

City of Mississauga Department Comments

Date Finalized: 2023-09-06	File(s): A283.23
To: Committee of Adjustment	Ward: 9
From: Committee of Adjustment Coordinator	Meeting date:2023-09-14 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 a below grade entrance proposing:

1. An exterior side yard setback of 3.32m (approx. 10.89ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 4.50m (approx. 14.76ft) in this instance;
2. A below grade entrance with an enclosed stairwell in an exterior side yard whereas By-law 0225-2007, as amended, does not permit a below grade entrance in an exterior side yard in this instance; and,
3. A below grade entrance facing the street whereas By-law 0225-2007, as amended, does not permit a below grade entrance facing a street in this instance.

Background

Property Address: 3074 Augusta Drive

Mississauga Official Plan

Character Area: Meadowvale Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: RM2-4- Residential

Other Applications: SEC UNIT 23-6982

Site and Area Context

The subject property is located north-west of the Derry Road West and Winston Churchill Boulevard intersection in the Meadowvale Neighbourhood. It is a corner property containing a detached dwelling with an attached garage. The surrounding neighbourhood includes both detached and semi-detached dwellings with limited vegetation and landscape elements in the front and rear yards.

The applicant is proposing a below grade entrance to facilitate a second unit requiring variances for exterior side yard setback, a below grade stairwell located in the exterior side yard and for the entrance to the unit to face the street.



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

dwelling. The applicant is proposing a secondary unit within a permitted dwelling. Staff note that the entrance is appropriately hidden behind the existing privacy fence and the entrance will have no impacts to the streetscape. 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?

Variance 1 proposes a reduced setback to the exterior side lot line. The intent of the exterior side yard regulations surrounding second unit entrances are to ensure that an adequate buffer exists between a structure's massing and the public realm. Staff are satisfied the entrance does not create any additional massing to the structure thereby having no impact on the public realm and streetscape.

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, staff note the proposed entrance is hidden behind the 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: Daniel Grdasic, 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 application under file SEC UNIT 23-6982. Based on review of the information currently available for this building permit, the variances, as requested are correct.

Our comments are based on the plans received by Zoning staff on 5/16/23 for the above captioned building permit application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: Adam McCormack; Zoning Examiner

Appendix 3 – Region of Peel

Minor Variance Applications: A-23-283M – 3074 Augusta Dr

Development Engineering: Brian Melnyk (905)-791-7800 x3602

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