

City of Mississauga Department Comments

Date Finalized: 2024-01-24	File(s): A65.24 Ward: 3
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-02-01 1:00:00 PM

Consolidated Recommendation

The City recommends the application be deferred.

Application Details

The applicant requests the Committee to approve a minor variance to allow below grade stairwells proposing:

1. A rear yard setback to the window well of 5.86m (approx. 19.23ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 6.30m (approx. 21.00ft) in this instance;
2. An interior south easterly side yard setback to a below grade stairwell of 0.32m (approx. 1.05ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.20m (approx. 3.94ft) in this instance;
3. An interior north westerly side yard setback to a below grade stairwell of 0.36m (approx. 1.21ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.20m (approx. 3.94ft) in this instance; and,
4. An interior north westerly side yard to a porch of 0.36m (approx. 1.21ft) 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: 4296 Claypine Rise

Mississauga Official Plan

Character Area: Rathwood Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

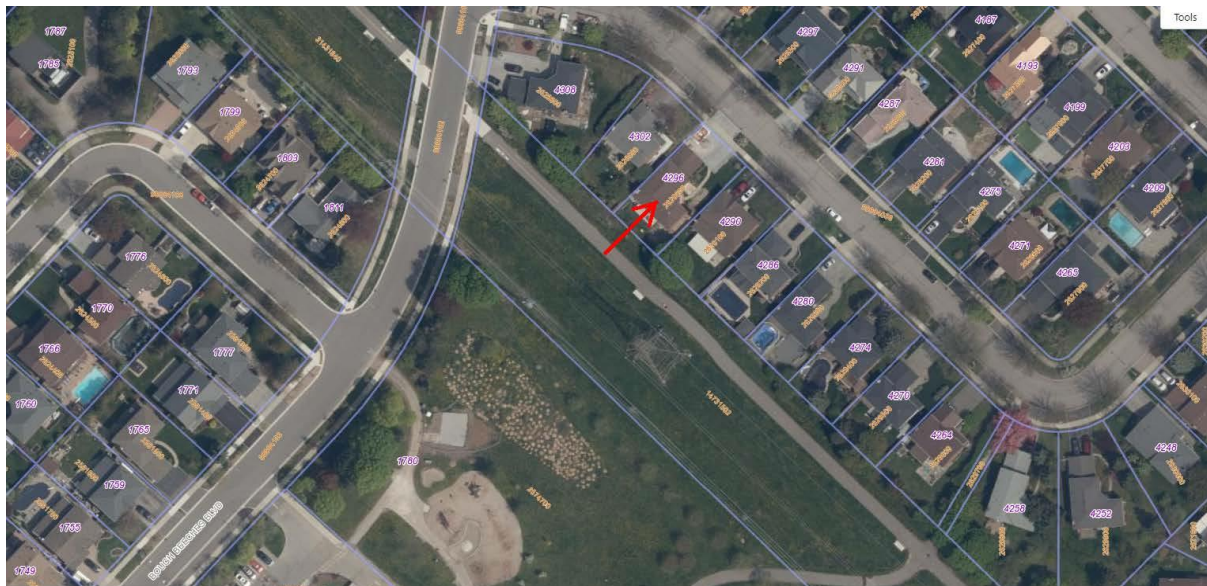
Zoning: R3- Residential

Other Applications: BP 23-9368

Site and Area Context

The subject property is located north-east of the Rathburn Road East and Fieldgate Drive intersection. It currently contains a detached dwelling with an attached garage. The property has a lot area of +/- 587.25m² (6,321.10ft²), characteristic of lots along Claypine Rise. Limited vegetative and landscaping elements are present on the subject property. The surrounding area context is exclusively residential, consisting of detached dwellings. A utility corridor abuts the property to the west.

The applicant is proposing to legalize an existing window well, porch and two below grade stairwell entrances requiring a variance for rear and side yard setbacks.



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 Rathwood 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 note no concerns with variance 1, however have concerns with the remaining variances. Variances 2, 3 and 4 pertain to reduced side yard setbacks from the existing below grade stairwell and porch on the north-west side of the dwelling and the existing below grade stairwell on the south-east side of the dwelling. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between properties, that access to the rear yard remains unencumbered, and that appropriate drainage can be provided. Planning and Transportation and Works staff have no concerns with the proposed variances and each existing below grade stairwell individually. However cumulatively, the construction of both existing below grade stairwells on the subject property do not provide unencumbered access to the rear yard. Staff are therefore of the opinion that the proposal, in its current form, does not maintain the general intent and purpose of the zoning by-law and will have impacts that are not minor in nature.

Furthermore, while staff are not in a position to interpret the zoning by-law, staff note that the existing driveway does not appear to comply with the zoning by-law. Staff note that they would be unable to support the driveway in its current form.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

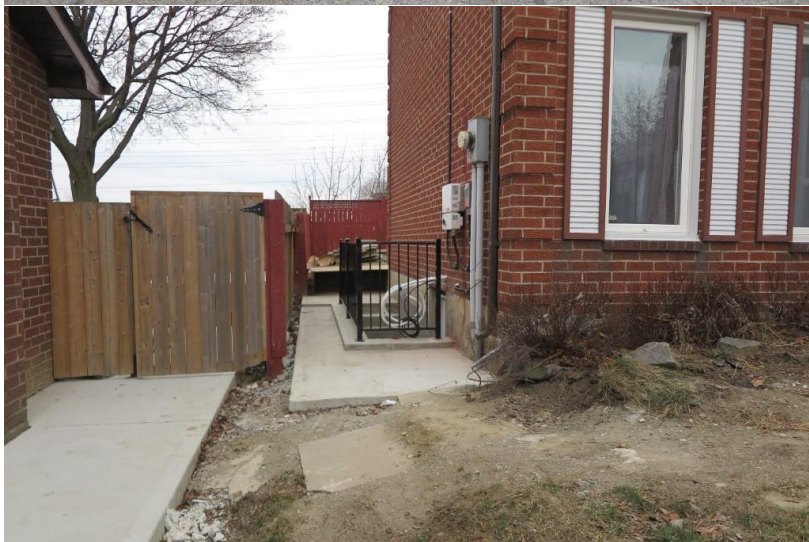
Enclosed for Committees reference are a number of photos depicting the subject property. Acknowledging that a driveway width variance is not being requested, we do have a concern with the easterly limits of the widened driveway due to any vehicle backing out into the roadway could collide with the existing fire hydrant within the boulevard area. We would recommend that modifications be made to re-instate the portion of the driveway in this area which would allow for the safe egress of any vehicle backing out onto Claypine Rise.

The applicant has provided a Site Plan and Survey Plan which depicts grades on the subject property. From our site inspection and a review of the plans submitted we note that this property has a rear to front drainage pattern where drainage from the rear yard was designed to be directed to the front yard via the south-easterly property line.

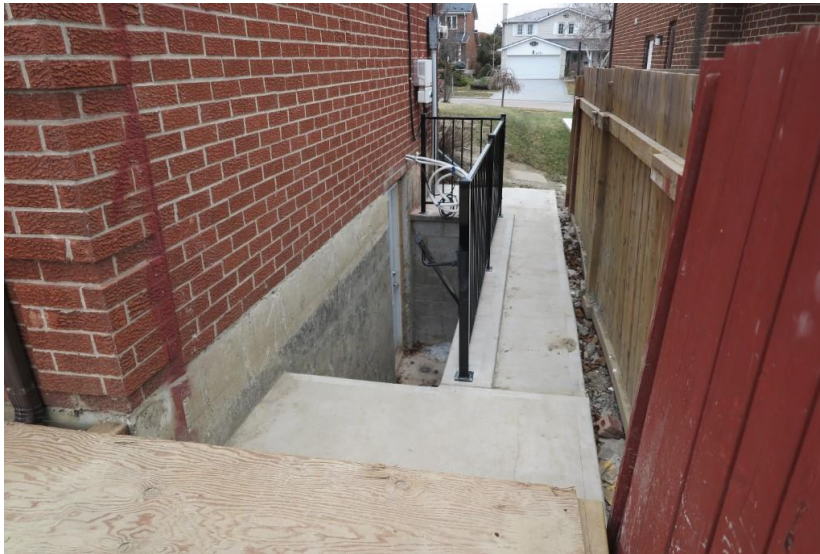
Variance #2 is requesting a 0.32 (1.05ft) south-easterly side yard setback to the constructed below grade stairwell. From our site inspection and enclosed photos we note that the owner has placed a fair amount of excavated earth in the rear yard impeding the drainage pattern and the drainage flow which was designed to be directed towards the front of the dwelling via the side yard drainage swale. We are uncertain if any further regrading is proposed in this area to alleviate this concern or if there have been any drainage related concerns identified by the abutting neighbour.

With regards to Variance #3 requesting a 0.36M (1.21ft) north-westerly side yard setback to the constructed below grade stairwell we do not have any drainage related concerns. From our site inspection we do note that there is an existing canopy over the entrance where drainage is directed onto the abutting property, however, the Site Plan circulated indicates that this canopy is to be removed.

Comments Prepared by: Joe Alava, T&W Development Engineering







Appendix 2 – Zoning Comments

The Building Division is processing Building Permit application 23-9368. Based on the review of the information available in this application, the requested variance(s) is/are correct.

Our comments may no longer be valid should there be changes in the Committee of Adjustment application that have yet to be submitted and reviewed through the Building Division application. To receive updated comments, the applicant must submit any changes to information or drawings separately through the above application.

Comments Prepared by: Brooke Herczeg, Zoning Examiner

Appendix 3 – Region of Peel

Minor Variance: A-24-065M / 4296 Claypine Rise

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