

City of Mississauga Department Comments

Date Finalized: 2024-06-05	File(s): A221.24
To: Committee of Adjustment	Ward: 9
From: Committee of Adjustment Coordinator	Meeting date:2024-06-13 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 retaining wall with a side yard setback of 0.04m (approx. 0.13ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance.

Amendments

The Building Department is processing Building Permit application 23-8338. Based on review of the information available in this application, we advise that following amendment(s) is/are required:

Proposed Below Grade Stairwell with a side yard set back of 0.04m; whereas By-Law 0225-2007, as amended, requires minimum 1.2 m in this instance.

Background

Property Address: 6074 Leaside Cres

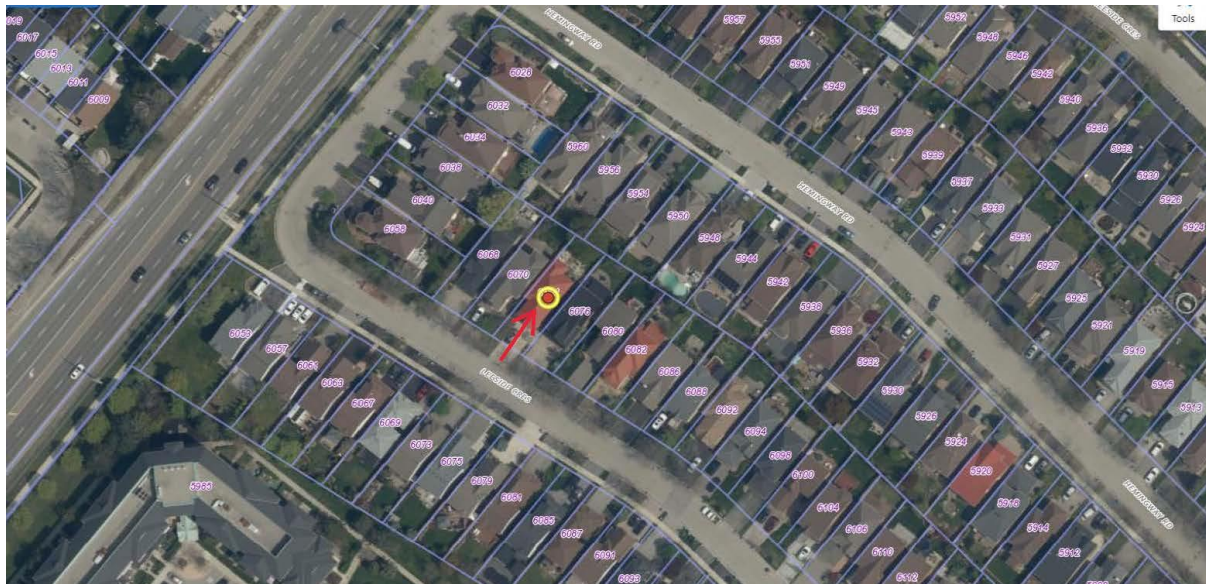
Mississauga Official Plan

Character Area: Central Erin Mills Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007**Zoning: R5-Residential****Other Applications: BP 23-8338****Site and Area Context**

The subject property is located south-east of the Britannia Road West and Glen Erin Drive intersection in the Central Erin Mills 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 surrounding context is predominantly residential, consisting of detached dwellings.

The applicant is proposing a below grade entrance 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 Central Erin Mills 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, triplexes, street townhouses and other forms of low-rise dwellings with individual frontages.

The sole variance requested pertains to a 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 access to the rear yard remains unencumbered. Planning staff initially had concerns with the location of the below grade entrance, as it would require those accessing the entrance and exiting the dwelling to traverse onto the abutting neighbour's property. However, the proposal indicates construction of a 23-inch high timber retaining wall, which will eliminate the ability for those entering and exiting the below grade entrance in traversing on the abutting neighbour's property. Staff note there is an appropriate buffer between the adjoining properties, access to the rear yard remains unencumbered on the opposite side of the dwelling and Transportation and Works staff have raised no drainage concerns with the site.

Staff are therefore 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.

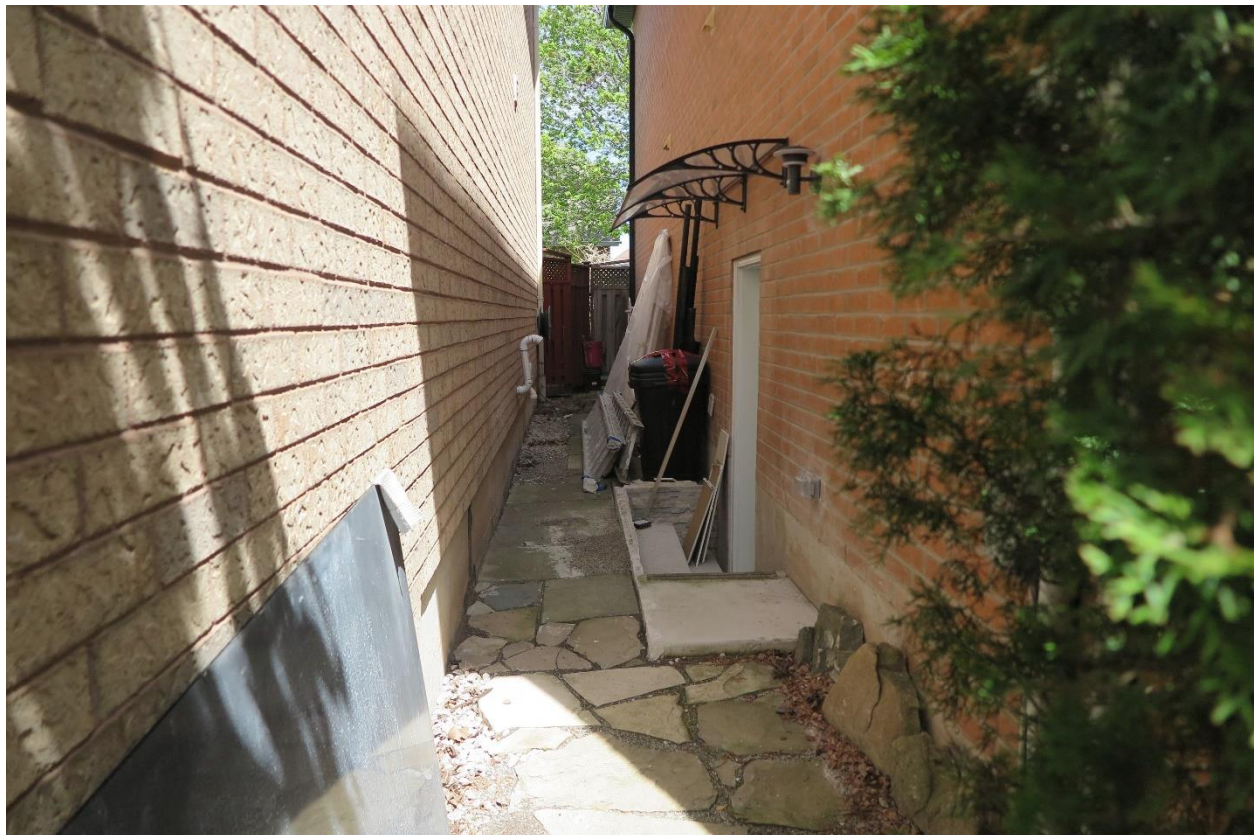
Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

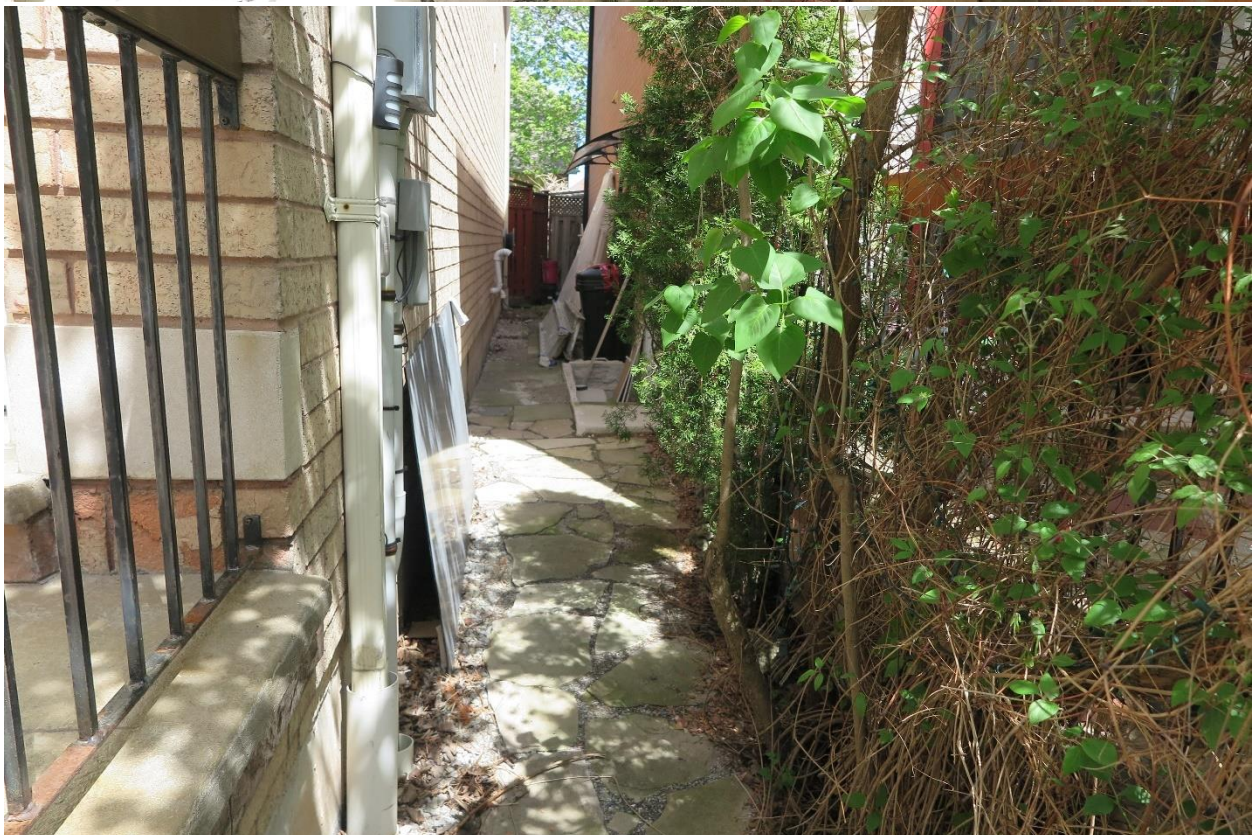
We note that this property has a split drainage pattern which means that the high point is approximately in the middle of the dwelling in the area of the entrance stairwell. With the minimal 0.04M setback requested a drainage swale would not be functional, however, in this instance we do not foresee any significant concerns as the entrance is located at the high point and drainage could still be directed to both the front and rear of the dwelling.

It is clearly evident from the enclosed photos that what currently exists on site is not functional, in fact the owner has placed steps within the stairwell which exit onto the neighbouring property. The Site Plan submitted depicts a 23-inch timber retaining wall with a wider walkway (abutting the dwelling) which would allow for access to be restricted to the subject property and not having to utilize the neighboring property which would be an improvement over what currently exists.









Comments Prepared by: Tony Iacobucci, Development Engineering

Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application 23-8338. Based on review of the information available in this application, we advise that following amendment(s) is/are required:

Proposed Below Grade Stairwell with a side yard set back of 0.04m; whereas By-Law 0225-2007, as amended, requires minimum 1.2 m in this instance.

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: Candice Williams, Zoning Examiner

Appendix 3 – Region of Peel

We have no comments or objections to the following application.

Comments Prepared by: Petrele Francois, Junior Planner