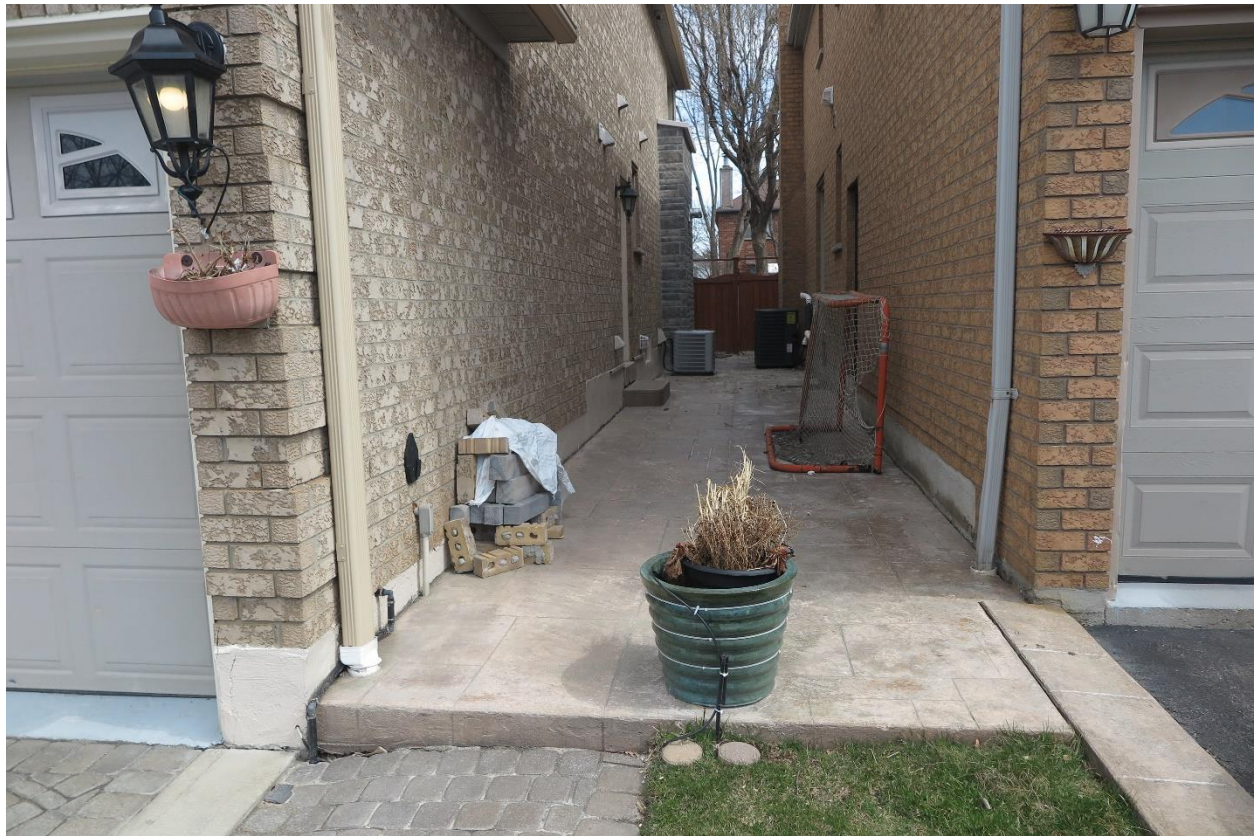
## Appendices

### Appendix 1 – Transportation and Works Comments

Information submitted indicates that the side entrance (existing) will have a 3x3 wooden floating landing and maintain a 0.3M setback, whereas a 1.2M setback is required. Typically we would have a concern with the reduction in setback as it would be difficult to maintain a drainage swale with only a 0.3M setback, however from the photos and our site inspection we note that both the subject and abutting property have constructed a concrete walkway between the dwellings in such a manner that the drainage pattern should not be impacted. In view of the above we have no objections to 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 22-150. 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

## **Appendix 3 – Region of Peel**

---

**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)

Comments Prepared by: Camila Marczuk