

City of Mississauga Department Comments

Date Finalized: 2023-02-22	File(s): A319.22 Ward: 9
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-03-02 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be refused.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a below grade entrance proposing a side yard setback of 0.15m (approx. 0.49ft) to the stairs, stairwell and retaining wall facilitating the below grade entrance; whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) to stairs, stairwell and retaining wall facilitating the below grade entrance in this instance.

Background

Property Address: 5403 Quartermain Cres

Mississauga Official Plan

Character Area: Central Erin Mills Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R4 - Residential

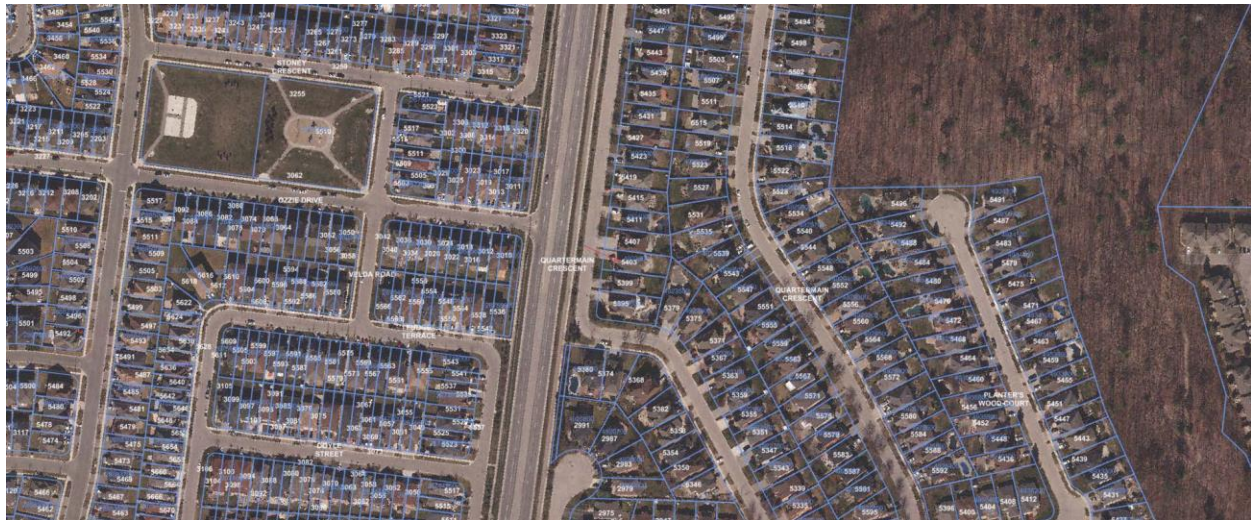
Other Applications: None

Site and Area Context

The subject property is located within the Central Erin Mills neighbourhood, south-east of the Winston Churchill Boulevard and Thomas Street intersection. It currently contains a two-storey

detached dwelling with limited vegetative and landscaping elements in both the front and rear yards, and has a lot area of +/- 619.7m² (6,670.40ft²). The surrounding neighbourhood is exclusively residential, consisting of two-storey detached dwellings on similarly sized lots.

The applicant is proposing a below grade entrance requiring a variance for an interior 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 Central Erin Mills Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, duplex, triplex and street townhouse dwellings. 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 subject application was previously before the Committee at the September 15, 2022 hearing. At that time both Planning and Transportation & Works staff expressed concerns surrounding the proposal. The application has not changed since the previous hearing and

staff's concerns remain unaddressed. Staff therefore recommend that the application be refused.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

In our previous comments we indicated that the Grading Plan approved for this property (DWG C-35760) indicates that approximately 80% of the drainage for this property is to be directed to the front yard, most of this drainage being directed to the front via on the opposite side that the below grade entrance is being proposed (westerly side). The remainder of the rear yard drainage, approximately 20% was designed to be directed to the rear yard and in a southerly direction. From our site inspection and the enclosed photos, we observed that there is some drainage from the rear yard that currently drains through the area of the proposed below grade entrance which could be addressed with some minor regrading in the area. Our concerns with the request is that the information submitted is somewhat misleading as the applicant is proposing a 0.15M setback (approx. 0.49ft) which in itself is inadequate to allow for a side yard drainage swale, however, the reduced setback does not take into consideration the proposed retaining wall. As shown on one of the drawings submitted, the significant sized retaining wall is proposed to be constructed abutting the property line which would likely result in a 0.0M setback.

Our concern with a 0.0M setback is that when constructing the retaining wall abutting the property line the footings for the retaining would encroach onto the abutting property. With regards to the fence, it has been removed and recently the applicant has provided a letter signed by the owners of 5399 Quartermain Crescent (abutting property) which is allowing them to remove the fence and excavate and complete the staircase and retaining wall.

We have had a number of recent discussions with the applicant he has agreed to adjust the width of the staircase from 3'-6" to 3-0' (ft) which would allow a minimum of 6 inches of clearance between the lot line and the outer limits of the retaining wall. In so doing the footings for the retaining wall can be constructed entirely of the applicant's lands.

In view of the above, and should Committee see merit in the applicant's request, we would suggest that the application be amended to reflect a minimum setback of at least 6 inches from the outer limits of the retaining wall to the property line.

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: Brooke Herczeg, Zoning Examiner