

# City of Mississauga Department Comments

Date Finalized: 2022-10-26	File(s): A458.22
To: Committee of Adjustment	Ward: 6
From: Committee of Adjustment Coordinator	Meeting date:2022-11-03 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application, as amended.

## 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 3.3m (approx. 10.82ft) whereas By-law 0225-2007, as amended, requires an exterior side yard setback of 4.3m (approx. 14.10ft) in this instance.

### Amendments

While Planning Staff are not in a position to provide an interpretation of the zoning by-law, staff note that the following additional variances may be required:

2. Below grade stairs to facilitate a below grade entrance within an exterior side yard whereas by-law 0225-2007, as amended, does not permit below grade stairs to facilitate a below grade entrance within an exterior side yard.
3. A pedestrian entrance to facilitate a second unit facing a street whereas by-law 0225-2007, as amended, does not permit a pedestrian entrance to facilitate a second unit facing a street in this instance.

### Recommended Terms & Conditions

The applicant shall maintain a wooden privacy fence surrounding the below grade entrance at all times with a minimum height of 1.8 metres and in accordance with the Fence By-law.

## Background

**Property Address:** 825 Genovese Place

## Mississauga Official Plan

Character Area: East Credit Neighbourhood  
Designation: Residential Low Density II

## Zoning By-law 0225-2007

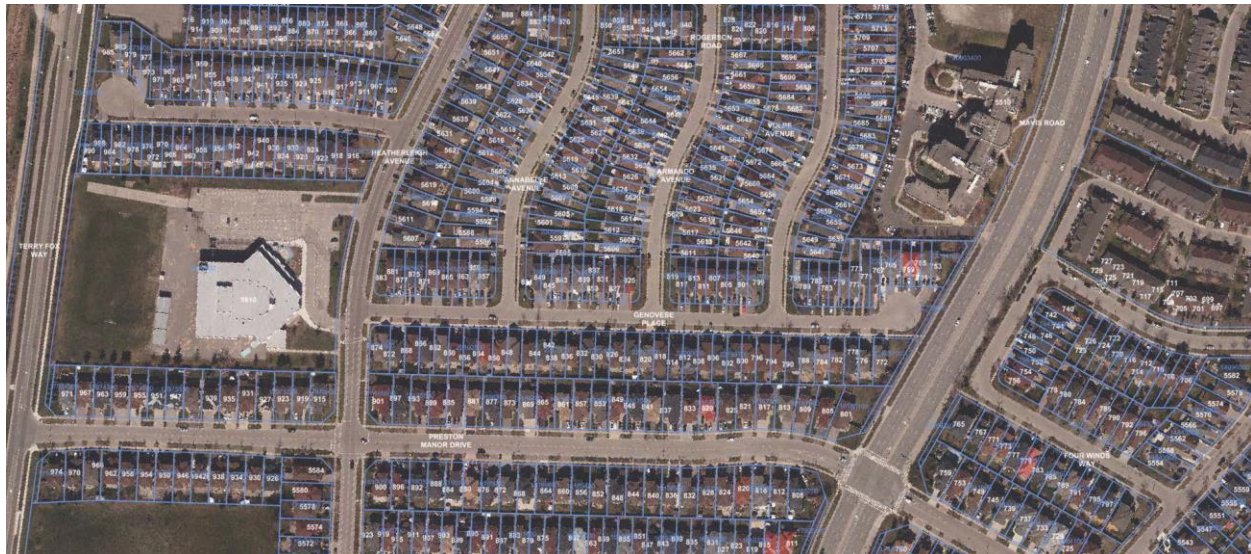
Zoning: RM2-26-Residential

Other Applications: None

## Site and Area Context

The subject property is located north-west of the Mavis Road and Preston Manor Drive intersection in the East Credit Neighbourhood. It is a corner property containing a semi-detached dwelling with an attached garage. The surrounding neighbourhood includes both semi-detached and detached dwellings with some vegetation and landscape elements in the front and rear yards.

The applicant is proposing a below grade entrance to facilitate a second unit requiring a variance for it to be located in the exterior side yard.



## 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 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. The applicant is proposing a secondary unit within a permitted dwelling. Staff note that the entrance is appropriately hidden behind an existing privacy fence. Staff are satisfied that the general intent and purpose of the Official Plan are maintained.

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

The intent of the regulations surrounding second unit entrances are to ensure that the entrances do not negatively impact the overall streetscape. In this instance the applicant has located the entrance behind an existing privacy fence which appropriately screens the stairwell from the streetscape. Staff are satisfied that any negative impact to the streetscape has been appropriately mitigated and that the general intent and purpose of the Zoning By-law have been maintained.

#### **Is the proposal desirable for the appropriate development of the subject lands and minor in nature?**

Staff are satisfied that the application as amended is minor in nature. The proposed entrance is well screened by the existing fence and will not have significant impacts on the streetscape. Furthermore the addition of a permitted second unit represents appropriate development of the subject lands.

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**

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: Amy Campbell, Planner-in-Training

### **Appendix 3 - Region of Peel**

Development Engineering: Camila Marczuk (905) 791-7800 x8230

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**Comments:** Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. All works associated with the servicing of this site will be at the applicant's expense. For more information, please contact Servicing Connections at [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca)

Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Region of Peel Site Servicing connection approvals are required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections at [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca)

Comments Prepared by: Patrycia Menko, Junior Planner