

City of Mississauga Department Comments

Date Finalized: 2023-11-08	File(s): A439.23
To: Committee of Adjustment	Ward: 11
From: Committee of Adjustment Coordinator	Meeting date:2023-11-16 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 the construction of a below grade entrance proposing:

1. A below grade entrance in a front yard whereas By-law 0225-2007, as amended, does not permit stairs, stairwells or retaining walls to facilitate a below grade entrance in a front yard in this instance; and
2. A below grade entrance facing a street whereas By-law 0225-2007, as amended, does not permit a pedestrian entrance to facilitate a second unit facing a street, private road or CEC road in this instance.

Background

Property Address: 29 Matlock Ave

Mississauga Official Plan

Character Area: Streetsville Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3-69 - Residential

Other Applications: SEC UNIT 23-8618

Site and Area Context

The subject property is located north-east of the Queen Street West and Britannia Road West intersection in the Streetsville Neighbourhood. It currently contains a detached dwelling with an attached garage. The property is a through lot with frontage on Matlock Avenue, Swanhurst Boulevard and Falconer Drive. It has limited vegetation and landscaping elements in the front and exterior side yards. The surrounding area consists of detached dwellings and commercial stores and industrial buildings located on Queen Street West.

The applicant is proposing a below grade entrance to facilitate a second unit requiring variances for the location of the below grade entrance in the front 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 Streetsville Neighbourhood Character Area and is designated Residential Low Density I 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 variances relate 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 ensure the visual integrity of the streetscape is maintained. The property is a through lot, abutting Matlock Avenue, Falconer Drive and Swanhurst Boulevard. According to the zoning by-law, a through lot can have two front yards, but the shortest lot line abutting the street is technically considered to be front yard. Regarding the subject property, both Swanhurst Boulevard and Falconer Drive yards function as a front yard, however Matlock Avenue is technical frontage for the property. It is noted that the property has been developed in such a way that the front of the dwelling faces Matlock Avenue. Based on this, the variance is technical in nature, as the proposed location of the stairs are considered to be in the front yard. Staff have worked with the applicant to ensure the stairwell is sufficiently screened and incorporated into the design of the dwelling. Staff are satisfied that any negative impact to the streetscape will be appropriately mitigated and that the general intent and purpose of the zoning by-law will be 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 will be well screened by the proposed privacy fence and will not have significant impacts on the streetscape. Furthermore, the proposal represents appropriate development of the subject property at an appropriate scale and intensity of use.

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 processing Building Permit application SEC UNIT 23-8618. Based on review of the information available in this application, we advise that the variances, as requested, are correct.

Please note that comments reflect those provided through the above application. These comments may no longer be valid should there be changes contained within this Committee of Adjustment application that have not been submitted and reviewed through the application noted above. The applicant must submit any changes and/or updates to information and/or drawings separately through the above application in order to receive updated comments.

Comments Prepared by: Andrew Wemekamp, Zoning Examiner.

Appendix 3 – Metrolinx

29 Matlock Ave - A439.23

Metrolinx is in receipt of the minor variance application for 29 Matlock Ave to facilitate the construction of a below grade entrance to support a secondary suite in the basement.

Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of the CP Galt Subdivision which carries Metrolinx's Milton GO Train service.

Advisory Comments:

- The Proponent is advised the following:
 - **Warning:** Metrolinx and its assigns and successors in interest operate commuter transit service within 300 metres from the subject land. In addition to the current use of these lands, there may be alterations to or expansions of the rail and other facilities on such lands in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx or any railway assigns or successors as aforesaid may expand their operations, which expansion may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual units. Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under these lands.

Comments Prepared by: Farah Faroque, Project Analyst

Appendix 4 – Region of Peel

Minor Variance: A-23-439M / 29 Matlock Ave

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

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 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 may be required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections by email at siteplanservicing@peelregion.ca

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- The applicant shall verify the location of the existing service connections to the subject site and the contractor shall locate all existing utilities in the field. Requests for underground locates can be made at <https://www.ontarioonecall.ca/portal/>
 - For location of existing water and sanitary sewer Infrastructure please contact Records by e-mail at PWServiceRequests@peelregion.ca

Comments Prepared by: Ayooluwa Ayoola, Junior Planner