

City of Mississauga Department Comments

Date Finalized: 2023-07-05 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): A221.23 Ward: 10
	Meeting date:2023-07-13 3:30:00 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 a below grade stairwell proposing to permit a below grade stairwell facing the street to facilitate a second unit whereas By-law 0225-2007, as amended, does not allow a second entrance facing a street in this instance.

Background

Property Address: 5349 Tenth Line West

Mississauga Official Plan

Character Area: **Churchill Meadows NHD**
Designation: **Res Low Density II**

Zoning By-law 0225-2007

Zoning: **RM2-56- Residential**

Other Applications: **SEC UNIT 23-5414**

Site and Area Context

The subject property is located south-east of the Tenth Line West and Ruth Fertel Drive intersection in the Churchill Meadows Neighbourhood. It is a through lot with frontage onto both Tenth Line West and Vukobrat Lane. The property contains a 2-storey semi-detached dwelling

and a detached garage. The property has a lot frontage of +/- 8.5m (+/- 27.88ft) and a lot area of +/- 255m² (+/- 2744.8 ft²). The surrounding area context is exclusively residential, consisting of detached and semi-detached dwellings.

The applicant is proposing a below grade entrance, requiring a variance.



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 Churchill Meadows Neighbourhood Character Area and is designated Residential Medium Density in Schedule 10 of the Mississauga Official Plan (MOP). 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. Staff are satisfied that the proposal does not significantly alter the existing dwelling. The development is compatible with both the existing site conditions and the surrounding context, and therefore maintains the general intent and purpose of the Official Plan.

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

The requested variance relates to a below grade entrance serving a secondary unit facing a street. The intent of the by-law in prohibiting a below grade entrance in the front yard is to prevent negative visual impact to the overall streetscape. The property is a through lot, abutting both Tenth Line West and Vukobrat Lane. The proposed staircase is to be located in the portion of the yard facing Vukobrat Lane. The site is designed in such a way that the apparent front of the house faces Tenth Line West with the Vukobrat Lane yard functioning as the rear yard of the property. Vukobrat Lane provides direct access to the garages for multiple properties that front onto Tenth Line West. The proposed stairs would be located within the fenced portion of the yard on the subject property, screening them from view. Furthermore, Planning staff note the absence of any true massing resulting from the proposal. Staff are of the opinion that the application maintains the general intent and purpose of the Zoning By-law.

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

Planning staff are satisfied that the proposed variance is minor in nature, as impacts on the streetscape and abutting properties are limited. It is the opinion of staff that the proposal represents appropriate development of the subject property.

Comments Prepared by: Shivani Chopra, Planner in Training

Appendices

Appendix 1 – Transportation and Works Comments

We note that the Transportation and Works Department has no objections to the proposed below grade entrance as it will not impact or alter the existing grading and drainage pattern for this property.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing an application under file SEC UNIT 23-5414. Based on review of the information currently available in this application, the variance, as requested is 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 – Region of Peel**Minor Variance: A-23-221M – 5349 Tenth Line West**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.
- All unutilized water and sanitary services shall be abandoned in accordance with Region of Peel design specifications. 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