

# City of Mississauga Department Comments

Date Finalized: 2022-09-28	File(s): A429.22
To: Committee of Adjustment	Ward: 6
From: Committee of Adjustment Coordinator	Meeting date:2022-10-06 1:00:00 PM

## Consolidated Recommendation

The City recommends that the application be withdrawn.

## Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a below grade entrance proposing reduced exterior yard setback of 5.36m (approx. 17.5ft) whereas By-law 0225-2007, as amended, requires a minimum exterior yard setback of 6.53m (approx. 21.4ft) in this instance.

### Amendments

Based on review of the information currently available in this permit application, we advise that the variance is not correct/needed as the lot is an interior lot, not a corner lot and as such, an exterior side setback is not applicable, in this instance.

## Background

**Property Address:** 4648 Penhallow Road

### Mississauga Official Plan

Character Area: East Credit Neighbourhood  
Designation: Residential Medium Density

### Zoning By-law 0225-2007

**Zoning:** RM1-2-Residential

**Other Applications:** SEC UNIT 22-3205

## Site and Area Context

The subject property is located south-west of the Eglinton Avenue West and Terry Fox Way intersection in the East Credit neighbourhood. It currently contains a two-storey semi-detached dwelling with an attached garage. Limited landscaping and vegetative elements are present in both the front and rear yards. The property has a lot area of +/- 488.58m<sup>2</sup> (5,259.03ft<sup>2</sup>), which is larger than other semi-detached dwellings in the surrounding area due to its location as the first residential property adjacent to Eglinton Avenue West. The surrounding area is primarily residential, consisting of a mix of detached, semi-detached, and townhouse dwellings, however non-residential uses are present across Eglinton Avenue West.

The applicant is proposing to construct a below grade entrance on the subject property, requesting a variance for the 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:

Upon review of the application, Zoning staff have noted that the subject property is not considered a corner lot due to a strip of City owned land outside of the Eglinton Avenue West

right-of-way. With the property not being considered a corner lot by Zoning staff the proposed variance is not required and Planning staff therefore recommend that the application be withdrawn.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

We note that the Transportation and Works Department has no objections to the proposed side door entrance as it will not impact or alter the existing grading and drainage pattern for this property.







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 22-3205. Based on review of the information currently available in this permit application, we advise that the variance is not correct/needed as the lot is an interior lot, not a corner lot and as such, an exterior side setback is not applicable, 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: Maria Fernandez, Zoning Examiner