

City of Mississauga Department Comments

Date Finalized: 2022-09-28	File(s): A450.22 Ward: 10
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-10-06 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 2.36m (approx. 7.74ft) whereas By-law 0225-2007, as amended, requires an exterior side yard setback of 4.5m (approx. 14.76ft) in this instance.

Background

Property Address: 3498 Park Heights Way

Mississauga Official Plan

Character Area: Churchill Meadows Neighbourhood
Designation: Residential Medium Density

Zoning By-law 0225-2007

Zoning: RM2-55-Residential

Other Applications: None

Site and Area Context

The subject property is located north-east of the Tenth Line West and Tacc Drive intersection in the Churchill Meadows neighbourhood. It currently contains a two-storey semi-detached dwelling with an attached garage. The property is a corner lot, with a lot area of 283.51m²

(3,051.68ft²) and a lot frontage of +/- 10.7m (35.1ft). No landscaping or vegetative elements are present on the property. The surrounding area is exclusively residential, consisting of a mix of detached and semi-detached dwellings.

The applicant is proposing a below grade entrance requiring 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 Churchill Meadows Neighbourhood Character Area and is designated Residential Medium Density 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.

While Planning staff have no concerns with the proposed setback itself, staff note that the proposed stairs are not screened from the streetscape in any way. This creates a considerable impact to the streetscape that staff cannot support and does not maintain the character of the surrounding context. Staff also note that below grade entrances are not permitted in exterior side

yards per Section 4.1.5.8.1 of the zoning by-law, and an additional variance may be required. Furthermore, should the intent of the entrance be to facilitate a second unit, this proposal may trigger an additional variance to Section 4.1.20.7 of the zoning by-law.

Staff therefore recommend that the application be deferred in order to allow the applicant to confirm the required variances and either appropriately screen 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 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

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