

City of Mississauga Department Comments

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| Date Finalized: 2024-01-10 | File(s): A464.23 Ward: 11 |
| To: Committee of Adjustment | |
| From: Committee of Adjustment Coordinator | Meeting date:2024-01-18 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 an entrance for a second unit proposing an interior side yard setback of 1.067m (approx. 3.50ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.21m (approx. 3.97ft) in this instance.

Background

Property Address: 839 Othello Court

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: RM5-27- Residential

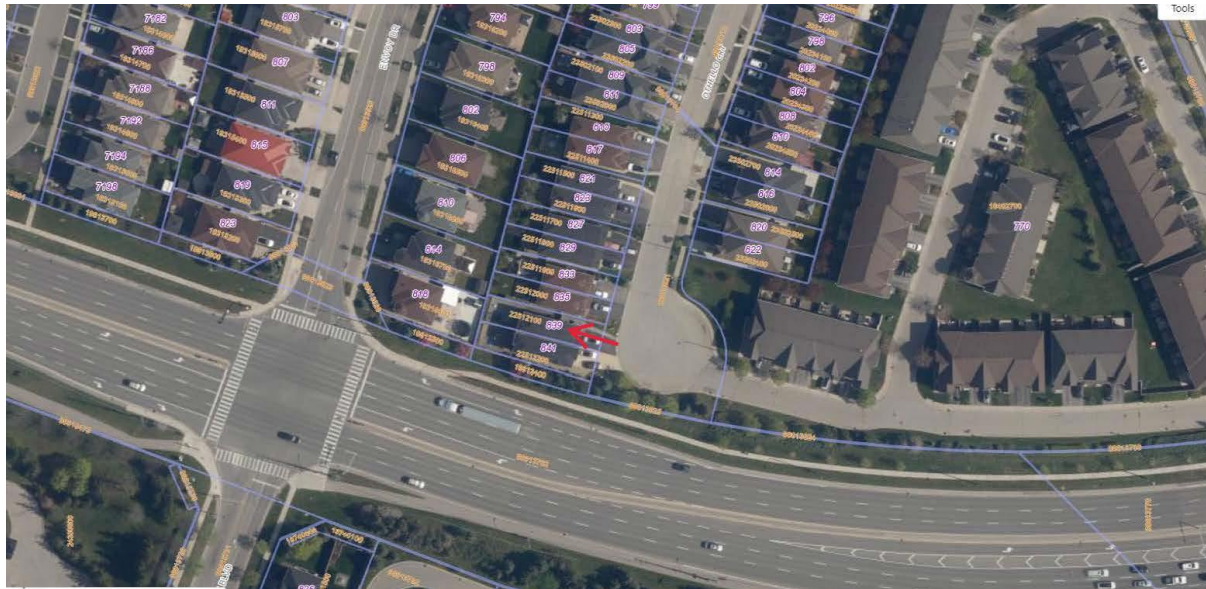
Other Applications: None

Site and Area Context

The subject property is located north-west of the Mavis Road and Derry Road West intersection in the Meadowvale Village neighbourhood. It is an interior lot containing a two-storey semi-detached dwelling with an attached garage. Limited landscaping and vegetative elements are present on the subject property. The property has an approximate frontage of +/- 7.61m

(24.96ft), characteristic of lots in the area. The surrounding context is predominantly residential, consisting of two-storey detached, semi-detached and townhouse dwellings.

The applicant is proposing an above grade staircase in the side yard for personal use 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 Meadowvale Village 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, that 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. The scope of work is limited to an above grade

staircase to facilitate a side yard entrance. 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 regulation 4.1.5.5 in the zoning by-law may be required instead of the proposed setback variance. Moreover, the design of the landing in the staircase can be interpreted as a porch or deck, requiring an additional setback variance of 0.61m (2ft) to the interior side lot line as per regulation 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.

In addition, staff note the driveway width depicted on the drawings provided does not correlate to the existing conditions on the subject property. Zoning regulations for the subject property permit a maximum driveway width of 5.2m (17.06ft). Staff suggest that the site plan be updated to reflect the existing conditions in order to ensure no additional variance is required for driveway width.

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 below grade entrance be maintained. We note that with a reduced 1.067M (approx. 3.50ft) setback, the reduced setback in this instance can still allow for drainage.

We also note that the Grading Plan approved for this property depicts a split drainage pattern, which means that the high point is approximately in the middle of the dwelling in the area that the entrance stairwell is located.







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: Minan Song, Planner in Training

Appendix 3 – Region of Peel

Minor Variance: A-23-464M / 839 Othello Ct

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

Comments Prepared by: Ayooluwa Ayoola, Junior Planner