

City of Mississauga Department Comments

Date Finalized: 2024-06-12	File(s): A238.24 Ward: 6
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-06-20 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 an addition proposing:

1. A below grade stairwell in an exterior side yard whereas By-law 0225-2007, as amended, does not permit a below grade stairwell in an exterior side yard in this instance; and,
2. A rear yard setback to the patio roof cover of 5.14m (approx. 16.86ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback to the patio roof cover of 7.50m (approx. 24.61ft) in this instance.

Amendments

The Building Department is processing Building Permit 24-1684. Based on review of the information available in this application, we advise that following amendment is required:

- Proposed Below Grade Stairwell located in Front Yard; whereas By-Law 0225-2007, as amended, does not permit Below Grade Stairwell in Front Yard in this instance.
- Proposed Covered Porch with Rear Yard Setback of 5.14m; whereas By-Law 0225-2007, as amended, requires a minimum setback of 7.50m in this instance.

Background

Property Address: 1724 Moongate Cres

Mississauga Official Plan

Character Area: East Credit Neighbourhood

Designation: Residential Low Density II

Zoning By-law 0225-2007

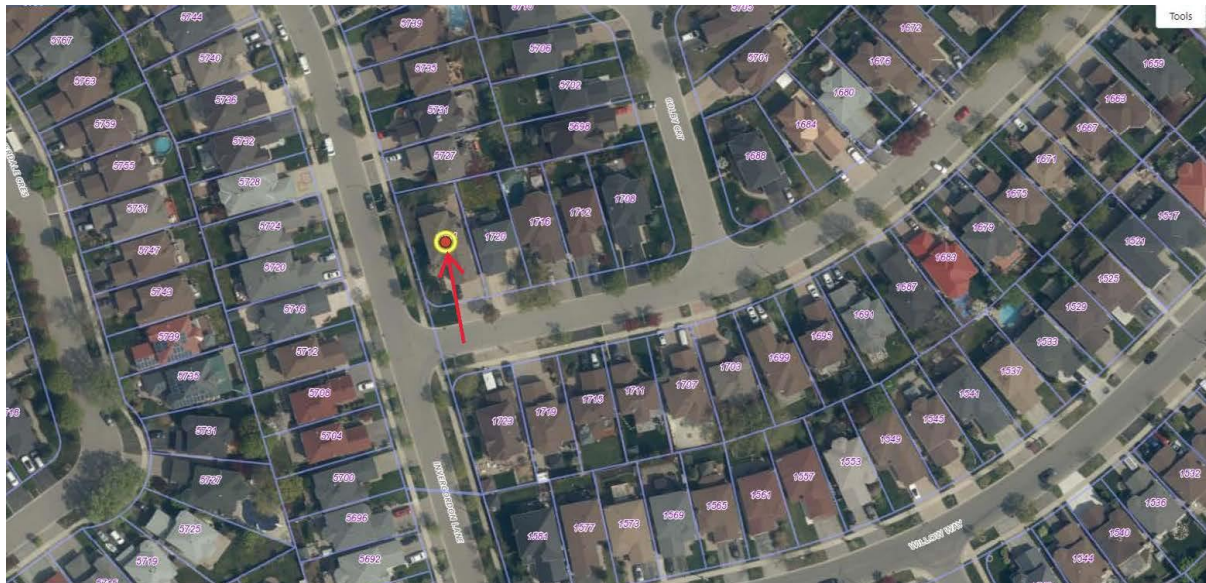
Zoning: R4-20- Residential

Other Applications: BP 24-1684

Site and Area Context

The subject property is located north-west of the Bristol Road West and Creditview Road intersection in the East Credit Neighbourhood Character Area. It is a corner lot currently containing a single detached dwelling with an attached garage. Limited landscaping and vegetative elements are present on the subject property. The surrounding area context is predominantly residential consisting of detached dwellings on similarly sized lots.

The applicant is proposing to construct a covered porch and below grade stairwell requiring variances for a rear yard setback and location of the below grade stairwell in the front yard.



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 and is designated Residential Low Density II by the Mississauga Official Plan (MOP). 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 proposal represents compatible development that is in line with the planned character of the area and meets the general intent and purpose of the official plan.

Variance 1 proposes a below grade stairwell in the exterior side yard. Zoning staff have reviewed the application through the building permit process and note an amendment which confirms the proposed below grade stairwell would be located in the front yard. The intent of the by-law in limiting stairwells in the front yard is to ensure the visual integrity of the streetscape is maintained. The applicant is proposing a stairwell in the front yard which can be sufficiently screened by the existing vegetation and incorporated into the design of the dwelling, mitigating its impact on the streetscape. 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 note the below grade entrance is appropriate and compatible with the surrounding context and the proposed door will not be visible from the street.

Variance 2 pertains to a rear yard setback to the proposed covered porch. The intent of the rear yard provisions in the by-law is to ensure that there is a sufficient buffer between primary structures on abutting lots as well as an appropriate rear yard amenity area for the dwelling. Staff note that the covered porch is only one storey in height and will remain open on all three sides, limiting its massing impact when compared to an enclosed structure. Staff are satisfied that an appropriate buffer is maintained and that the rear yard amenity area is relatively unaffected by the proposal.

Given the above, staff are satisfied that the proposal maintains the general intent and purpose of the official plan and zoning by-law and any impacts of the proposal are minor in nature. Furthermore, the proposal represents appropriate development for the subject property.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We note that the Transportation and Works Department has no objections to the proposed below grade entrance and rear yard setback to the patio roof cover as these additions will not impact or alter the existing grading and drainage pattern for this property.

Comments Prepared by: Tony Iacobucci, T&W Development Engineering



City of Mississauga Department Comments



Appendix 2 – Zoning Comments

The Building Department is processing Building Permit 24-1684. Based on review of the information available in this application, we advise that following amendment is required:

- Proposed Below Grade Stairwell located in Front Yard; whereas By-Law 0225-2007, as amended, does not permit Below Grade Stairwell in Front Yard in this instance.
- Proposed Covered Porch with Rear Yard Setback of 5.14m; whereas By-Law 0225-2007, as amended, requires a minimum setback of 7.50m 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 – Parks, Forestry & Environment

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

1. No public trees shall be injured or removed. If public tree removal is required, a permit must be issued as per By-law 0020-2022.
2. No private trees shall be injured or removed. If a private tree with a diameter of 15 centimetres or greater on private property is to be injured or destroyed, a permit must be issued as per By-law 0021-2022.
3. Please note if a tree is identified as a shared tree with the adjacent property owner, and the applicant intends to apply for a Tree Removal Permit, written consent must be obtained by both parties.

A Tree Removal Application to Permit the Injury or Destruction of Trees on Public and Private Property can be found at <https://www.mississauga.ca/publication/application-to-permit-the-injury-or-destruction-of-trees-on-public-and-private-property/>.

Should further information be required, please contact Rita Di Michele, By-law Inspector, Community Services Department at 905-615-3200 ext. 5872 or via email rita.dimichele@mississauga.ca.

Comments Prepared by: Rita Di Michele, By-law Inspector

Appendix 4 – Region of Peel

We have no comments or objections to the following applications.

Comments Prepared by: Francois Petrele, Junior Planner