

City of Mississauga Department Comments

Date Finalized: 2022-09-28	File(s): A427.22
To: Committee of Adjustment	Ward: 4
From: Committee of Adjustment Coordinator	Meeting date:2022-10-06 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 variance are not required.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a below grade entrance proposing:

1. A reduced side yard setback of 0.97m (approx. 3.18ft) whereas By-law 0225-2007, as amended, requires a side yard setback of 1.2m (approx. 3.94ft) in this instance;
2. A reduced rear yard setback to a shed of 3.04m (approx. 9.97ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback to a shed of 7.5m (approx. 24.61ft) in this instance; and,
3. A gross floor area of 321.50sq m (approx. 3460.60sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 321.45sq m (approx. 3460.06sq ft) in this instance.

Amendments

Based on review of the information currently available in this permit application, we advise that variance # 1 should be amended as follows:

1. An interior side yard setback of 0.97m (approx. 3.18ft) to a below grade stairwell, whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.2m (approx. 3.94ft) to a below grade stairwell, in this instance.

It appears that a minor variance may be required for the driveway width.

Background

Property Address: 4424 Guildwood Way

Mississauga Official Plan

Character Area: Hurontario Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

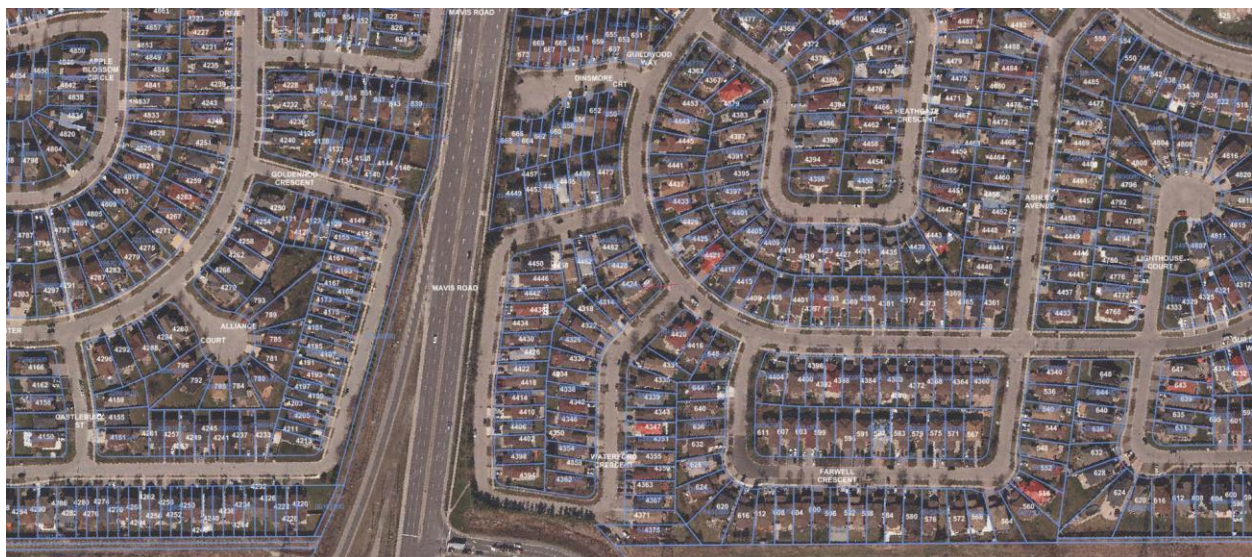
Zoning: R4 - 20 - Residential

Other Applications: SEC UNIT 21-7085

Site and Area Context

The subject property is located north-east of the Mavis Road and highway 403 interchange in the Hurontario neighbourhood. It currently contains a two-storey detached dwelling with an attached garage and has a lot area of +/- 714.35m² (7,689.20ft²). Limited landscaping and vegetative elements are present in both the front and exterior side yards. The surrounding area context is exclusively residential, consisting of detached and townhouse dwellings.

The applicant is proposing a below grade entrance and rear yard shed requiring variances for side yard setback, rear yard setback, and gross floor area.



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). 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. Staff are satisfied that the proposal is compatible with the existing site conditions and surrounding area context.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

Variance 1 requests a reduced side yard measured to a below grade entrance. The intent of the side yard regulations in the by-law is to ensure that an appropriate buffer between structures on abutting properties is maintained as well as ensuring access to the rear yard and drainage patterns are preserved. The proposed steps and side entrance create no massing impacts or separation issues between structures while preserving access to the rear yard. Furthermore Transportation & Works staff have raised no significant drainage concerns regarding the proposal.

Variance 2 requests a reduced rear yard measured to the shed. The intent of the rear yard setback is to ensure that both an adequate buffer exists between the massing of primary structures on adjoining properties, as well as create an appropriate amenity area within the rear yard. Given the property's generous exterior side yard and the location of the shed, staff are satisfied that an appropriate amenity area is maintained on the property. Furthermore, given the surrounding lot pattern, the shed does not create significant impacts to the rear yard amenity areas of the properties to the side or the rear.

Variance 3 requests an increase in gross floor area. The intent in restricting gross floor area is to maintain compatibility between dwellings in order to ensure the existing and planned character of a neighbourhood is preserved, as well as regulate the massing of structures. While the proposed increase is exceedingly minor in nature and would not be noticeable from the streetscape or abutting properties when compared to as of right permissions, staff note that it does not appear that this zone has a gross floor area restriction. As such the applicant may wish to defer the application to ensure the accuracy of the variance.

Given the above, Planning staff are satisfied that the proposal maintains the general intent and purpose of the zoning by-law.

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 and maintains an appropriate rear yard amenity area.

Notwithstanding the above comments on the requested variance, a review of the property has revealed that the existing driveway appears different than the driveway shown on the drawings. Staff note that the width of the driveway does not appear to meet the requirements under the zoning by-law. Staff have concerns with the existing driveway and its impact on the streetscape, however are unable to comment if the driveway meets the four tests of a minor variance without confirmation of the width and an appropriate site plan. As such the applicant may wish to defer the application at this time to resubmit the application with any additional necessary variances and an updated drawing for review.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committee's information are some photos which depict the subject property. We note that the submitted Site Plan does not depict the existing structure which currently exists within the side yard in close proximity to the proposed below grade entrance . The existing structure has a very minimal setback to the property line.

Should the existing structure within the side yard be removed and replaced with the basement entrance with a reduced setback of 0.97M (approx. 3.18ft) setback, then the approved drainage pattern for this property can be maintained and would not be impacted. Should the existing structure remain then drainage would more than likely impact on the abutting property.

With regards to variance #2, we have no drainage related concerns as a 3.04M (approx. 9.97ft) setback would be more than adequate to provide for drainage.







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 21-7085. Based on review of the information currently available in this permit application, we advise that variance # 1 should be amended as follows:

1. An interior side yard setback of 0.97m (approx. 3.18ft) to a below grade stairwell, whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.2m (approx. 3.94ft) to a below grade stairwell, in this instance

Furthermore, more information is required in order to verify the accuracy of the remaining requested variance(s) or determine whether additional variance(s) will be required.

Lastly, it appears that a minor variance may be required for the driveway width.

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