

# City of Mississauga Department Comments

Date Finalized: 2022-11-16	File(s): A432.22
To: Committee of Adjustment	Ward: 11
From: Committee of Adjustment Coordinator	Meeting date:2022-11-24 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application, subject to the condition.

## Application Details

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

1. A below grade stairwell in an exterior side yard whereas By-law 0225-2007, as amended, does not permit a below grade stairwell in an exterior side yard in this instance; and,
2. A new pedestrian entrance facing a street to facilitate a second unit, whereas By-law 0225-2007, as amended, does not permit a new pedestrian entrance facing a street to facilitate a second unit in this instance.

## Recommended Conditions and Terms

The applicant shall construct and maintain a wooden privacy fence, with a minimum height of 1.8m and in accordance with the Fence By-law, in accordance with the Site Plan drawing dated September 28, 2022.

## Background

**Property Address:** 1488 Spring Garden Court

### Mississauga Official Plan

Character Area: Meadowvale Village Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

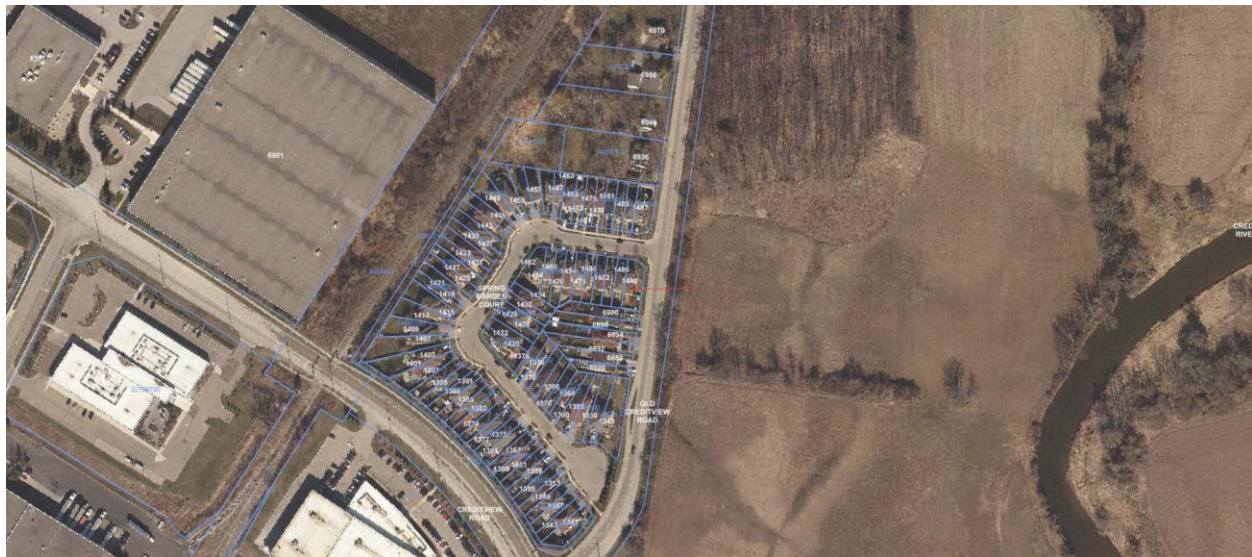
**Zoning:** RM2-5-Residential

**Other Applications:** SEC UNIT 22-1951

### Site and Area Context

The subject property is located on the south-west corner of Old Creditview Road and Spring Garden Court in the Meadowvale Village neighbourhood. It currently contains a two-storey semi-detached dwelling with a lot area of +/- 389.3m<sup>2</sup> (4,190.4ft<sup>2</sup>). Limited vegetative and landscaping elements are present in the front, rear, and exterior side yards. Spring Garden Court represents a small residential enclave predominantly surrounded by open space to the north and east and employment uses to the south and west.

The applicant is proposing a below grade entrance to facilitate a second unit in the exterior side yard, requiring variances for the location.



## 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 Meadowvale Village 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. The applicant is proposing a secondary unit within a permitted dwelling. Staff note that the entrance is appropriately hidden behind the proposed privacy fence. Staff are satisfied that the general intent and purpose of the official plan are maintained.

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

The intent of the regulations surrounding second unit and below grade entrances are to ensure that the entrances do not negatively impact the overall streetscape. In this instance the applicant has proposed to screen the entrance with a privacy fence, appropriately screening the stairwell from the streetscape. Staff are satisfied that any negative impact to the streetscape has been appropriately mitigated and that the general intent and purpose of the zoning by-law have been maintained.

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

Staff are satisfied that the application is minor in nature. The proposed entrance is well screened by the existing fence and will not have significant impacts on the streetscape. Furthermore the addition of a permitted second unit represents appropriate development of the subject lands.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

As the subject lot this is a corner lot and the below grade entrance is being proposed in an area which will not impact the existing drainage pattern or any of the adjacent properties, we have no drainage related concerns with the location of the below grade entrance.



Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file SEC UNIT 22-1951. Based on review of the information currently available in this permit 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: Brandon Eidner, Zoning Examiner

### **Appendix 3- Region of Peel**

Please apply previous comments.

Comments Prepared by: Patrycia Menko, Junior Planner