

City of Mississauga Department Comments

Date Finalized: 2022-07-13	File(s): A286.22 Ward: 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-07-21 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure 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 facing a street to facilitate a second unit whereas By-law 0225-2007, as amended, does not permit a new pedestrian entrance facing a street, a private road or a CEC private road to facilitate a second unit in this instance; and,
2. A below grade stairwell in the exterior side yard whereas By-law 0225-2007, as amended, does not permit a below grade stairwell in an exterior side yard in this instance.

Recommended Conditions and Terms

A privacy fence in accordance with the Fence By-law and with a minimum height of 1.80m (5.91ft) shall be maintained around the below grade entrance.

Background

Property Address: 844 Damien Way

Mississauga Official Plan

Character Area: Erindale Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

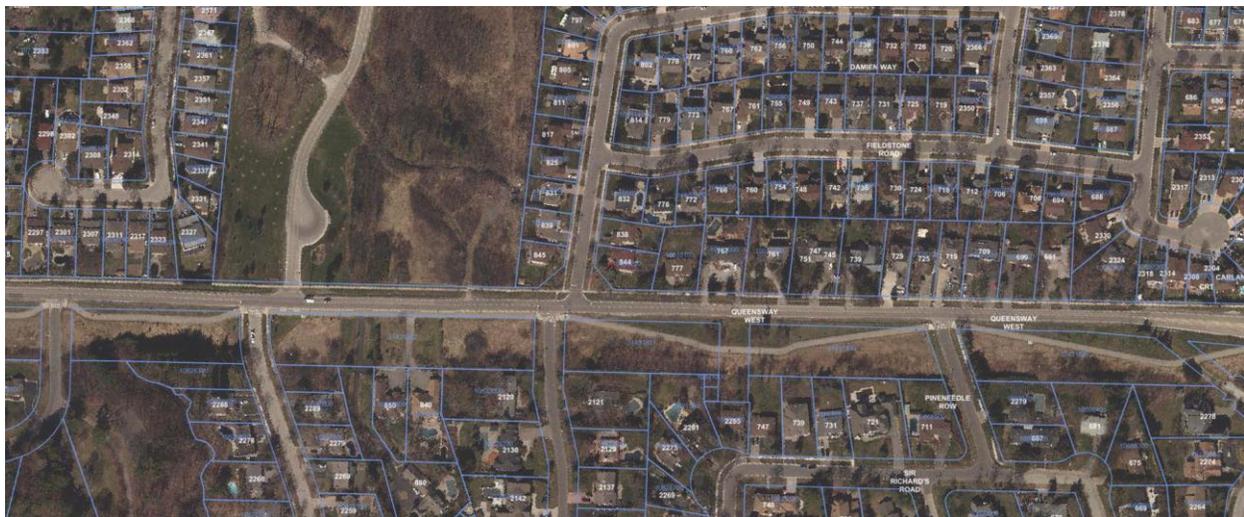
Zoning: R2 - Residential

Other Applications: SEC UNIT 22-519

Site and Area Context

The subject property is located on the north-east corner of the Queensway West and Damien Way intersection in the Erindale neighbourhood. It currently contains a two-storey detached dwelling with an attached garage. Limited landscaping and vegetative elements are present in the front and exterior side yards of the property. The surrounding area context is exclusively residential, consisting of detached dwellings on lots of varying sizes.

The applicant is proposing a below grade entrance in the exterior side yard, requiring variances for the location.



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 Erindale 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 and triplex dwellings, as well as street townhouses and other forms of low-rise dwellings with individual frontages. 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?

The requested variances propose stairs to facilitate a below grade entrance within an exterior side yard and an entrance facing a street. The intent of these provisions are to limit the visual impact of second entrances on streetscapes. Staff are satisfied that the entrance is appropriately located behind a privacy fence and that the existing fence provides adequate screening to prevent any detrimental impacts to the streetscape. Furthermore the entrance maintains a sizeable setback from Queensway West. Planning staff are therefore 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 the subject lot this is a corner lot and the existing below 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 22-519. Based on review of the information currently available in this permit application, the variances, as requested are correct.

Furthermore, we advise that more information is required in order to 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