

City of Mississauga Department Comments

Date Finalized: 2022-09-07	File(s): A319.22
To: Committee of Adjustment	Ward: 9
From: Committee of Adjustment Coordinator	Meeting date:2022-09-15 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a below grade entrance proposing a side yard setback of 0.15m (approx. 0.49ft) to the stairs, stairwell and retaining wall facilitating the below grade entrance; whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) to stairs, stairwell and retaining wall facilitating the below grade entrance in this instance.

Background

Property Address: 5403 Quartermain Cres

Mississauga Official Plan

Character Area: Central Erin Mills Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R4 - Residential

Other Applications: None

Site and Area Context

The subject property is located within the Central Erin Mills neighbourhood, south-east of the Winston Churchill Boulevard and Thomas Street intersection. It currently contains a two-storey

detached dwelling with limited vegetative and landscaping elements in both the front and rear yards, and has a lot area of +/- 619.7m² (6,670.40ft²). The surrounding neighbourhood is exclusively residential, consisting of two-storey detached dwellings on similarly sized lots.

The applicant is proposing a below grade entrance requiring a variance for an interior 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:

The subject property is located in the Central Erin Mills 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, triplex and street house dwellings. 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 applicant is proposing a 0.15m (0.49ft) interior side yard setback where a minimum 1.20m (3.94ft) is required. The general intent of interior side yard setback requirements are to ensure that an adequate buffer exists between the massing of primary structures on adjoining properties, that access to the rear yard ultimately remains unencumbered, and that appropriate drainage patterns can be maintained. Transportation and Works staff have raised concerns that the proposal for a basement entrance in the side yard will prevent the ability to provide the

space required to accommodate a required drainage swale and therefore redirect the surface drainage onto the neighbouring lot. Furthermore staff have concerns surrounding the apparent 0 metre setback to the retaining wall.

Staff therefore recommend that the application be deferred in order to allow the applicant to redesign or relocate the proposed entrance.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We note that the Grading Plan approved for this property (DWG C-35760) indicates that approximately 80% of the drainage for this property is to be directed to the front yard, most of this drainage being directed to the front via on the opposite side that the below grade entrance is being proposed (westerly side). The remainder of the rear yard drainage, approximately 20% was designed to be directed to the rear yard and in a southerly direction.

From our site inspection and the enclosed photos, we observed that there is some drainage from the rear yard that currently drains through the area of the proposed below grade entrance which could be addressed with some minor regrading in the area.

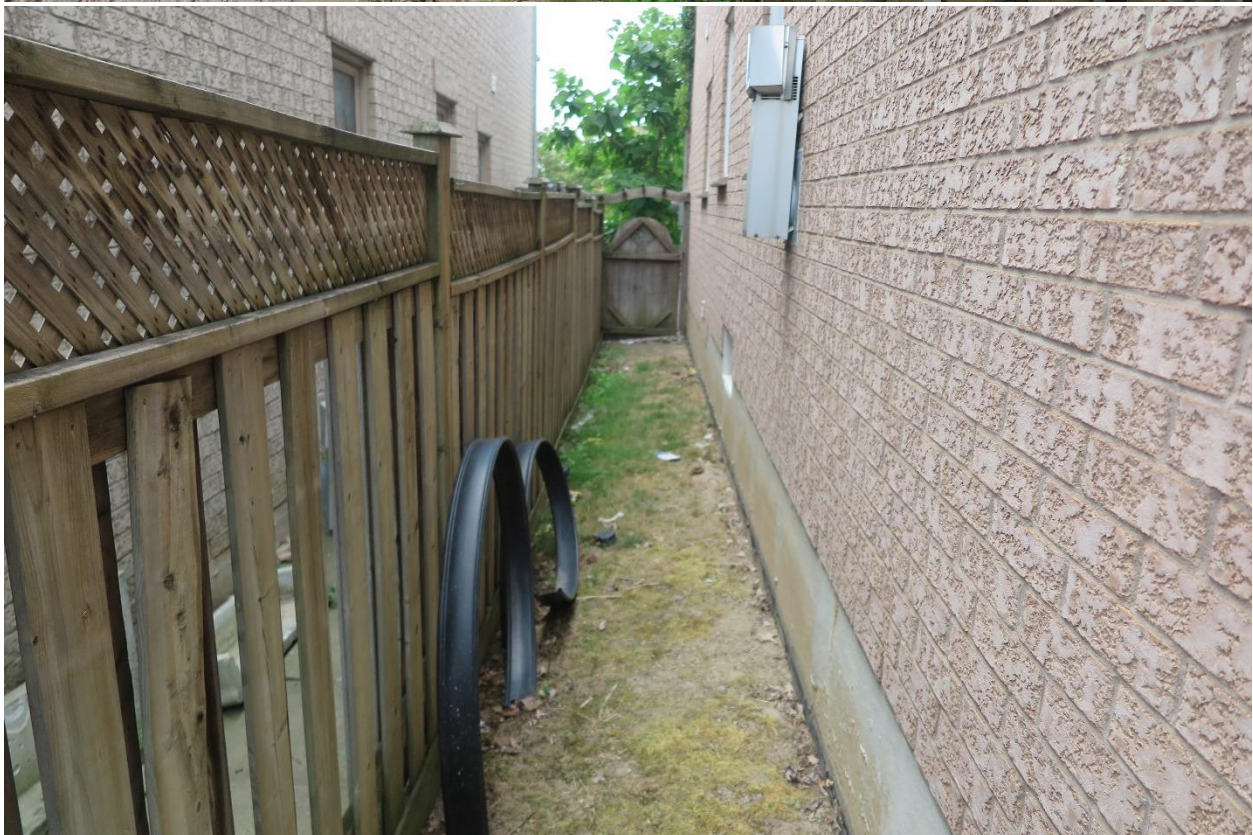
Our concerns with the request is that the information submitted is somewhat misleading as the applicant is proposing a 0.15M setback (approx. 0.49ft) which in itself is inadequate to allow for a side yard drainage swale, however, the reduced setback does not take into consideration the proposed retaining wall. As shown on one of the drawings submitted, the significant sized retaining wall is proposed to be constructed abutting the property line which would likely result in a 0.0M setback.

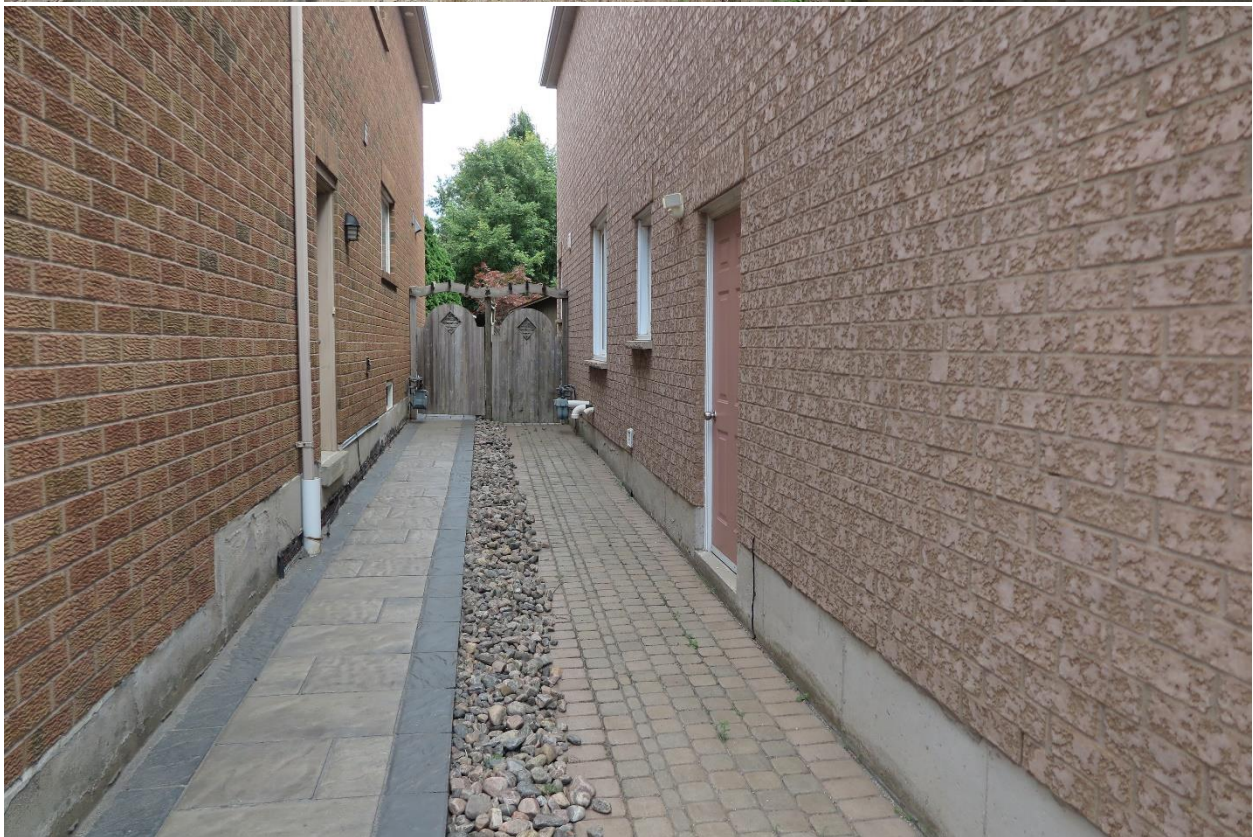
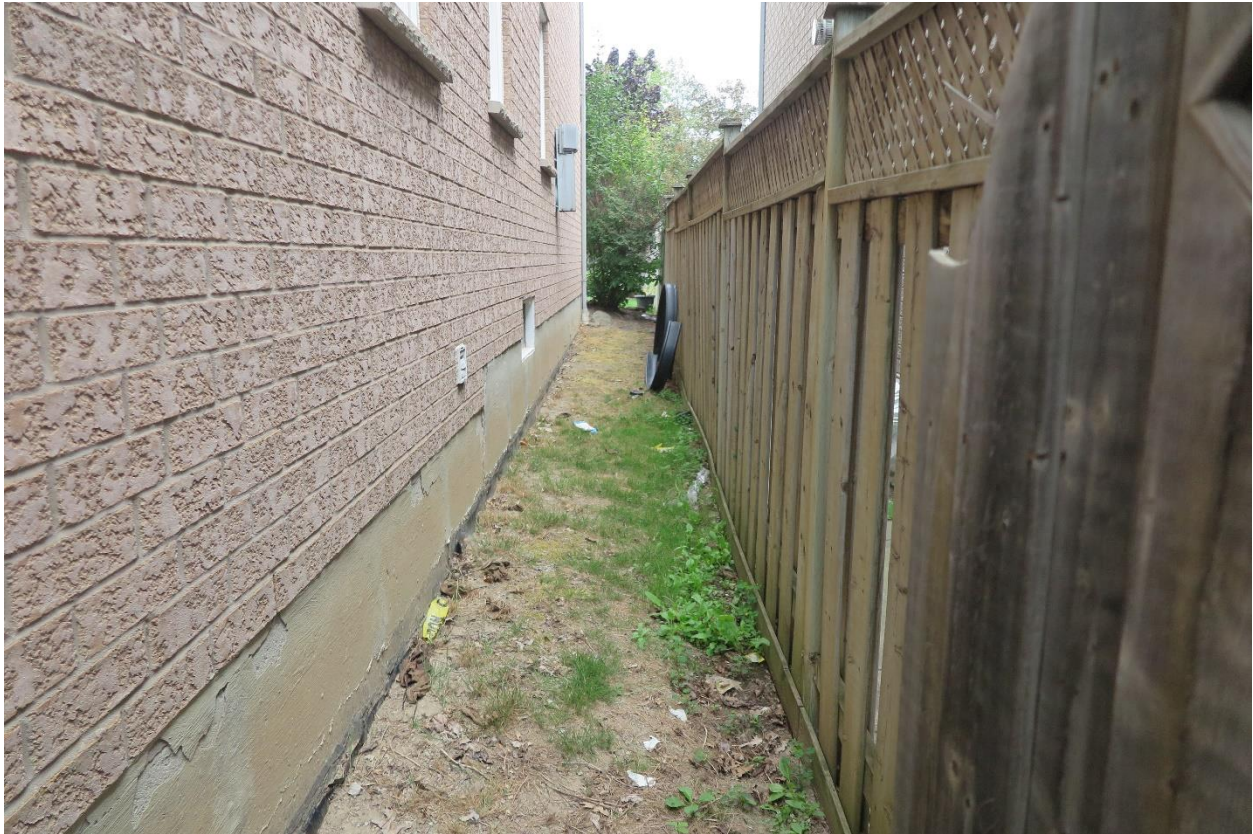
More problematic than having a 0.0M setback, the constructing a retaining wall abutting the property line would require the removal of the existing fence and permission for any excavation on the abutting property. In this regard, the applicant's proposal should include the approval from the abutting neighbour to address both, arrangements for the fence modifications required and also for the approval to allow excavation on their property to construct the retaining wall.

In addition to the above, we also note that constructing a walkway connection in the area of the front of the dwelling may also be problematic due to the grade differential which currently exist in the area, this can be seen in one of the photos.

In view of the above it is suggested that the applicant re-consider the location of the proposed below grade entrance at the proposed location, or alternatively consider an entry location at grade which does not require any outdoor steps.







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: Andrea Patsalides, 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

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