

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-07-08 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): A153/20 Ward: 5
	Meeting date: 2020-07-16

Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the Applicant and area residents when assessing if the application, as amended, meets the requirements of Section 45(1) of the *Planning Act*. Should Committee see merit in the Application, Planning Staff would recommend the below condition be imposed.

Application Details

The Applicant requests the Committee to approve a minor variance to allow the existing below grade entrance to remain, proposing a side yard of 0.91m (approx. 2.99ft); whereas, By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (approx. 3.94ft), in this instance.

Amendments

1. To allow the existing below grade entrance to remain, proposing a side yard of 0.91m (approx. 2.99ft); whereas, By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (approx. 3.94ft), in this instance; and,
2. To allow the existing below grade entrance to remain, proposing a setback of 0.12m (approx. 0.39ft) to the interior side lot line; whereas, By-law 0225-2007, as amended, requires a minimum setback to the interior side lot line of 1.20m (approx. 3.94ft), in this instance

Recommended Conditions and Terms

Should Committee see merit in the Application, Planning Staff would recommend the following condition be imposed:

- The Applicant install a riser leading up from the platform to the rear yard, and that such construction be in compliance with the Ontario Building Code (OBC).

Background

Property Address: 728 Whitfield Terrace

Mississauga Official Plan

Character Area: Hurontario Neighbourhood
Designation: Residential Medium Density

Zoning By-law 0225-2007

Zoning: RM5 (Residential)

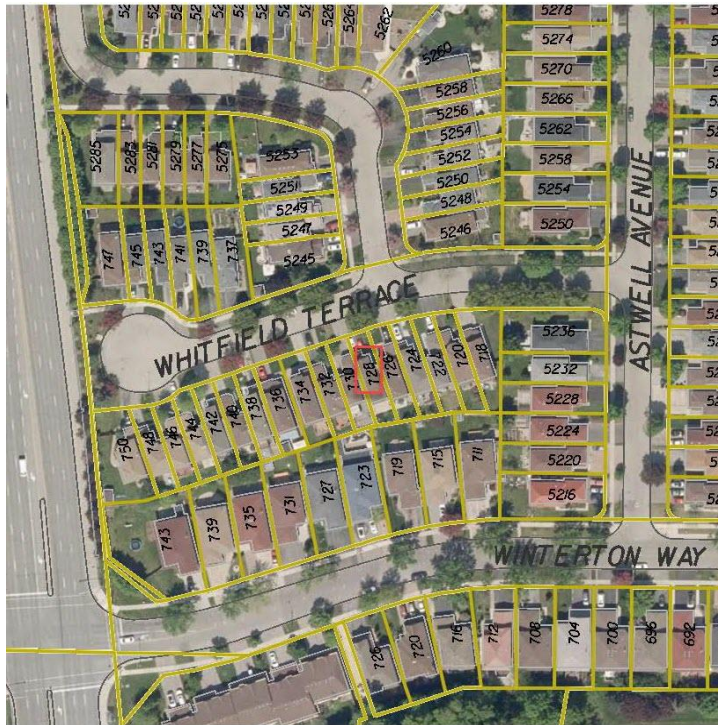
Other Applications:

Building Permit: 20-392

Site and Area Context

The subject property is located south-east of the Bristol Road West and Mavis Road intersection, and currently houses a two-storey semi-detached dwelling, with attached single-car garage. Contextually, the immediate area is comprised predominantly of semi-detached structures of a shared contemporary architectural style; however, townhouse units are also present. The subject property is an interior parcel, with a lot area of +/- 220m², and a lot frontage of 7.02m.

The Applicant is proposing to legalize the constructed below-grade entrance for the existing semi-detached structure.



Comments

Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment the authority to grant relief from the requirements stipulated by the municipal Zoning By-law, provided that such applications meet the requirements set out under Section 45(1) and/or 45(2) (a) or (b) of the *Planning Act*.

Staff comments concerning the application of the four tests to this minor variance request are as follows:

As is the case with the majority of below-grade entrances, Planning Staff note the absence of any true massing or construction resulting from the proposal. Further, while the 0.12m setback to the side lot line is inherently limiting; were Committee to impose the requested condition, access to the rear yard would nevertheless be unencumbered due to the requested design change, proposing a 2 riser down / 2 riser up configuration.

Through a detailed review, Staff is of the opinion that the application is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning nature.

While Planning Staff are in support of this application, in principle; the lack of a riser leading back up to the rear yard results in both mobility concerns, as well as indirectly promotes

accessing the neighbouring yard. Should Committee see merit in the Application, Planning Staff would recommend the identified condition be imposed.

Conclusion

The Planning and Building Department recommends that the Committee have regard for all comments and evidence provided by the Applicant and area residents when assessing if the application meets the requirements of Section 45(1) of the *Planning Act*.

Comments Prepared by: Roberto Vertolli, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

In our previous comments we indicated concerns with the request, specifically that the existing design of the below grade entrance did not adequately allow for safe access into the rear yard and suggested that steps be provided on both sides of the stairwell as opposed to only one side. This department would have no objections to the request provided that a condition of approval is that the required steps be constructed to the existing stairwell to allow safe access into the rear yard and also ensure that any modifications do not have an impact on the existing drainage between the properties.

Comments Prepared by: Tony Iacobucci, Development Engineering

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit application under file 20-392. Based upon review of this Application, Staff notes that the Minor Variance application should be amended as follows, permitting:

3. To allow the existing below grade entrance to remain, proposing a side yard of 0.91m (approx. 2.99ft); whereas, By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (approx. 3.94ft), in this instance; and,
4. To allow the existing below grade entrance to remain, proposing a setback of 0.12m (approx. 0.39ft) to the interior side lot line; whereas, By-law 0225-2007, as amended, requires a minimum setback to the interior side lot line of 1.20m (approx. 3.94ft), in this instance.

Comments Prepared by: Shahrzad (Sherri) Takaloo, Zoning Examiner

Appendix 3 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the April 23rd, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Application: DEF-A-435/19

Minor Variance Applications: A-142/20, A-151/20, A-152/20, A-153/20, A-156/20, A-157/20, A-158/20, A-159/20, A-160/20, A-166/20

Comments Prepared by: Tracy Tang, Junior Planner