

# City of Mississauga Department Comments

Date Finalized: 2022-08-24	File(s): A362.22 Ward: 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-09-01 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application, as amended. 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 proposing:

1. A below grade entrance located in an exterior side yard whereas By-law 0225-2007, as amended, does not permit a below grade entrance to be located in an exterior side yard in this instance; and,
2. Exterior stairs/retaining walls in the exterior side yard whereas By-law 0225-2007, as amended, does not permit exterior stairs/retaining walls in an exterior side yard in this instance.

## Amendments

We advise that the additional variance should be amended as follows:

2. A new pedestrian entrance facing a street to facilitate a second unit, whereas By-law 0225-2007, as amended, does not permit a pedestrian entrance facing a street to facilitate the second unit.

## 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:** 7097 Magistrate Terr

**Mississauga Official Plan**

Character Area: Meadowvale Village Neighbourhood  
Designation: Residential Low Density II

**Zoning By-law 0225-2007**

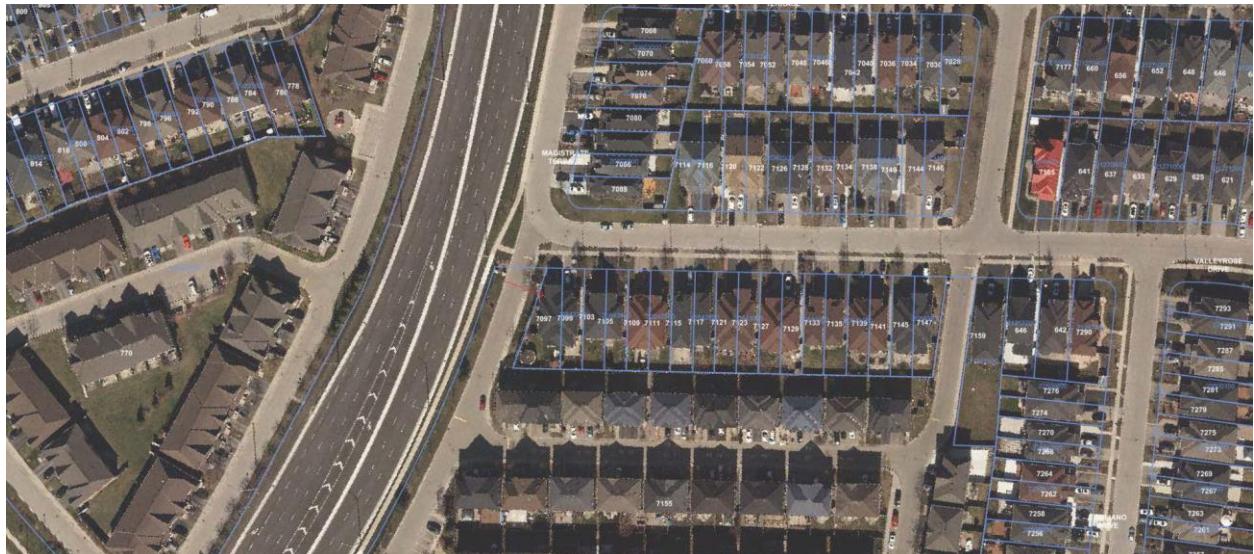
**Zoning: RM5-27 - Residential**

**Other Applications:**

**Site and Area Context**

The subject property is located north-east of the Mavis Road and Derry Road West intersection in the Meadowvale Village neighbourhood. It contains a semi-detached dwelling with an attached garage and limited landscaping in both the front and exterior side yards. The surrounding context includes a mix of detached, semi-detached and townhouse dwellings with a mix of single and double car garages on varying lot frontages.

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



## 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 within the Meadowvale Village Neighbourhood Character Area and is designated Residential Low Density II. This designation permits semi-detached and townhouse dwellings. Section 9 of MOP promotes development (including its features such as driveways and landscaping) 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. 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 applicant is requesting variances to facilitate a below grade entrance within an exterior side yard to facilitate a second unit. 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. 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 can be considered a corner lot as there is a Condominium Roadway abutting, and the 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 second unit application under file SEC UNIT 19-5468. Based on review of the information currently available in this permit application, the following variance, as requested is correct:

1. A below grade entrance located in an exterior side yard whereas By-law 0225-2007, as amended, does not permit a below grade entrance to be located in an exterior side yard in this instance; and,

We also advise that the additional variance should be amended as follows:

2. A new pedestrian entrance facing a street to facilitate a second unit, whereas By-law 0225-2007, as amended, does not permit a pedestrian entrance facing a street to facilitate the second unit.

We also 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: Jeanine Benitez, Zoning Examiner

## **Appendix 3 – Region of Peel**

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, Development Engineering