

City of Mississauga Department Comments

Date Finalized: 2023-11-22	File(s): A449.23
To: Committee of Adjustment	Ward: 6
From: Committee of Adjustment Coordinator	Meeting date:2023-11-30 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Application Details

The applicant requests the Committee to approve a minor variance to allow a below grade entrance with an interior side yard setback of 0.71m (approx. 2.33ft) 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: 969 Winterton Way

Mississauga Official Plan

Character Area: East Credit Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R5- Residential

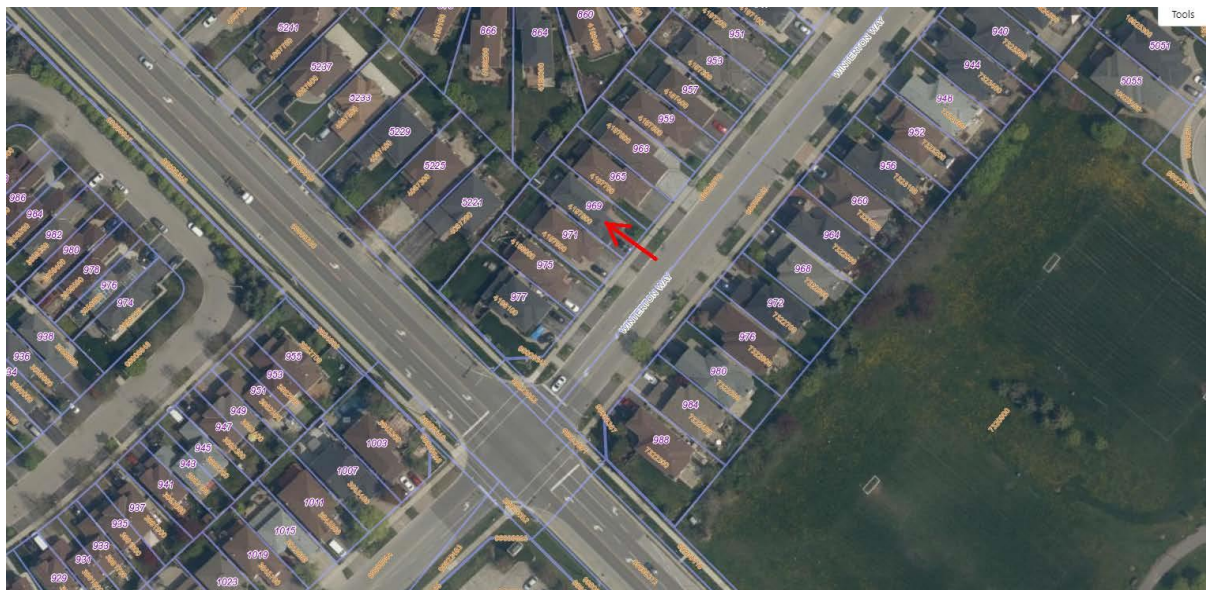
Other Applications: None

Site and Area Context

The subject property is located south-east of the Terry Fox Way and Bristol Road West intersection in the East Credit Neighbourhood Character Area. It is an interior lot containing a

two-storey detached dwelling with an attached garage. Limited landscaping and vegetative elements are present in the front and rear yards. The property has an approximate frontage of +/- 10.45m (34.28ft) and a lot area of +/- 348.19m² (3,747.88ft²), characteristic of lots in the area. The surrounding context is predominantly residential, consisting of two-storey detached and semi-detached dwellings on similarly sized lots.

The applicant is proposing a below grade entrance for personal access requiring a variance for 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 East Credit Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP).

The general intent of the side yard regulations in the by-law is to ensure that: an adequate buffer exists between the massing of primary structures on adjoining properties, appropriate drainage can be provided, and that access to the rear yard remains unencumbered. Staff note that the stairs do not create any additional massing impact that could impact abutting properties. Additionally, staff note Transportation & Work's staff comments concerning access to the below grade stairwell by traversing the abutting neighbour's property. Planning staff note access to the

City Department and Agency Comments	File:A449.23	2023/11/22	3
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rear yard remains unencumbered in the opposite side yard of the dwelling, thereby permitting adequate access.

Staff are therefore of the opinion that the application maintains the general intent and purpose of both the official plan and zoning by-law, is minor in nature, and represents appropriate development of the subject property.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committees easy reference are photos depicting the area of the constructed below grade entrance. From our site inspection and the attached photos it is evident that in the area of the below grade entrance, the grades are such that any drainage is directed towards the front. The owner has also constructed a concrete walkway up the property line where drainage is currently directed onto the abutting property and we cannot confirm if there are any concerns from the abutting neighbour.

From the attached photos it is also clearly evident that any person utilizing the below grade entrance from the front of the property would have to encroach/walk onto the abutting neighbour's property as there is an inadequate area between the property line and garage to walk to the front, in this regard we are also unaware of any concerns from the abutting neighbour.

Comments Prepared by: Joe Alava, T&W 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: Minan Song, Planner in Training

Appendix 3- Region of Peel

Minor Variance: A-23-449M / 969 Winterton Way

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: Ayooluwa Ayoola, Junior Planner