

City of Mississauga Department Comments

Date Finalized: 2023-02-22	File(s): A756.22 Ward: 10
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-03-02 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application, as requested. The applicant may wish to defer the application to ensure the accuracy of the requested variance 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 exterior side yard setback of 3.41m (approx. 11.19ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 4.68m (approx. 15.35ft) in this instance.

Amendments

While Planning staff are not in a position to interpret the zoning by-law, staff note that additional variances for a below grade entrance in an exterior side yard and a second unit entrance facing a street may be required.

Recommended Conditions and Terms

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: 3908 Nightshade Lane

Mississauga Official Plan

Character Area: Lisgar Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

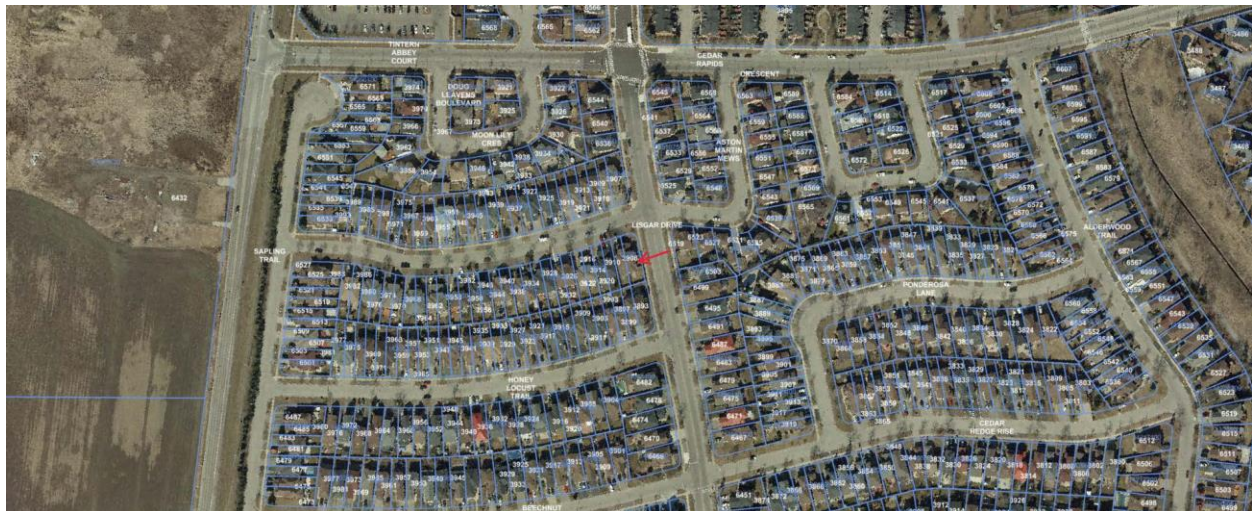
Zoning: RM5-12 - Residential

Other Applications: BP 9ALT22-4958

Site and Area Context

The subject property is located south-east of the Ninth Line and Doug Leavens Boulevard intersection in the Lisgar 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 limited vegetation and landscape elements in the front and rear yards. Townhouse dwellings are present in the larger area context.

The applicant is proposing a below grade entrance to facilitate a second unit requiring 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:

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

The subject property is located in the Lisgar 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 and the entrance will have no impacts to the streetscape. 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 exterior side yard regulations surrounding second unit entrances are to ensure that an adequate buffer exists between a structure's massing and the public realm. In this instance the applicant has located the entrance behind an existing privacy fence which appropriately screens the stairwell from the streetscape. Furthermore the entrance does not create any additional massing to the structure. 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.

Notwithstanding the above comments, and while Planning staff are not in a position to interpret the zoning by-law, staff note that the proposal may require additional variance relating to a below grade entrance in an exterior side yard and an entrance to facilitate a second unit facing a street. The applicant may therefore wish to defer the application to ensure additional variances are not required.

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 BP 9ALT 22-4958. Based on review of the information currently available in this permit application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

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

Appendix 3 – Conservation Halton

Please see below comments from Conservation Halton (CH) regarding the Minor Variance for **3908 Nightshade Lane**.

- The subject property is not regulated by Conservation Halton (CH).
- Given the size of the site (approx. 0.03 ha.), CH defers the review of SWM to City of Mississauga Engineering staff.

Comments Prepared by: Braden Fleming – Environmental Planner

Appendix 4 – Region of Peel

Minor Variance Application: A-756/22, 3908 Nightshade Lane

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

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 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.
- Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Site Servicing approvals are required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.

Comments Prepared by: Patrycia Menko – Junior Planner, Planning and Development Services