

City of Mississauga Department Comments

Date Finalized: 2022-05-04	File(s): A230.22 Ward 9
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-05-12 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application, subject to the condition. 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 the construction of a below grade entrance proposing:

1. A new pedestrian entrance in the exterior side yard facing the street whereas By-law 0225-2007, as amended, does not permit a new pedestrian entrance to face a street in this instance; and,
2. An exterior side yard setback of 4.87m (approx. 15.98ft) to the stairwell whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 6.00m (approx. 19.69ft) in this instance.

Recommended Conditions and Terms

A wooden privacy fence with a minimum height of 1.80m (approx. 5.91ft) shall be constructed in accordance with the site plan approved by the Committee.

Background

Property Address: 5701 Montevideo Rd

Mississauga Official Plan

Character Area: Meadowvale Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007**Zoning: R3 - Residential****Other Applications:** None**Site and Area Context**

The subject property is located on the corner of the Montevideo Road and Chaumont Crescent intersection in the Meadowvale neighbourhood. It currently contains a detached dwelling with a lot area of +/- 816.9m² (ft²). Some vegetative elements are present in the exterior side yard of the property. The surrounding area context is exclusively residential consisting of a mix of detached, semi-detached, and townhouse dwellings on varying sized lots.

The applicant is proposing to construct a below grade entrance in the exterior side yard requiring variances for its location and 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:

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

The subject property is located in the Meadowvale 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 are 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 in receipt of a site plan showing a modified fence that will screen the proposed entrance from the streetscape. Subject to the construction of this fence staff are satisfied that the impact to the streetscape will be minimal.

Variance 2 requests a reduced exterior side yard setback measured to the proposed stairwell. 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 above grade entrance will be 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

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

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

Comments Prepared By: Camila Marczuk, Development Engineering