

# City of Mississauga Department Comments

Date Finalized: 2023-04-05	File(s): A63.23
To: Committee of Adjustment	Ward: 8
From: Committee of Adjustment Coordinator	Meeting date:2023-04-13 1:00:00 PM

## Consolidated Recommendation

The City recommends that the application be deferred.

## Application Details

The applicant requests the Committee to approve a minor variance to allow an interior side yard setback of 0.70m (approx. 2.29ft) to the secondary unit entrance whereas By-law 0225-2007, as amended, requires an interior side yard setback of 1.2m (approx. 3.93ft) to the secondary unit entrance in this instance.

## Background

**Property Address:** 3463 Mulcaster Road

### Mississauga Official Plan

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

### Zoning By-law 0225-2007

**Zoning:** R4-52-Residential

**Other Applications:** none

### Site and Area Context

The subject property is located within the Erin Mills Character Area, southeast of The Collegeway and Ridgeway Road intersection. The immediate neighbourhood is primarily residential. The residential uses consist of two-storey detached dwellings and two, and three -

storey townhouses. Detached dwellings are on lots with mature vegetation in the front yard. The subject property contains a two-storey detached dwelling with mature vegetation in the front yard.

The applicant is proposing a second unit requiring a variance for an interior side yard setback to a below grade 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 are as follows:

The subject property is located in the Erin Mills Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached dwellings.

Staff have identified concerns with the proposed setback. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between the massing of primary structures on adjoining properties, and that access to the rear yard ultimately remains unencumbered. During the site visit, Transportation and Works staff noted issues regarding access to the rear yard. The proposed below grade entryway is existing and obstructs access to the rear yard. The supporting drawings are unclear do not accurately depict existing site conditions. Lastly, the rear yard is not accessible from the westerly side yard due to the location of an existing air-conditioning unit. As such, for the occupant of the dwelling to access the rear yard, they will need to trespass onto the neighbouring lots to the east and/or west.

Therefore, staff are of the opinion that the application does not meet the four tests and should be deferred to address the above noted concerns.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

Enclosed for Committee's easy reference are photos of the side yard where the basement entrance is proposed, as well as the opposite side yard of the dwelling. We do not have any drainage concerns.













Comments Prepared by: John Salvino, Development Engineering Technologist

## Appendix 2 – Zoning Comments

In the absence of a Development 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.

For scope of work that does not require Site Plan Approval/Building Permit/Zoning Certificate of Occupancy Permit, the applicant may consider applying for a Preliminary Zoning Review application. A detailed site plan drawing and architectural plans are required for a detailed zoning review to be completed. A minimum of 6-8 weeks is required depending on the complexity of the proposal and the quality of information submitted.

Comments Prepared by: Brooke Herczeg, Zoning Examiner

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## Appendix 3- Region of Peel

### Minor Variance Application: A-63/23 – 3463 Mulcaster Road

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](mailto: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](mailto:siteplanservicing@peelregion.ca).

Comments Prepared by:      Patrycia Menko, Junior Planner