

City of Mississauga Department Comments

Date Finalized: 2024-02-22	File(s): A91.24
To: Committee of Adjustment	Ward: 6
From: Committee of Adjustment Coordinator	Meeting date:2024-02-29 1:00:00 PM

Consolidated Recommendation

The City has no objections to the requested variance, however the applicant may wish to defer the application to redesign and legalize the existing driveway.

Application Details

The applicant requests the Committee to approve a minor variance to permit the existing below grade entrance in a front yard to facilitate a second unit whereas By-law 0225-2007, as amended, does not permit a below grade entrance at any point in a front yard in this instance.

Background

Property Address: 1259 Shadeland Drive

Mississauga Official Plan

Character Area: Erindale Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: RM1-Residential

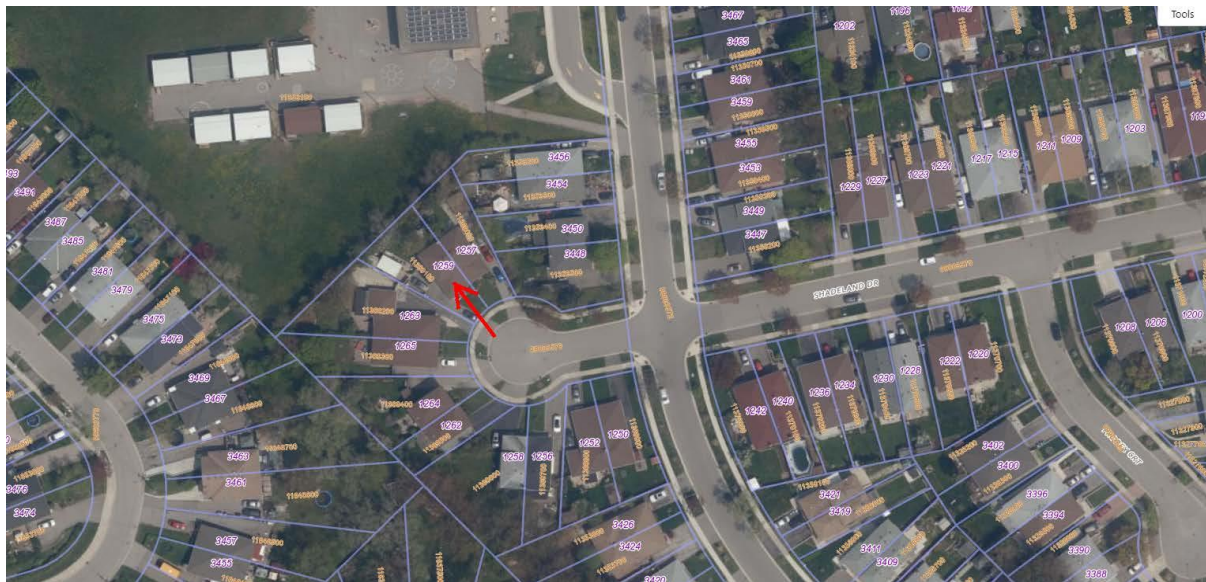
Other Applications: Building Permit application SEC UNIT 23-10325

Site and Area Context

The subject property is located south-west of the Burnhamthorpe Road West and Erindale Station Road intersection in the Erindale Neighbourhood. It contains a two storey semi-

detached dwelling. The surrounding context consists of predominantly semi-detached dwellings. Limited vegetation on the subject property, characteristic of the area.

The applicant is proposing to legalize a below grade entrance in the front yard to facilitate entrance to a secondary unit.



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 Erindale Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, duplex and triplex dwellings, as well as other low-rise dwellings with individual frontages. 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 are of the opinion that the existing entrance is appropriately screened. Staff are satisfied the below grade entrance will have limited impacts on the streetscape or abutting properties. Staff

are of the opinion that the application maintains the general intent and purpose of the Official Plan.

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

The sole variance requested proposes to facilitate a below grade entrance within the front yard, facing the street. The intent of these provisions are to limit the visual impact of second entrances on streetscapes. It is staff's opinion that the location of the entrance and the main dwelling's porch provides adequate screening of the below grade entrance thereby preventing any detrimental impacts to the streetscape. Staff are satisfied that the entrance appears to be a part of the front porch when viewed from the streetscape, mitigating any visual impacts. Furthermore, Planning staff note the absence of any true massing resulting from the proposal. Staff are 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 of the opinion that the impacts of the proposal on both the streetscape and abutting properties are minor in nature in this instance because of the design of the below grade entrance. Furthermore, the proposal represents appropriate development of the subject property.

Notwithstanding the above comments on the requested variance, a review of the property and the drawings has revealed that the existing driveway appears to be wider than the permissions of the by-law. Staff note that the width of the driveway may not meet the requirements under the zoning by-law. Further, the applicant is proposing additional pavement in the front yard, which may be able to facilitate additional parking. Staff are unable to comment if the driveway meets the four tests of a minor variance without more information. As such the applicant may wish to defer the application at this time to resubmit the application with any additional necessary variances.

Comments Prepared by: Shivani Chopra, Planner in Training

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committees easy reference are photos depicting the existing below grade entrance and note that we have no drainage related concerns.

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



Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application SEC UNIT 23-10325. 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: Andrew Wemekamp, Zoning Examiner.

Appendix 3 – Metrolinx

1259 Shadeland Drive - A91.24

Metrolinx is in receipt of the Minor Variance application for 1259 Shadeland Dr to permit an existing below grade entrance in the front yard to facilitate a second unit. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of the CP Galt Subdivision which carries Metrolinx's Milton GO Train service.

Advisory Comments:

- The Proponent is advised of the following:
 - **Warning:** Metrolinx and its assigns and successors in interest operate commuter transit service within 300 metres from the subject land. In addition to the current use of these lands, there may be alterations to or expansions of the rail and other facilities on such lands in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx or any railway assigns or successors as aforesaid may expand their operations, which expansion may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual units. Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under these lands.

Comments Prepared by: Farah Faroque, Project Analyst

Appendix 4 - Region of Peel**Minor Variance: A-24-091M / 1259 Shadeland Dr**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