

City of Mississauga Department Comments

Date Finalized: 2024-03-01	File(s): A112.24 Ward: 6
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-03-07 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 the construction of a below grade entrance proposing an interior side yard setback of 0.07m (approx. 0.29ft) 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: 5430 Remington Court

Mississauga Official Plan

Character Area: **East Credit Neighbourhood**
Designation: **Residential Low Density II**

Zoning By-law 0225-2007

Zoning: **R5-5- Residential**

Other Applications: None

Site and Area Context

The subject property is located north-east of the Bristol Road West and Creditview Road intersection in the East Credit Neighbourhood. It is an interior lot containing a two-storey detached dwelling with an attached garage. Limited landscaping and vegetative elements are

present on the subject property. The property has an approximate area of +/- 539.67m² (5,808.95ft²), characteristic of lots in the area. The surrounding context is predominantly residential, consisting of detached dwellings.

The applicant is proposing a below grade entrance for personal access requiring a variance for 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*.

Staff comments concerning the application of the four tests to this minor variance request are as follows:

The subject property is located in the East Credit Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP).

The general intent of the side yard regulations in the by-law is to ensure that: an adequate buffer exists between the massing of primary structures on adjoining properties, appropriate drainage can be provided, and that access to the rear yard remains unencumbered. Staff note that the stairs do not create any massing impacts that will impact the abutting properties or prevent access to the rear yard as the rear yard access can be obtained from the opposite side of the dwelling.

Transportation & Works staff have drainage concerns with the proposal. Planning staff suggest the applicant speak to Transportation & Works staff to confirm areas that require attention to ensure drainage does not impact the abutting properties.

Given the above, planning staff suggest the application be deferred to correspond with Transportation & Works staff.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed are photos which depict the area where the below grade entrance is being proposed. From our site inspection, the attached photos and the survey plan submitted we note that this is not your typical lot where there is another property immediately abutting the side yard. In this instance there are 4 other lots (Lots 148 to 151, Plan 43M-1172) which abut the side yard.

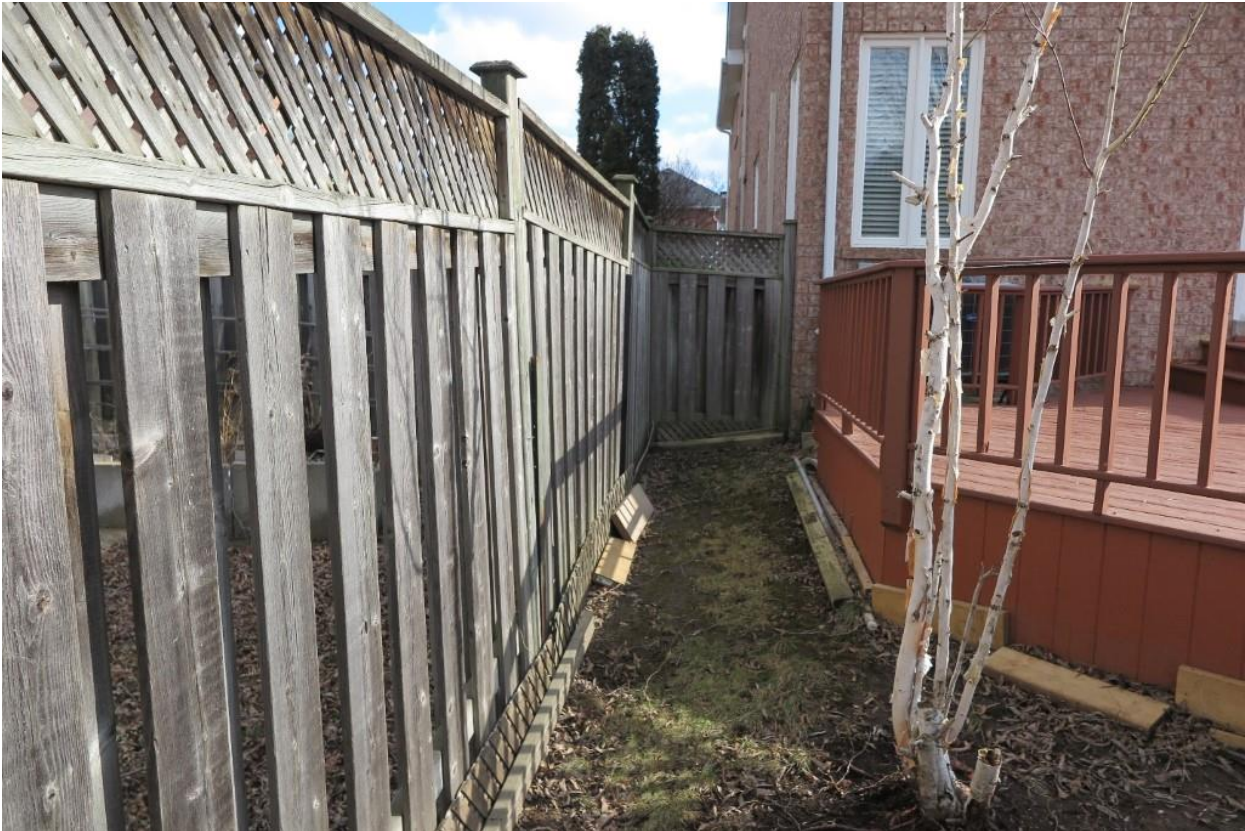
The Grading Plan (Plan C-33818) approved for this property under Registered Plan of Subdivision 43M-1172 indicates that the drainage from the side yard, along with the 4 abutting properties was designed to flow into the catchbasin located on Lot 148 (Plan 43M-1172).

Acknowledging that a reduction in side yard setback to 0.07M (approx. 0.29ft) does not allow for a functional drainage swale between any properties, in this instance and after reviewing the grading plan depicting a catch basin on Lot 148, with some minor regrading on the property the below grade entrance could be constructed without having any impact on the abutting properties. The high point within the side yard is approximately between the area where the entrance is being proposed and the front of the garage. With the construction of the basement entrance in the proposed location some regrading would be required to ensure that any drainage would not impact on the abutting properties.

Comments Prepared by: Tony Iacobucci, Development Engineering









Appendix 2 – Zoning Comments

We note that a Building Permit is required. In the absence of a Building Permit we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed.

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

Comments Prepared by: Minan Song, Planner in Training

Appendix 3 – Region of Peel

Minor Variance: A-24-112M / 5430 Remington Court

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: Minan Song, Planner in Training