

City of Mississauga Department Comments

Date Finalized: 2023-05-24	File(s): A534.22 Ward: 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-06-01 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application.

Application Details

The applicant requests the Committee to approve a minor variance to allow for the construction of a below grade entrance proposing:

1. An interior side yard setback to the below grade stairwell of 1.071m (approx. 3.51ft) whereas By-law 0225-2007, as amended, requires an interior side yard setback to the below grade stairwell of 1.20m (approx. 3.94ft) in this instance; and,
2. A driveway width of 6.50m (approx. 21.33ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance.

Background

Property Address: 386 Chantenay Drive

Mississauga Official Plan

Character Area: Cooksville Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3- Residential

Other Applications: SEC UNIT 22-3386

Site and Area Context

The subject property is located on the north-east of the Cliff Road and North Service Road intersection in the Cooksville neighbourhood. It currently contains a side-split detached dwelling with an attached garage and limited landscaping elements with some mature vegetation. The property has a lot area of +/- 691.81m² (7,447ft²), which is characteristic of the area. The surrounding area context is exclusively residential, consisting of detached homes in the immediate vicinity and townhouses in the larger context.

The applicant is proposing a below grade entrance and to legalize the existing driveway requiring variances for setback and driveway width.



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 Cooksville 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 and triplex dwellings, as well as other low-rise dwellings with individual frontages. 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

proposed development maintains the residential use of the dwelling and character of the surrounding area. Staff are satisfied that the general intent and purpose of the official plan is maintained.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

Variance 1 proposes a reduced side yard measured to a below grade entrance. The intent of the side yard regulations in the by-law is to ensure that an appropriate buffer between structures on abutting properties is maintained as well as ensuring access to the rear yard and drainage patterns are preserved. The proposed steps and side entrance create no massing impacts or separation issues between structures while preserving access to the rear yard. Staff note that the proposed setback is measured to a pinch point due to the angled lot line and that the setback increases along the length of the stairs. Furthermore Transportation & Works staff have raised no significant drainage concerns regarding the proposal.

Variance 2 proposes an increased driveway width. The intent of limiting the driveway width is to permit a driveway large enough to suitably accommodate the required number parking spaces for a dwelling, with the remainder of lands in the front yard being soft landscaping. The proposed driveway is an appropriate width to accommodate two vehicles across while maintaining an appropriate soft landscaped area in the front yard. Furthermore the proposal does not request excessive hard surface area above the requirement for two vehicles side by side.

Given the above Planning staff are satisfied that the general intent and purpose of the zoning by-law are maintained.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

Planning staff are of the opinion that the requested variances, both cumulatively and individually, are minor in nature and will not create undue impacts to the streetscape or abutting properties. Staff are satisfied that the proposal represents appropriate development of the subject property.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We note that variance #1 is requesting an interior side yard setback to the proposed below grade stairwell which in accordance with the Site Plan submitted will have a slight encroachment into an existing easement 5 ft in width. It is our understanding that this existing easement is in favour of the Region of Peel and in this regard we would suggest that satisfactory arrangements would have to be made with the Region of Peel for any encroachment.

With regards to variance #2 we have no objections to the driveway width variance.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing an application under file SEC UNIT 22-3386. Based on review of the information currently available in this application, the variances, as requested are correct.

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: Gary Gagnier; 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 adjacent to the property are owned by Hydro One Networks, leased by the City of Mississauga, identified as Nine Creeks Trail (P-534) and zoned U – Utility.

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.
4. No public trees shall be injured or removed. If public tree removal is required, a permit must be issued as per By-law 0020-2022.
5. No private trees shall be injured or removed. If a private tree with a diameter of 15 centimetres or greater on private property is to be injured or destroyed, a permit must be issued as per By-law 0021-2022.
6. Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, c.P. 13, as amended) and in accordance with the City's policies and by-law.

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-22-534M – 386 Chantenay Drive

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

Comments:

- There is a Region of Peel easement on the subject property. Please be advised that unauthorized encroachments on easements will not be permitted. Certain restrictions apply with respect to Regional easements as per the documents registered on title.

Comments Prepared by: Patricia Menko, Junior Planner