

City of Mississauga Department Comments

Date Finalized: 2023-10-25	File(s): A403.23
To: Committee of Adjustment	Ward: 11
From: Committee of Adjustment Coordinator	Meeting date:2023-11-02 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a below grade entrance proposing an interior side yard setback of 0.05m (approx. 0.16ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.20m (approx. 3.94ft) in this instance.

Background

Property Address: 6845 Golden Hills Way

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R10- Residential

Other Applications: None

Site and Area Context

The subject property is located south-east of the McLaughlin Road and Arrowsmith Drive intersection in the Meadowvale Village neighbourhood. It has a lot frontage of +/- 13.5m (44.29ft) and an area of +/- 444.70m² (4,819ft²), which is consistent with other detached

dwellings in the area. Limited landscaping and vegetative elements are present on the subject property, which backs onto the Derry West Greenbelt. The surrounding area context contains open space and residential uses, consisting of a mix of detached and semi-detached dwellings.

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



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:

The subject property is located in the Central Erin Mills 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 house 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.

The applicant proposes a 0.05m (0.16ft) interior side yard setback where a minimum 1.20m (3.94ft) is required. The general intent of interior side yard setback requirements is to ensure that an adequate buffer exists between the massing of primary structures on adjoining properties, that access to the rear yard ultimately remains unencumbered, and that appropriate drainage patterns

can be maintained. Transportation and Works staff have raised concerns that the proposal for a basement entrance in the side yard will prevent the ability to provide the space required to accommodate a required drainage swale and therefore redirect the surface drainage onto the neighbouring lot.

Staff recommend that the application be deferred in order to allow the applicant to redesign or relocate the proposed entrance.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committee's reference are photos which depict the area where the below grade entrance is being proposed. We note that the Grading Plan approved for this property for Lot #8 Plan 43M-1479 (Grading Plan C-38628 by Urban Ecosystems Ltd) depicts a rear to front drainage pattern meaning drainage from the rear yard was designed to be directed to the front via side yard swale. A reduction in side yard setback to 0.05M (approx. 0.16 ft.) whereas 1.20M is required, does not allow for a functional drainage swale between the properties. Typically, if this variance was approved it would result in some drainage from this property being directed onto the adjacent property, however in this particular instance the abutting neighbour has also constructed a below grade entrance approximately in the same area which further impends the approved drainage pattern for this property.

In view of the above, we have concerns with the request and do not support the significant reduction in side yard setback to 0.05M (approx. 0.16ft). Our suggestion would be that the applicant redesign the proposal to reflect a side entrance where the door opens internally and this would eliminate the requirement for the below grade entrance in the side yard and the potential drainage issue.







Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

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: Brooke Herczeg, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

The Parks and Culture 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 Derry West Greenbelt (P-433), classified as a Significant Natural Area within the City's Natural Heritage System, and zoned G1. Section 6.3.24 of the Mississauga Official Plan states that the Natural Heritage System will be protected, enhanced, restored and expanded through the following measures:

- a) ensuring that development in or adjacent to the Natural Heritage System protects and maintains the natural heritage features and their ecological functions through such means as tree preservation, appropriate location of building envelopes, grading, landscaping...;

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**Minor Variance: A-23-403M / 6845 Golden Hills Way**

Development Engineering: Wendy Jawdek (905)-791-7800 x6019

Comments:

- Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Site Servicing approvals may be required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections by email at siteplanservicing@peelregion.ca or at (905) 791-7800 x7973.

Planning: Ayooluwa Ayoola (905) 791-7800 x8787

Comments:

- The subject land is in the regulated area of the Credit Valley Conservation Authority (CVC). We rely on the environmental expertise of the CVC for the review of development applications located within or adjacent to the regulated area in Peel and the impact of natural hazards on proposed development. We therefore request that the City staff consider comments from the CVC and incorporate their requirements appropriately. Final approval of this application requires all environmental concerns to be addressed to the satisfaction of the CVC.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner