

City of Mississauga Department Comments

Date Finalized: 2024-03-28	File(s): A146.24 Ward: 9
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-04-04 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 an interior side yard setback of 0.50m (approx. 1.64ft) 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: 3076 Bayberry Drive

Mississauga Official Plan

Character Area: **Meadowvale Neighbourhood**

Designation: **Residential Low Density II**

Zoning By-law 0225-2007

Zoning: R4- Residential

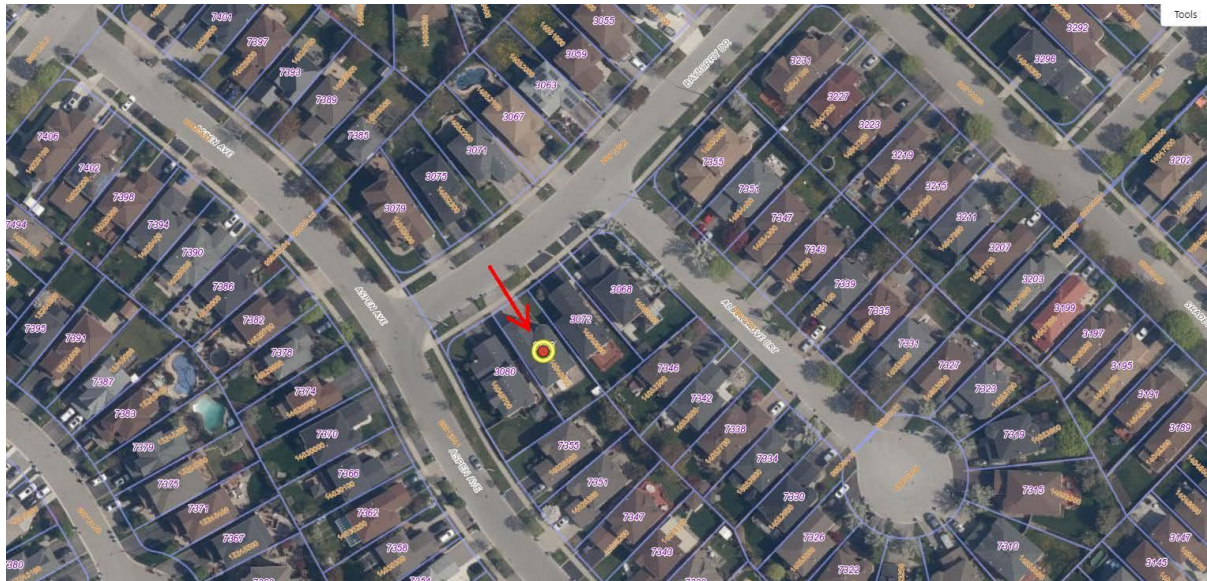
Other Applications: SEC UNIT 24-83 ARU

Site and Area Context

The subject property is located north-east of the Derry Road West and Tenth Line West intersection in the Meadowvale Neighbourhood Character Area. 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 frontage of +/- 11.86m (38.91ft), characteristic of lots in the area. The surrounding context is predominantly residential, consisting of detached and semi-detached dwellings.

The applicant is proposing a below grade entrance to facilitate a second unit 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 Meadowvale 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 primary structures on adjoining properties, appropriate drainage can be provided and that access to the rear yard remains unencumbered. Staff note the proposed below grade stairwell is appropriately situated on the subject property. Furthermore, Transportation and Works staff have raised no drainage related concerns and access to the rear yard is maintained.

Staff are of the opinion that the application maintains the general intent and purpose of both the official plan and zoning by-law, is minor in nature, and represents appropriate development of the subject property

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Should Committee see merit in the applicant's request we would recommend that the existing drainage pattern in the area of the proposed side stairwell be maintained. We note that the stairwell is being proposed in an area of the property where there will still be an adequate area to maintain a drainage swale and not alter the existing drainage pattern.







Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Division is processing Building Permit application SEC UNIT 24-83 ARU. 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: Minan Song, Planner in Training

Appendix 3 – Region of Peel

Minor Variance: A-24-146M / 3076 Bayberry Drive

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 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, Planner

Appendix 4 – Metrolinx

3076 Bayberry Drive - A146.24

Metrolinx is in receipt of the Minor Variance application for 3076 Bayberry Dr to allow the construction of a below grade entrance to support a secondary dwelling unit in the basement. 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 – Third Pary Projects Review