

# City of Mississauga Department Comments

Date Finalized: 2023-12-07	File(s): A469.23 Ward: 6
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-12-14 1:00:00 PM

## Consolidated Recommendation

The City recommends the application be deferred to identify the correct variances.

## Application Details

The applicant requests the Committee to approve a minor variance to allow a basement entrance proposing:

1. An interior side yard setback 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; and,
2. An exterior stair in an interior side yard for a side door whereas By-law 0225-2007, as amended, does not permit this in this instance.

## Background

**Property Address:** 751 Millworks Crescent

### Mississauga Official Plan

Character Area: East Credit Neighbourhood  
Designation: Residential Medium Density

### Zoning By-law 0225-2007

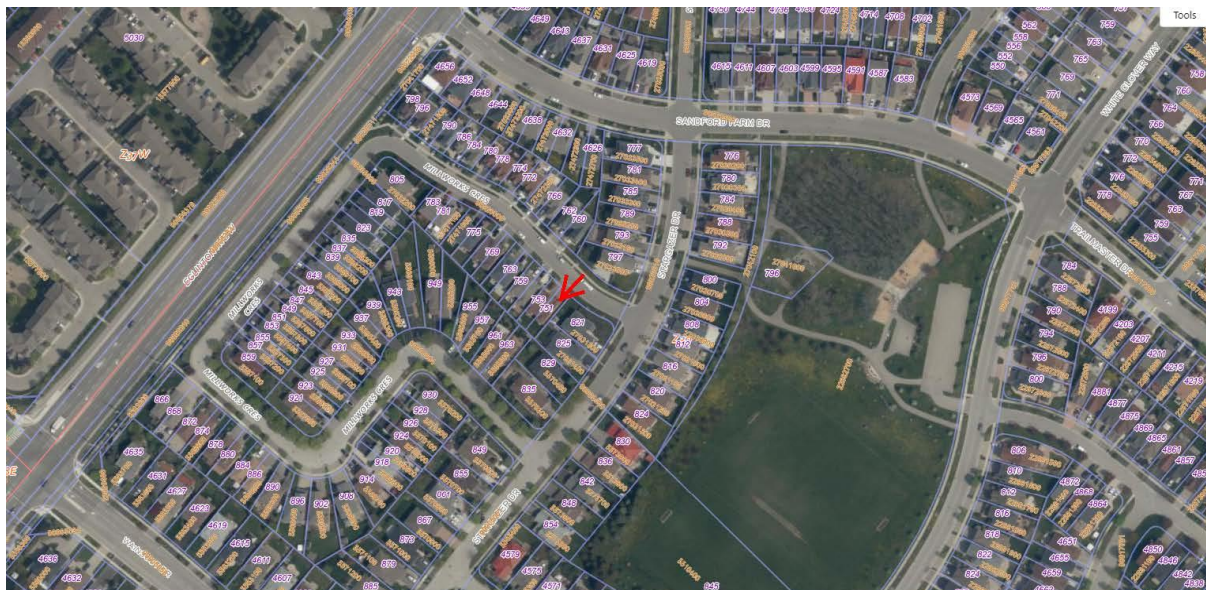
**Zoning:** RM2-49- Residential

**Other Applications:** None

### Site and Area Context

The subject property is located south-west of the Eglinton Avenue West and Mavis Road intersection in the East Credit neighbourhood. It is an interior lot containing a two-storey semi-detached dwelling with attached garage. Limited landscaping and vegetative elements are present on the subject property. The property has an approximate frontage of +/- 7.16m (23.49ft) and an area of +/- 221.06m<sup>2</sup> (2,379,47ft<sup>2</sup>), characteristic of lots in the area. The surrounding context is predominantly residential, consisting of two-storey detached and semi-detached dwellings.

The applicant is proposing an above grade staircase to facilitate a secondary unit requiring a variance for a 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 Medium Density 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 that could impact the abutting property. Furthermore, Transportation and Works staff have raised no drainage concerns with the site and access to the rear yard remains unencumbered.

While planning staff are not in a position to interpret the zoning by-law, staff note the proposed variance for the side yard setback is incorrect and the proposed variance for the exterior stairs is not required. The scope of work concerns an above grade staircase to facilitate an entrance to a second unit. A second unit building permit has already been issued for the property (SEC UNIT 23-8696). The side yard setback variance sought relates to provisions in the zoning by-law concerning below grade stairwells requiring a 1.2m (3.93ft) setback to the side lot line. The scope of work does not propose a below grade stairwell. In conversations with zoning staff, they have stated an encroachment variance as per Article 4.1.5.5 in the zoning by-law may be required instead of the proposed setback variance. Moreover, due to the landing as per the proposed design of the staircase, the staircase could be interpreted as a porch or deck, requiring an additional setback variance of 0.61m (2ft) to the interior side lot line as per Article 4.1.5.2 in the zoning by-law. Staff suggest the applicant contact zoning staff for further confirmation. While staff do not have any objections to the proposed application, staff recommend the application be deferred in order for the correct variances to be identified.

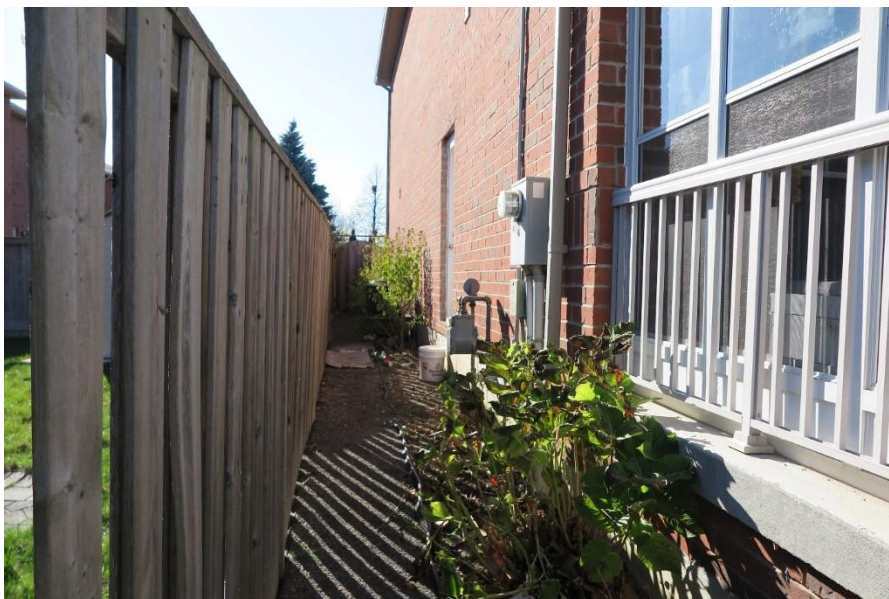
Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

## 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 note that the stairwell is being proposed in an area of the property where there will still be an adequate area to maintain a drainage swale and not alter the existing drainage pattern.

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-23-469M / 751 Millworks Crescent

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](mailto: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](mailto: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](mailto:siteplanservicing@peelregion.ca).

Comments Prepared by: Ayooluwa Ayoola, Junior Planner