

# City of Mississauga Department Comments

Date Finalized: 2024-02-22	File(s): A111.23 Ward: 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-02-29 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 the construction of a new house proposing:

1. An exterior side yard setback to the dwelling of 3.513m (approx. 11.53ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 6.00m (approx. 19.69ft) in this instance and,
2. An exterior side yard setback to the stairs of 2.113m (approx. 6.93ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 4.40m (approx. 14.44ft) in this instance.

## Background

**Property Address:** 85 Hammond Rd

### Mississauga Official Plan

Character Area: Streetsville Neighbourhood  
Designation: Residential Low Density I

### Zoning By-law 0225-2007

**Zoning:** R3-69 - Residential

**Other Applications:** PREAPP 22-1219

## Site and Area Context

The subject property is located south-west of the Thomas Street and Queen Street South intersection. It currently contains a detached dwelling with no garage on the subject property. The property has a lot area of +/- 816.89m<sup>2</sup> (8,792.93ft<sup>2</sup>), characteristic of lots along Hammond Road. Limited vegetative and landscaping elements are present on the subject property. The surrounding area context is exclusively low density residential, consisting of detached dwellings.

The applicant is proposing the construction of a new dwelling requiring variances for an exterior side yard setback to the dwelling and below grade stairwell.



## 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 subject property is located in the Streetsville 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. The proposal represents residential

development in line with the designation and is compatible with the surrounding built form. Staff note that the proposed entrance will be appropriately hidden behind a proposed privacy fence thereby ensuring that the entrance will not significantly alter the intended form of the dwelling. Staff are 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?**

Variance 1 proposes a reduced exterior side yard setback to the proposed dwelling. The intent of the side yard regulations in the by-law is to ensure that an adequate buffer exists between the massing of primary structures and the public realm, and access to the rear yard remains unencumbered. The proposal maintains an appropriate setback from the street and does not infringe on the public realm. Staff are of the opinion that the proposed setback is sufficient to maintain access to the rear yard and maintains an adequate buffer. Furthermore, staff note the Transportation & Works Department has reviewed the application and does not have any concerns regarding drainage.

Variance 2 requests a reduced setback to the exterior side lot line for the below grade stairwell. While staff are not in a position to interpret the zoning by-law, staff note this variance is incorrect. The zoning by-law only permits below grade stairwells in the exterior side yard. There is no required setback distance for below grade stairwells in the exterior side yard. The intent of this regulation is to ensure an adequate buffer exists between the stairwell and the public realm. In this instance, the applicant will locate the below grade stairwell behind a proposed privacy fence which will appropriately screen the stairwell from the streetscape. Staff are satisfied that any negative impact to the streetscape will be appropriately mitigated and that the general intent and purpose of the zoning by-law will be maintained.

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

Staff are satisfied that the application is minor in nature. The proposed entrance will be well screened by the proposed privacy fence and the proposed dwelling will not have significant impacts on the streetscape. Furthermore, the proposal represents appropriate development of the subject property at an appropriate scale and intensity of use.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposed new dwelling will be addressed through the Building Permit Process.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

## Appendix 2 – Zoning Comments

The Building Department is processing Preliminary Zoning Review application PREAPP 22-1219. Based on review of the information available in this application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

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: Alana Zheng, Planner Zoning Examination

## Appendix 3- Region of Peel

### Minor Variance: A-23-111M / 85 Hammond Rd

Development Engineering: Wendy Jawdek (905)-791-7800 x6019



**Comments:**

- Installation of and alterations to property line water valves and chambers and sanitary/storm sewer maintenance holes require inspection by Region of Peel inspectors to confirm if these works are completed in accordance with Region of Peel Design Criteria, standards, and specifications.
- Proposals to connect to an existing service lateral require approval from a Region of Peel inspector at construction stage.
- 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 is 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](mailto:siteplanservicing@peelregion.ca)
- Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Site Servicing approvals is required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections 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 by email at [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca)
- The applicant shall verify the location of the existing service connections to the subject site and the contractor shall locate all existing utilities in the field. Requests for underground locates can be made at <https://www.ontarioonecall.ca/portal/>
- For location of existing water and sanitary sewer Infrastructure please contact Records by e-mail at [PWServiceRequests@peelregion.ca](mailto:PWServiceRequests@peelregion.ca)

Comments Prepared by: Ayooluwa Ayoola, Junior Planner