

# City of Mississauga Department Comments

Date Finalized: 2024-05-22	File(s): A29.24
To: Committee of Adjustment	Ward: 6
From: Committee of Adjustment Coordinator	Meeting date:2024-05-30 1:00:00 PM

## Consolidated Recommendation

The City recommends the application be deferred for redesign.

## Application Details

The applicant requests the Committee to approve a minor variance to allow a below grade entrance proposing a side yard setback of 0.17m (approx. 0.56ft) whereas the By-law 0225-2007, as amended, requires a minimum side yard setback of 1.10m (approx. 3.61ft) in this instance.

## Amendments

The Building Department is processing Building Permit application SEC UNIT 23-10289. 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 variances or determine whether additional variances will be required.

It is also advised; that based on review of the information available in this application, we advise that following amendments are also required:

1. To permit Linked Dwelling use within an RM5-13 - Residential zone; whereas By-law 0225-2007, as amended, does not permit a Linked Dwelling in an RM5-13 - Residential zone.
2. A Linked Dwelling be developed in accordance with the RM5-13 - Residential regulations contained in Table 4.11.1; whereas By-law 0225-2007, as amended, does not permit a Linked Dwelling in an RM5-13 - Residential zone.

## Background

**Property Address:** 1046 Windbrook Grove

### Mississauga Official Plan

Character Area: East Credit Neighbourhood  
Designation: Residential Medium Density

### Zoning By-law 0225-2007

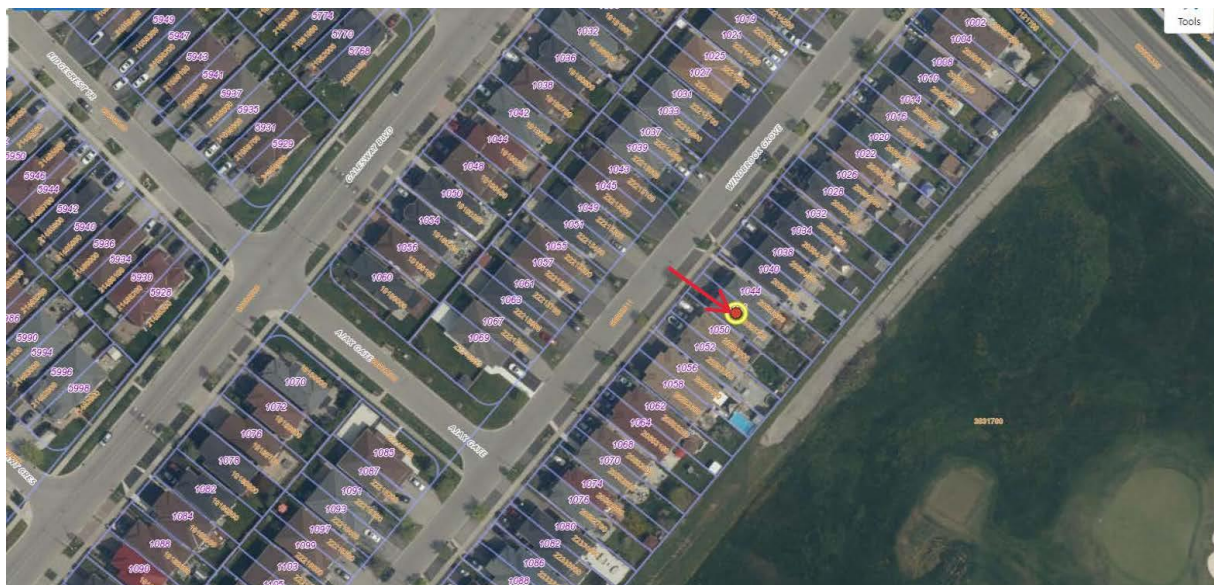
**Zoning:** RM5-13- Residential and G2-2- Greenland

**Other Applications:** SEC UNIT 23-10289

### Site and Area Context

The subject property is located south-west of the Britannia Road and Terry Fox Way intersection in the East Credit neighbourhood. It currently contains a two-storey semi-detached dwelling with an attached garage. The property has an approximate lot area of +/- 271.27m<sup>2</sup> (2,919.92ft<sup>2</sup>). Limited landscaping and vegetation elements are present on the subject property. The surrounding area context includes residential uses in the form of two-storey detached and semi-detached dwellings. Additionally, BraeBen golf course abuts the property to the south and industrial uses are located further east of the property.

The applicant is proposing to construct a below grade entrance requiring variances for side yard setback and a linked dwelling use.



## 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 Medium Density in Schedule 10 of the Mississauga Official Plan (MOP).

The sole variance requested pertains to side yard setback measured to a below grade entrance. The general intent of the side yard regulations in the by-law is to ensure that: an adequate buffer exists between the primary structures on adjoining properties, appropriate drainage can be provided, and that access to the rear yard remains unencumbered.

Planning staff have concerns that the proposal for the below grade entrance in the western side yard will prevent unencumbered access to the rear yard. The built form on the subject property is a semi-detached dwelling and access to the rear yard is only available through the western side yard. The location of the proposed below grade entrance would require those accessing the rear yard to traverse onto the abutting neighbour's property, which planning staff are not in support of.

Staff recommend that the application be deferred in order to allow the applicant to redesign or relocate the proposed entrance.

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, T&W Development Engineering





## Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application SEC UNIT 23-10289. 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 variances or determine whether additional variances will be required.

It is also advised; that based on review of the information available in this application, we advise that following amendments are also required:

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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 – Parks, Forestry & Environment**

#### **Park Planning**

The Parks and Culture Planning Section of the Community Services Department has no objections to the above noted minor variance application and advises as follows:

The lands adjacent to the property are owned by the Region of Peel, leased by the City of Mississauga, identified as BraeBen Golf Course (P-430) and zoned OS2 – Open Space – City Park.

Should the application be approved, Community Services provides the following notes:

1. Construction access from the adjacent park/greenlands is not permitted.
2. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
3. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.

Should further information be required, please contact Nicholas Rocchetti, Planner in Training - Park Assets, Community Services Department at 905-615-3200 ext. 4659 or via email [Nicholas.Rocchetti@mississauga.ca](mailto:Nicholas.Rocchetti@mississauga.ca).

Comments Prepared by: Nicholas Rocchetti, Planner in Training

### **Appendix 4 – Region of Peel**

#### **Minor Variance: A-24-029M / 1046 Windbrook Grove**

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](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 at 905.791.7800 x7973 or 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 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](mailto:siteplanservicing@peelregion.ca).

Comments Prepared by:     Petrele Francois, Junior Planner