

City of Mississauga Department Comments

Date Finalized: 2022-09-14	File(s): A432.22 Ward: 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-09-22 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 an exterior side yard setback of 4.1m (approx. 13.5ft) whereas By-law 0225-2007, as amended, permits an exterior side yard setback of 3m (approx. 9.8ft) in this instance.

Amendments

Based on review of the information currently available in this permit application, the variance should be amended as follows:

To permit a below grade stairwell in an 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.

In addition, we advise that the following variance be added:

2. To permit a new pedestrian entrance facing a street to facilitate a Second Unit, whereas Zoning By-law 0225-2007, as amended, does not permit a new pedestrian entrance facing a street to facilitate a Second Unit, in this instance.

Background

Property Address: 1488 Spring Garden Court

Mississauga Official Plan

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

Zoning By-law 0225-2007

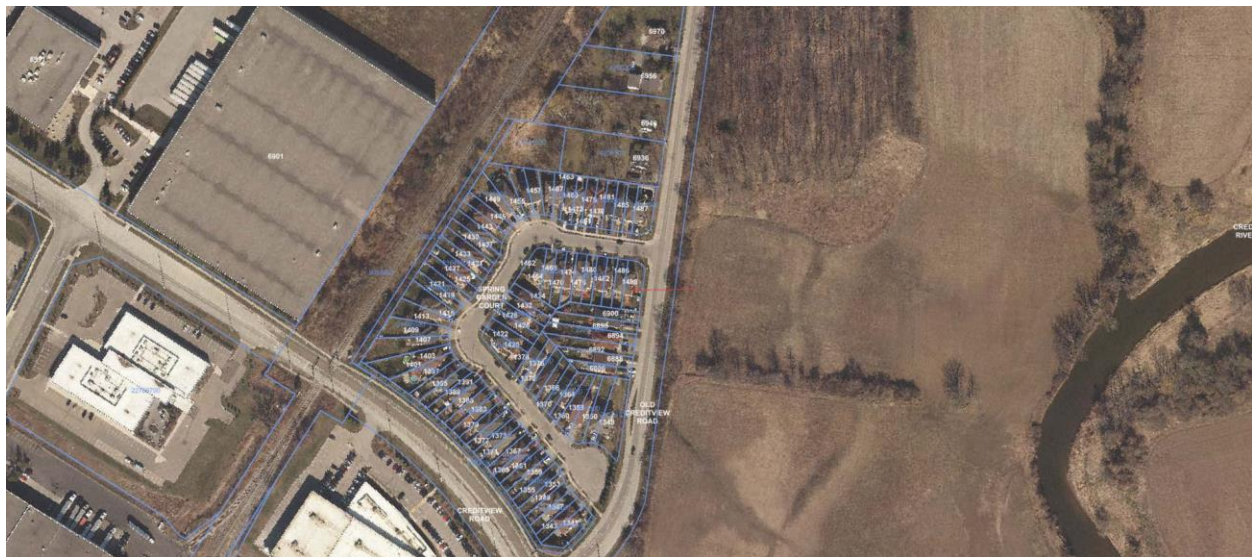
Zoning: RM2-5-Residential

Other Applications: SEC UNIT 22-1951

Site and Area Context

The subject property is located on the south-west corner of Old Creditview Road and Spring Garden Court in the Meadowvale Village neighbourhood. It currently contains a two-storey semi-detached dwelling with a lot area of +/- 389.3m² (4,190.4ft²). Limited vegetative and landscaping elements are present in the front, rear, and exterior side yards. Spring Garden Court represents a small residential enclave predominantly surrounded by open space to the north and east and employment uses to the south and west.

The applicant is proposing a below grade entrance in the exterior side yard, requesting a variance for exterior 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 Meadowvale Village 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 townhouse dwellings.

The wording of the requested variance and the submitted drawing appear to show that the proposed entrance will meet the minimum setback requirement. As such, the requested variance would not be required. Zoning staff have noted additional variances that would be necessary for the construction of the proposed entrance, which would need to be added to the application. Furthermore, staff have additional questions relating to the screening of the proposed below grade entrance as it appears the proposed entrance will necessitate the removal of a portion of the existing fence on the subject property.

Planning staff therefore recommend that the application be deferred to allow the applicant time to ensure the accuracy of the variances requested and indicate how the future fence, if any, will be installed.

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 below grade entrance is being proposed in an area which will not impact the existing drainage pattern or any of the adjacent properties, we have no drainage related concerns with the location of the below grade entrance.



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 22-1951. Based on review of the information currently available in this permit application, the variance should be amended as follows:

To permit a below grade stairwell in an 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.

In addition, we advise that the following variance be added:

2. To permit a new pedestrian entrance facing a street to facilitate a Second Unit, whereas Zoning By-law 0225-2007, as amended, does not permit a new pedestrian entrance facing a street to facilitate a Second Unit, in this instance.

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