

City of Mississauga Department Comments

Date Finalized: 2022-09-28	File(s): A455.22
To: Committee of Adjustment	Ward: 6
From: Committee of Adjustment Coordinator	Meeting date:2022-10-06 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances 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 an interior side yard setback of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.2m (approx. 3.97ft) in this instance.

Background

Property Address: 868 Millworks Cres

Mississauga Official Plan

Character Area: East Credit Neighbourhood
Designation: Residential Medium Density

Zoning By-law 0225-2007

Zoning: RM1-2 - Residential

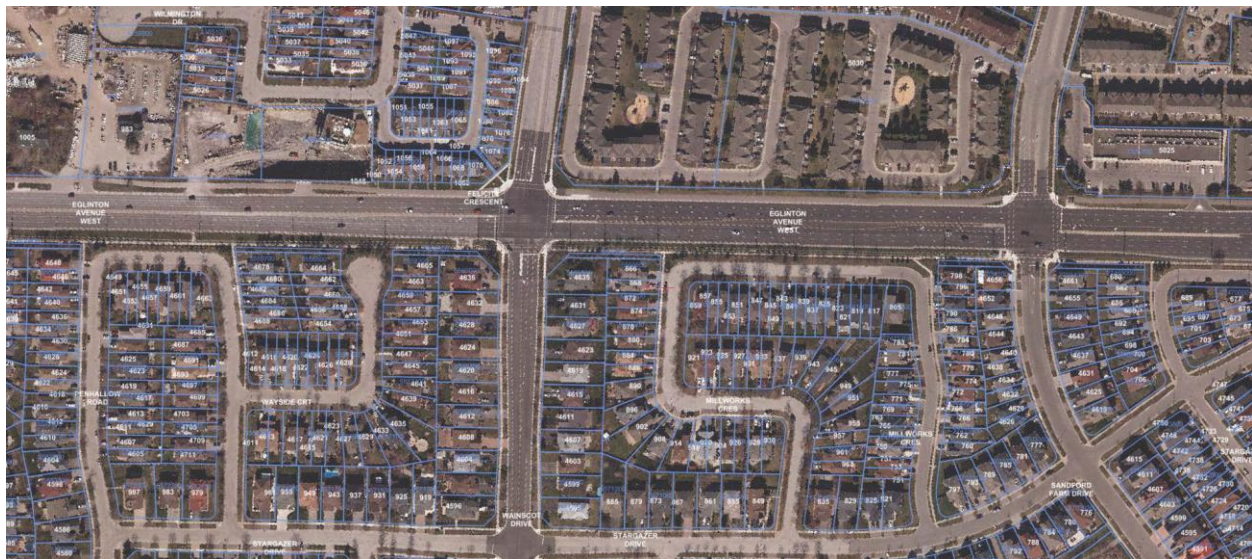
Other Applications: None

Site and Area Context

The subject property is located south-east of the Eglinton Avenue West and Terry Fox Way intersection in the East Credit neighbourhood. It currently contains a two-storey link dwelling

with an attached garage. The property has a lot area of +/- 319.02m² (3,433.90ft²), which is characteristic of other link dwellings in the surrounding area. Limited landscaping and vegetative elements are present in both the front and rear yards. The surrounding area context is exclusively residential, consisting of a mix of detached dwellings, link dwellings, semi-detached dwellings, and townhouse dwellings.

The applicant is proposing to construct a below grade entrance requiring a variance for 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:

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject property is located in the East Credit 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. Staff are satisfied that the proposal is compatible with the existing site conditions and surrounding area context. It will have no impact

on the streetscape or abutting properties and maintains the general intent and purpose of the official plan.

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

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. Staff are therefore satisfied that the request 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?

Staff are of the opinion that the side yard proposal represents appropriate development of the subject property and that the application is minor in nature. There are no impacts to the streetscape and circulation around the exterior of the dwelling is maintained.

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

Should Committee see merit in the applicant's request we would recommend that the existing drainage pattern in the area of the proposed below grade entrance be maintained. We note that with a reduced 0.61M (approx. 2.0ft) setback, the reduced setback in this instance can still allow for drainage.





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