

City of Mississauga Department Comments

Date Finalized: 2024-02-07	File(s): A71.24
To: Committee of Adjustment	Ward: 6
From: Committee of Adjustment Coordinator	Meeting date:2024-02-15 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a below grade entrance proposing:

1. A side yard setback of 0.87m (approx. 2.85ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance; and,
2. A combined side yard setback of 3.21m (approx. 10.53ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard setback of 8.00m (approx. 26.25ft) in this instance.

Amendments

The Building Department is processing Building Permit application SEC UNIT 23-10140. Based on review of the information available in this application, we advise that following amendment(s) is/are required:

1. A below grade entrance proposing a side yard setback of 0.87m (approx. 2.85ft) to the below grade stairs; whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance

Background

Property Address: 5073 Terry Fox Way

Mississauga Official Plan

Character Area: East Credit Neighbourhood

Designation: **Residential Low Density II**

Zoning By-law 0225-2007

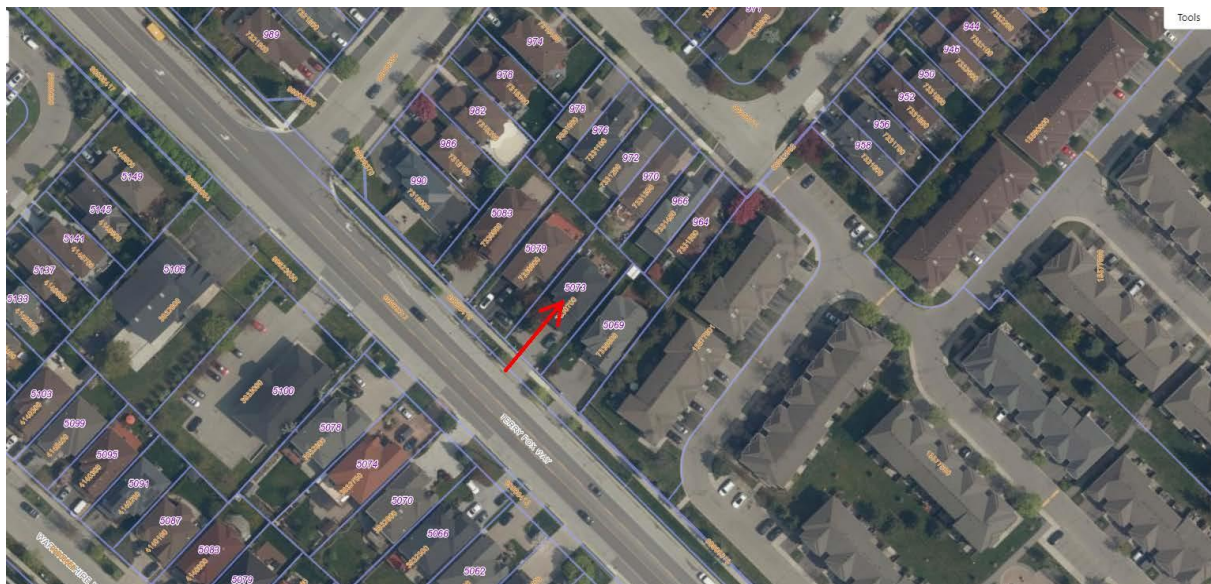
Zoning: **R3-24- Residential**

Other Applications: SEC UNIT 23-10140

Site and Area Context

The subject property is located on the east side of Terry Fox Way, north of Eglinton Avenue West in the East Credit Neighbourhood Character Area. The subject property contains a one-storey detached dwelling with an attached garage. It has an approximate lot frontage of +/- 14.09m (46.22ft) and a lot area of +/- 563.29m² (6,063.20ft²). Limited landscaping and vegetative elements are present on the subject property. The surrounding context consists of single storey detached dwellings.

The applicant is proposing a below grade entrance to facilitate a second dwelling unit requiring variances for 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:

Does the proposal maintain the general intent and purpose of the Official Plan?

The site is located within the East Credit Neighbourhood Area, and is designated Residential Low Density II by the Mississauga Official Plan (MOP). The Residential Low Density II designation permits detached, semi-detached, and duplex dwellings. 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 is of the opinion that the general intent and purpose of the MOP is maintained.

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

Variance 1 pertains to a reduced side yard setback and variance 2 pertains to a reduction in the combined side yard width. The intent of the side yard regulations are to ensure that an adequate buffer exists between the massing of structures on abutting properties, appropriate drainage can be maintained, and to ensure access to the rear yard remains unencumbered. Staff note the existing combined side yard setback of the dwelling totals 4.34m (14.23ft). Staff are of the opinion that the reduced side yard maintains an appropriate buffer between dwellings, appropriate drainage can be provided and unencumbered access to the rear yard is maintained.

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

Upon review of the application, staff are satisfied that the proposal represents appropriate development of the subject lands. The variances, both individually and cumulatively, are minor in nature and will not create any undue impacts to adjoining properties or the planned or existing character of the area.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We note that the Transportation and Works Department has no objections to the proposed below grade entrance as it should not impact or alter the existing grading and drainage pattern for this property.

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





Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application SEC UNIT 23-10140. Based on review of the information available in this application, we advise that following amendment(s) is/are required:

1. A below grade entrance proposing a side yard setback of 0.87m (approx. 2.85ft) to the below grade stairs; whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance

Please note that comments reflect those provided through the above application. These comments may no longer be valid should there be changes contained within this Committee of Adjustment application that have not been submitted and reviewed through the application noted above. The applicant must submit any changes and/or updates to information and/or drawings separately through the above application in order to receive updated comments.

Comments Prepared by: Gary Gagnier; Zoning Examiner

Appendix 3 – Region of Peel

Minor Variance: A23-071M – 5073 Terry Fox 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