

City of Mississauga Department Comments

Date Finalized: 2022-08-17	File(s): A357.22 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-08-25 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 permit the existing below grade entrance proposing:

1. A side yard setback of 0.32m (approx. 1ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.2m (approx. 3.9ft) in this instance; and,
2. A side yard setback of 0.42m (approx. 1.3ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.2m (approx. 3.90.32ft) in this instance.

Background

Property Address: 71 Glenn Hawthorne Boulevard

Mississauga Official Plan

Character Area: Hurontario Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

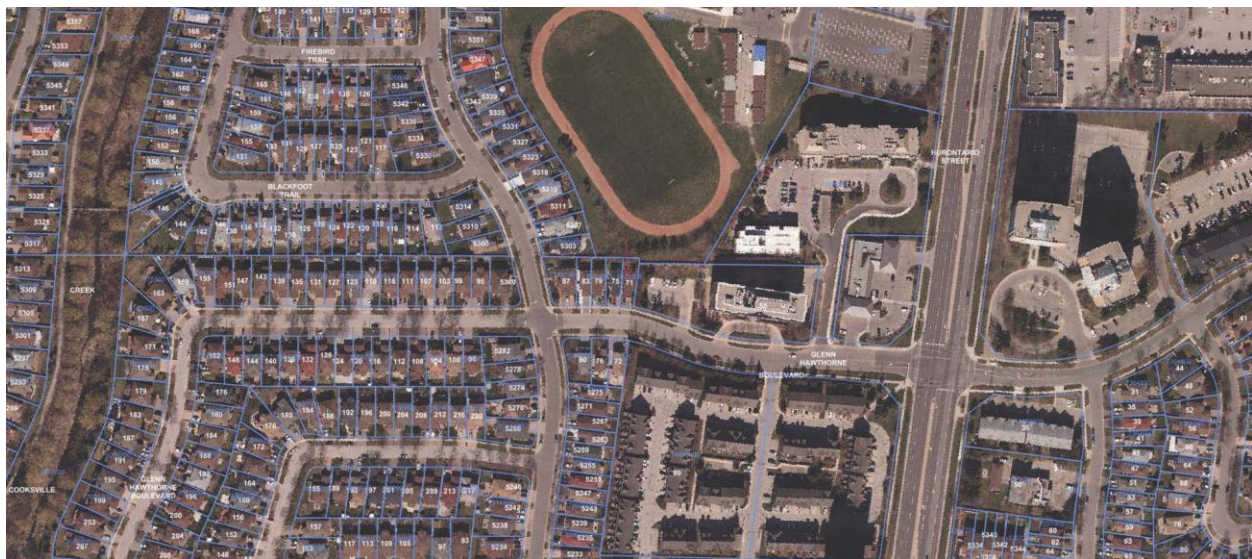
Zoning: R5-4 - Residential

Other Applications: None

Site and Area Context

The subject property is located on the north side of Glenn Hawthorne Boulevard, west of the Hurontario Street intersection. The surrounding area consists of two storey detached dwellings and three storey townhouses with limited vegetation in the rear yards, as well as apartment buildings. Directly north and northeast of the subject lands is a cluster of institutional uses occupying the lands along Hurontario Street from Bristol Road to Glenn Hawthorne Boulevard. The subject lands contain a two storey detached dwelling with some vegetation in the rear yard.

The applicant is proposing an existing below grade entrance requiring variances for side yard setbacks.



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 Hurontario 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 other low-rise dwellings with individual frontages. 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

existing below grade entrance is not adding additional massing, resulting in no significant changes to the property's existing condition. Staff are satisfied that the request 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 requested variances pertain to side yard setbacks. The general intent of this portion of the by-law is to ensure that: an adequate buffer exists between the massing of primary structures on adjoining properties, appropriate drainage patterns can be maintained, and that access to the rear yard ultimately remains unencumbered. The requested variances are for an existing below grade entrance located on the easterly side of the dwelling. The below grade entrance does not create any massing concerns, and access to the rear yard remains unencumbered via the other side of the dwelling. Transportation and Works has raised no drainage related concerns regarding the proposed entrance.

Staff note that the eastern property line has a fence and mature treeline, minimizing visual impact. Further, the neighbouring lands currently have a parking area, and therefore staff do not anticipate any immediate negative impacts as a result of the proposal. Staff are therefore satisfied 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 any negative impacts to abutting properties will be minor in nature. Furthermore the proposal represents appropriate development of the subject property.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committees easy reference are photos depicting the existing below grade entrance.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

We note that a building permit application is required. In the absence of a building permit application we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed.

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

Comments Prepared by: Gary Gagnier, 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: Joseph Filice, Junior Planner