

City of Mississauga Department Comments

Date Finalized: 2023-08-09	File(s): A188.23
To: Committee of Adjustment	Ward: 6
From: Committee of Adjustment Coordinator	Meeting date:2023-08-17 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

Application Details

The applicant requests the Committee to approve a minor variance to allow a below grade entrance proposing a side yard setback to the below grade entrance of 0.48m (approx. 1.57ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance.

Background

Property Address: 4193 Regency Dr

Mississauga Official Plan

Character Area: Creditview NHD
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3- Residential

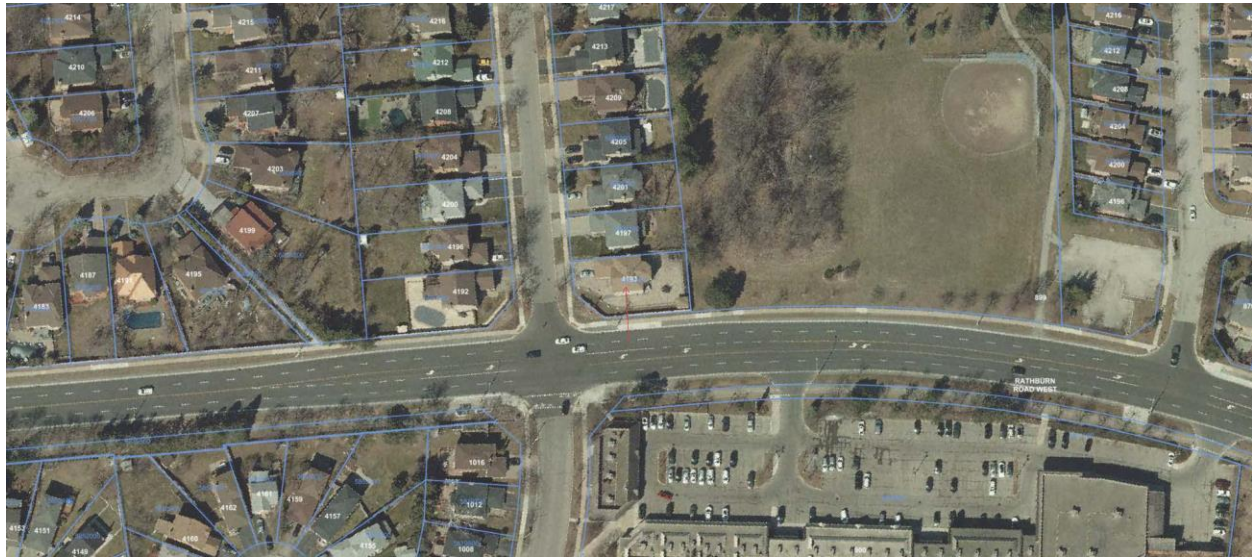
Other Applications: None

Site and Area Context

The subject property is located north-east of the Rathburn Road and Regency Drive intersection in the Creditview neighbourhood. The property contains a 2-storey detached dwelling with an

attached garage and minimal vegetation and landscaping elements in both the front and rear yards. The surrounding context consists of both detached and semi-detached dwellings with attached garages.

The applicant is proposing a below grade entrance requiring a variance for the setback to the side yard.



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 Malton Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). The Residential Low Density 1 designation permits detached, semi-detached and duplex dwellings. 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 is compatible with the existing site conditions and surrounding area context. It will have no impact on the streetscape and 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 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 appropriate access to the rear yard and appropriate drainage is preserved. The proposal is for a below grade staircase to access a side entrance into the dwelling. This proposal creates no impacts on massing or separation between structures, and preserves access to the rear yard on the other side of the dwelling. Furthermore Transportation & Works staff have raised no drainage concerns regarding the proposal. Staff are therefore satisfied that the request maintains the general intent and purpose of the by-law.

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

Staff are of the opinion that the side yard proposal represents appropriate development of the subject property and that the application is minor in nature. There are no impacts to the streetscape and circulation around the exterior of the dwelling is maintained.

Comments Prepared by: Shivani Chopra, Planner in Training

Appendices

Appendix 1 – Transportation and Works Comments

Should Committee see merit in the applicant's request we would recommend that the existing drainage pattern in the area of the proposed side stairwell be maintained. We also note that the proposed 0.48M setback will still allow an adequate area to maintain any drainage to flow and not alter the existing drainage pattern.

Comments Prepared by: Joe Alava, Development Engineering



Appendix 2 – Zoning Comments

We note that a Building Permit is required. In the absence of a Building Permit 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.

Comments Prepared by: Sibila Lass Weldt, 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 the City of Mississauga, identified as Creditview Woods (P-229) and zoned OS1 – Open Space – Community 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.

Comments Prepared by: Nicholas Rocchetti, Park Planning Assistant

Appendix 4- Region of Peel Comments

Minor Variance: A-23-188M – 4193 Regency Drive

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.
- 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: Ayoola Ayooluwa, Junior Planner