

City of Mississauga Department Comments

Date Finalized: 2024-02-07	File(s): A70.24 Ward: 10
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-02-15 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 proposing a side yard setback of 0.24m (approx. 0.79ft) whereas the By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance.

Background

Property Address: 5654 Dolmite Heights

Mississauga Official Plan

Character Area: **Churchill Meadows Neighbourhood**
Designation: **Residential Medium Density**

Zoning By-law 0225-2007

Zoning: RM1-14- Residential

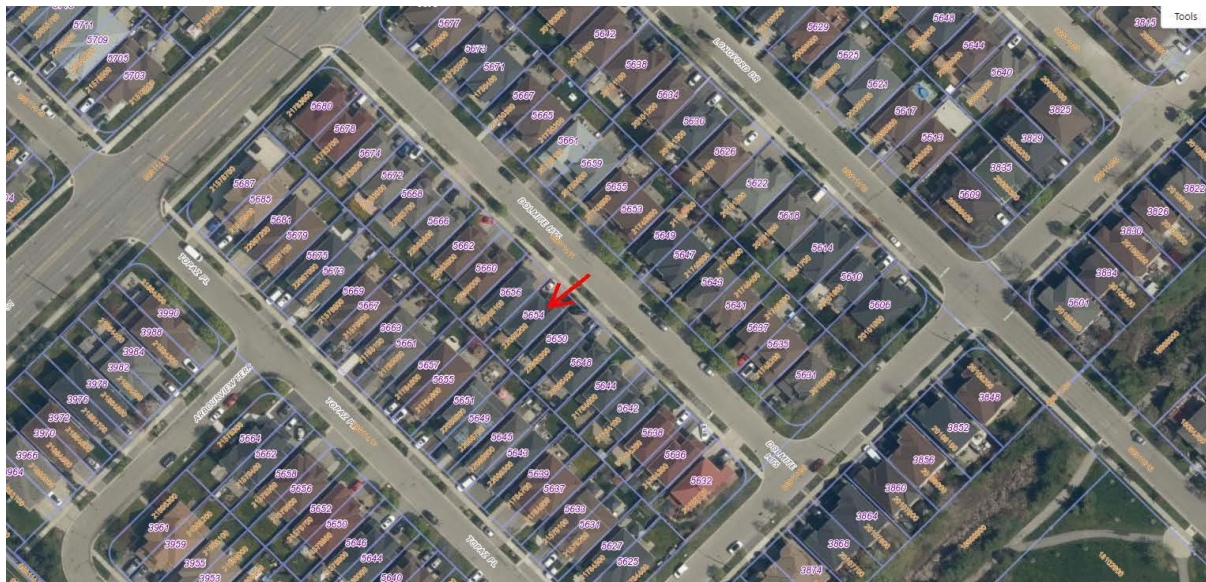
Other Applications: SEC UNIT 23-9431

Site and Area Context

The subject property is located south-east of the Ninth Line and Thomas Street intersection in the Churchill Meadows Neighbourhood Character Area. It is an interior lot containing a two-

storey link welling with an attached garage. The subject property has a lot frontage of +/- 9.15m (30ft) and a lot area of +/- 237.89m² (2,560.60ft²). Limited landscaping and vegetative elements are present on the subject property. The surrounding area context is exclusively residential, consisting of a mix of link, detached and semi-detached dwellings on similarly sized lots.

The applicant is proposing a below grade entrance to facilitate a second dwelling unit requiring a variance for the 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*.

"[Enter info here]"

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 Churchill Meadows Neighbourhood Character Area and is designated Residential Medium Density 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. The proposed below grade entrance will have limited impacts on the streetscape and abutting properties. Staff are therefore satisfied that the general intent and purpose of the official plan are maintained.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

The proposed variance requests a reduced side yard setback to the below grade stairwell. The intent of this provision is to ensure that an appropriate buffer is provided between the massing of structures on abutting properties, access to the rear yard remains unencumbered, and that appropriate drainage patterns can be maintained. The proposed steps do not create a massing issue and Transportation and Works staff have not raised any drainage related concerns. The subject property is a link dwelling, and this side of the dwelling represents the only available exterior access to the rear yard. Despite the reduction staff are satisfied that access to the rear yard can be maintained. Staff are therefore of the opinion that the application maintains the general intent and purpose of the zoning by-law.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

Planning staff are satisfied that the application is both minor in nature and represents appropriate development of the subject property. The proposal will have limited impacts to both the streetscape and abutting properties, and the proposed secondary unit represents an appropriate intensity of use for the subject property.

Notwithstanding the above comments on the requested variance, a review of the property has revealed that the existing driveway appears different than the driveway shown on the drawings. Staff note that the width of the driveway may not meet the requirements under the zoning by-law. Staff are unable to comment if the driveway meets the four tests of a minor variance without confirmation of the width and an appropriate site plan. As such the applicant may wish to defer the application at this time to resubmit the application with any additional necessary variances and an updated drawing for review.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

From our site inspection we note that the abutting property has also constructed a below grade entrance located approximately opposite the applicant's proposal. Acknowledging that both the abutting neighbour and the subject property will be impeding the drainage pattern in a similar way within their side yard setbacks, we are not concerned with any drainage impacts (if any).





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Division is processing Building Permit application 23-9431. Based on the review of the information available in this application, the requested variance is 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: Sibila Lass Weldt, Zoning Examiner

Appendix 3 – Region of Peel

Minor Variance: A-24-070M - 5654 Dolomite Heights

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