

City of Mississauga Department Comments

Date Finalized: 2023-02-22	File(s): A732.22
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2023-03-02 12:00:00 AM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

The applicant requests the Committee to approve a minor variance to allow a second unit proposing a second unit in the basement of the exiting dwelling whereas By-law 0225-2007, as amended, does not permit a second unit on the subject property in this instance.

Amendments

While Planning staff are not in a position to interpret the zoning by-law, staff note that a basement unit is permitted as of right. Upon review of the application it appears the variance is triggered due to no interior connection between the two units, and the variance should therefore be amended as follows:

The applicant requests the Committee to approve a minor variance to allow the construction of a second unit which is not accessory to and located within a detached dwelling due to the lack of an internal connection between the dwelling units whereas By-law 0225-2007, as amended, requires a second unit to be accessory to and located within the detached dwelling in this instance.

Background

Property Address: 395 Grand Highland Way

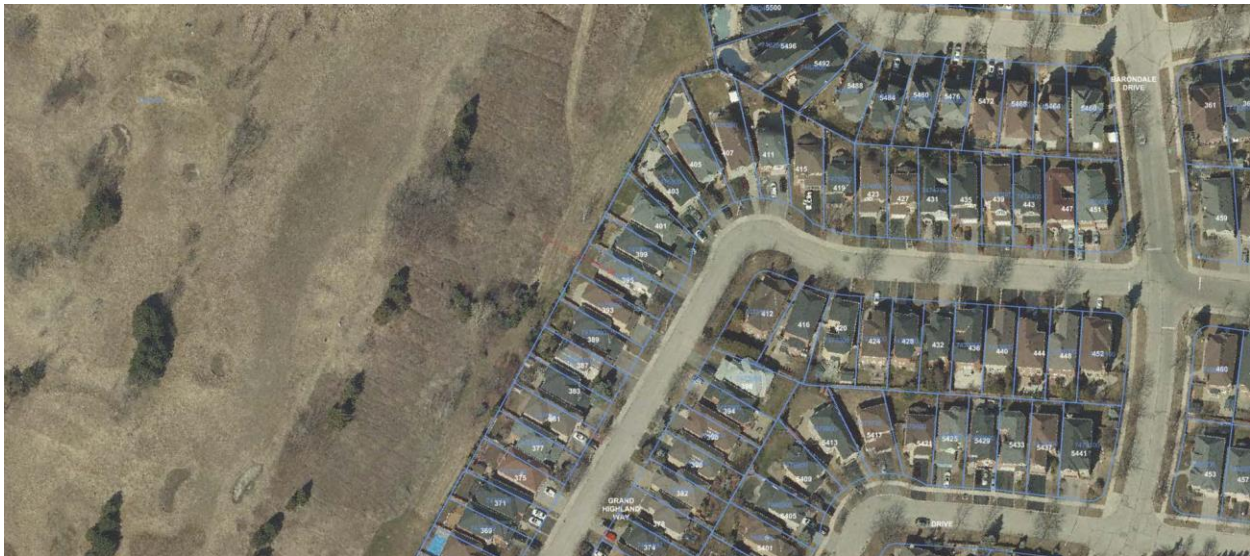
Mississauga Official Plan

Character Area: Hurontario Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007**Zoning:** R5 - Residential**Other Applications:** None**Site and Area Context**

The subject property is located north-west of the Bristol Road West and Kennedy Road intersection in the Hurontario neighbourhood. It currently contains a two-storey detached dwelling with an attached garage. The property has a lot area of +/- 347.6m² (3,741.5ft²), characteristic of other detached dwellings in the surrounding area. Limited landscaping and vegetative elements are present in both the front and rear yards. The surrounding area context is predominantly residential and includes a mix of detached, semi-detached, and townhouse dwellings on lots of varying sizes. The subject property backs onto the vacant Grand Highland Gold Club lands.

The applicant is proposing a second unit on the subject property requesting a variance for an exclusive second entrance.



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 Hurontario Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits varying built forms, including detached and duplex dwellings. Section 9 of the 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 proposed entrance is located within a side yard and at grade. The lack of interior connection between the units will have no impacts to abutting properties or the streetscape.

Notwithstanding the above, Transportation and Works staff have raised concerns surrounding potential encroachments into an existing easement on the subject property. Staff therefore recommend that the application be deferred in order to allow the applicant to address these concerns.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committee's reference are photos which depict the area between Lots 64 and 65 on Plan 43M-1151. From our review of this application we note that there is an existing 3.0M storm and overland drainage easement between the subject and abutting property, 1.5M being on each lot (easement identified as parts 3 and 4, Plan 43R-20858, Instrument LT 1552691). City plans C-32333 (Plan and Profile DWG) and C-32316 (Area Grading Plan) also confirm this 3.0M storm sewer and overland flow easement.

From the information submitted on the Site Plan, the proposed entrance to Unit #2 indicates that it will be on grade, however additional information is required to confirm that there will be no risers or encroachments into the limits of the easement as we have no information as to what is being proposed inside the dwelling.

The Site Plan submitted does depict the easement, however the dimensions provided are inaccurate and do not correspond with our records. In this regard we would request a survey plan of the property which would accurately depict the existing dwelling in relation to the existing easement.

In view of the above, we would request that this application be deferred upon the submission of the additional details we have requested.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

We note that a Building Permit is required. In the absence of a Building Permit 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

Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has no objections to the above noted minor variance application and advises as follows.

The lands to the rear of the property are owned by the City of Mississauga and zoned OS2-5 – Open Space – City Park.

Should the application be approved, Community Services provides the following notes:

1. Construction access from the adjacent park/greenlands is not permitted.
2. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
3. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.

Should further information be required, please contact Nicholas Rocchetti, Park Planning Assistant, Community Services Department at 905-615-3200 ext. 4659 or via email Nicholas.Rocchetti@mississauga.ca.

Comments Prepared by: Nicholas Rocchetti, Park Planning Assistant

Appendix 4 – Region of Peel

Minor Variance Application: A-732/22, 395 Grand Highland Way

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