

# City of Mississauga Department Comments

Date Finalized: 2023-04-26	File(s): A732.22
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2023-05-04 1:00:00 PM

## Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the application meets the requirements of Section 45 (1) of the Planning Act. 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 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**

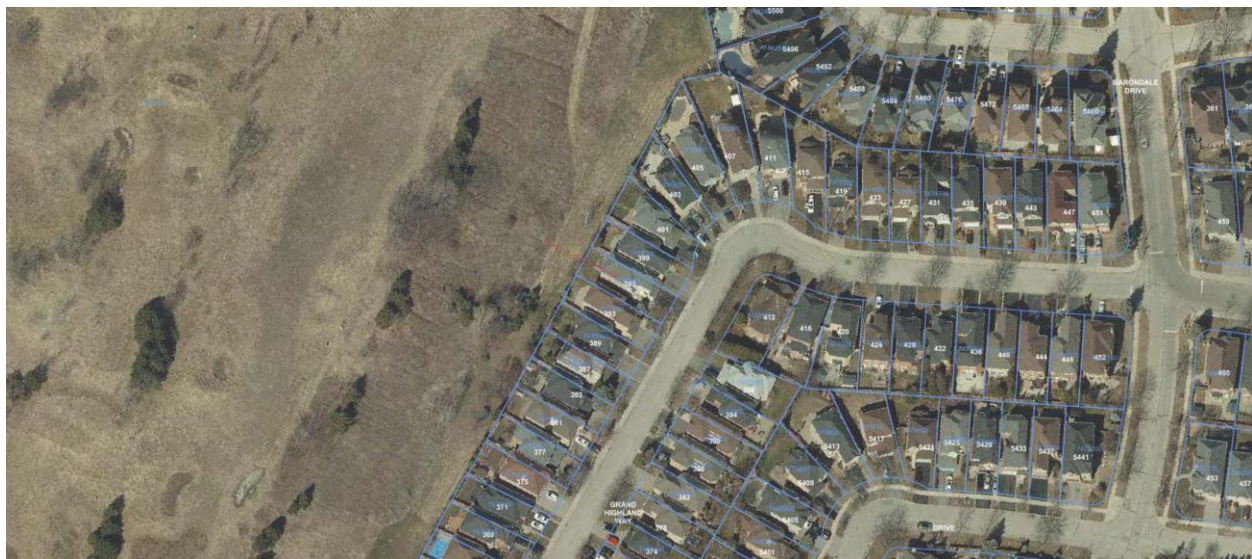
**Zoning:** R5 - Residential

**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 +/- 347.6m<sup>2</sup> (3,741.5ft<sup>2</sup>), 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. Planning staff are of the opinion that the application is appropriate to be handled through the minor variance process and raises no concerns of a Planning nature.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

In our previous comments we indicated that that there was 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) and we were concerned with any encroachment's into the easement. In conversation with the applicant's agent a revised Site Plan Drawing and additional details pertaining to the proposed entrance have been provided to confirm that the proposed entrance will be at grade and that there will be no risers or encroachments into the limits of the easement. The Site Plan re-submitted has also been revised to accurately depict the dimensions of the easement which we required. In view of the above we have no further requirements/concerns with the applicant's request.

Comments Prepared by: Tony Iacobucci, 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

### 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](mailto:Nicholas.Rocchetti@mississauga.ca).

Comments Prepared by: Nicholas Rocchetti, Park Planning Assistant

#### **Appendix 4 – Region of Peel Comments**

Please apply previous comments.

Comments Prepared by: Patrycia Menko, Junior Planner