

# City of Mississauga Department Comments

Date Finalized: 2022-05-25	File(s): A252.22 Ward 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-06-02 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application. 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 an existing below-grade entrance with an interior side yard setback (westerly) of 0.46m (approx. 1.51ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.20m (approx. 3.94ft) in this instance.

## Background

**Property Address:** 4224 Brandon Gate Dr

### Mississauga Official Plan

Character Area: Malton Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

**Zoning:** R4-64 - Residential

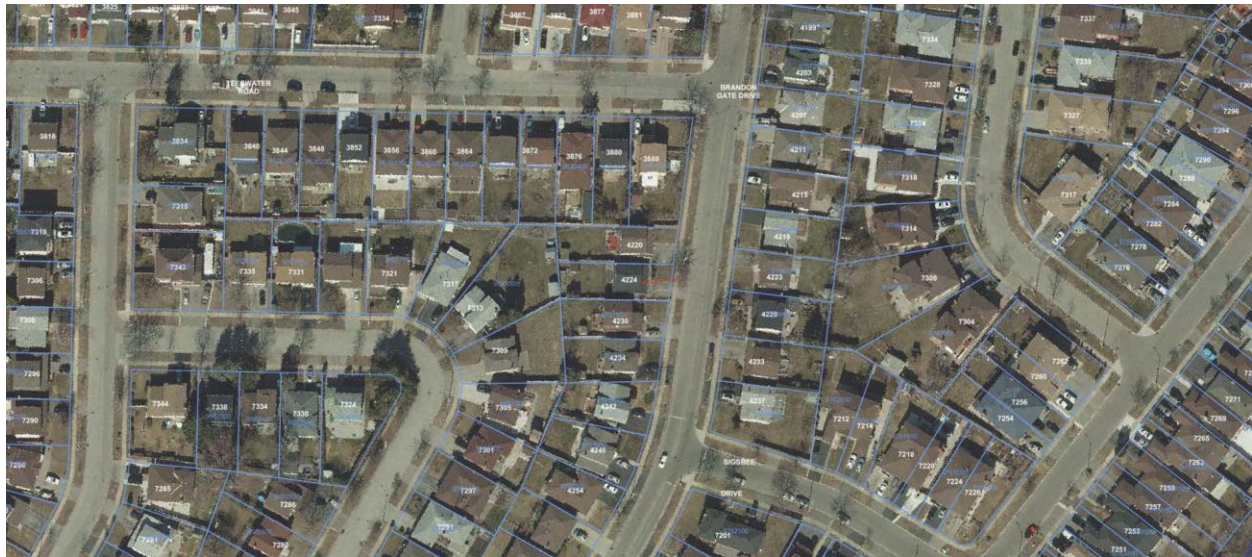
**Other Applications:**

### Site and Area Context

The subject property is located south-east of the Britannia Road West and Erin Mills Parkway intersection in the Malton neighbourhood. It currently contains a detached dwelling with an

attached garage and has a lot area of +/- 450.79m<sup>2</sup> (4,852.26ft<sup>2</sup>). Limited landscaping and vegetative elements are present in the front yard. The surrounding area context is exclusively residential, consisting of detached and semi-detached dwellings on lots of varying sizes.

The applicant is proposing a below grade entrance requiring a variance for 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 Malton 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 and that it 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 minimal massing impacts between structures and access to the rear yard is preserved on 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.

**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. Circulation around the exterior of the dwelling is maintained and the impacts to the streetscape and abutting properties are minor in nature.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

From our site inspection we note that the existing below grade entrance has been constructed in the area where drainage will either be directed to the front or rear of the dwelling, so there should not be an impact. In addition, the proposed 0.46M setback should allow for a drainage swale in the area if required. We have also provided a photo of the other side yard which allows access to the rear yard.









Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

## Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file BP 9ALT 21-9670. 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