

# City of Mississauga Department Comments

Date Finalized: 2024-07-03	File(s): A166.24
To: Committee of Adjustment	Ward: 11
From: Committee of Adjustment Coordinator	Meeting date:2024-07-11 1:00:00 PM

## Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the Applicant and area residents when assessing if the application, as amended, meets the requirements of Section 45(1) of the Planning Act. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

## Application Details

The applicant requests the Committee to approve a minor variance to allow a below grade entrance with a side yard setback of 0.16m (approx. 0.52ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance.

## Background

**Property Address:** 6741 Historic Trail

### Mississauga Official Plan

Character Area: Meadowvale Village Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

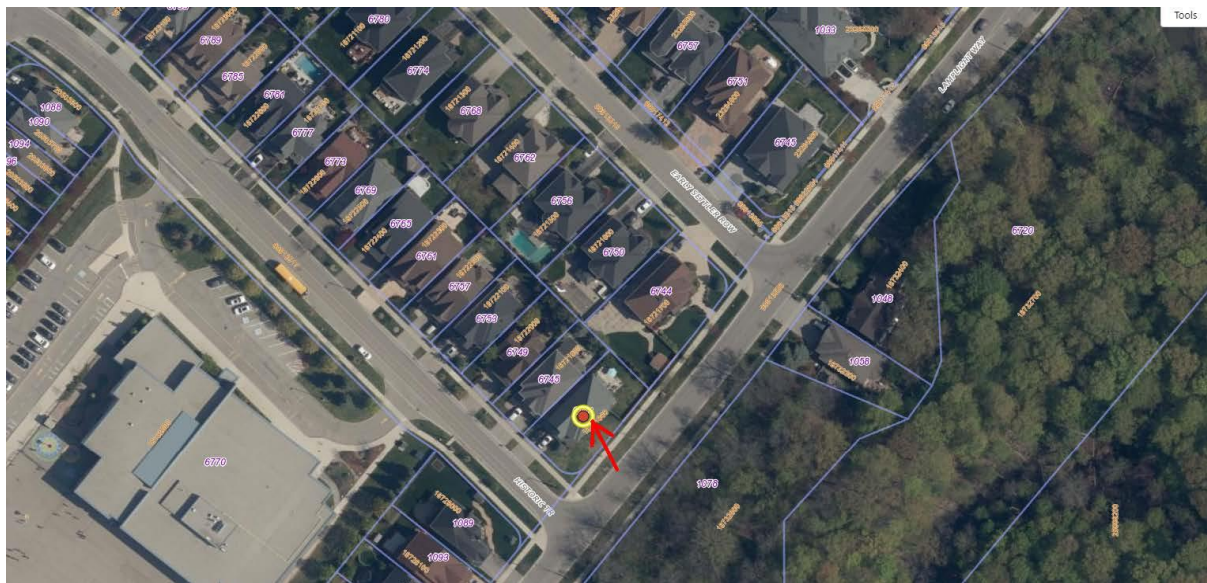
**Zoning:** R10-1- Residential

**Other Applications:** None

## Site and Area Context

The subject property is located south-west of the Old Derry Road and Second Line West intersection in the Meadowvale Village Neighbourhood. It is a corner 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 are as follows:

The subject property is located in the Meadowvale Village 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.

Staff note that this application was previously deferred on April 18, 2024, for a similar side yard setback variance of 0.06m (1.96ft) measured to the below grade entrance. Transportation and works (T&W) staff noted drainage concerns at that time. T&W staff further recommended that

the foundation wall be offset a minimum of approximately 6 inches/0.15m from the property line to do ensure the existing drainage pattern is maintained.

The current application proposes a side yard setback of 0.16m (0.52ft) 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.

The revised setback addresses T&W staff concerns, and their comments indicate that they have no further concerns or requirements. Planning staff are satisfied that the proposal creates no impacts on neighbouring properties and access to the rear yard is maintained on the other side of the dwelling.

Through a detailed review of the application, staff are of the opinion that the application is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning nature.

Comments Prepared by: Shivani Chopra, Planning Associate

## Appendices

### Appendix 1 – Transportation and Works Comments

In our previous comments we indicated that the Grading Plan (Plan C-43163) approved for this property under Registered Plan of Subdivision 43M-1395 depicted a rear to front drainage pattern meaning drainage from the rear yard was designed to be directed to the front via side yard swale.

As the requested reduction in the side yard setback would have significantly reduced the side yard setback, we had concerns that this would not have allowed for a fully functional drainage swale between the properties resulting in some drainage being directed onto the adjacent property. Through several conversations with the applicant, it was decided that a minimum of approximately 6 inches/0.15m from the property line should be adhered to.

The applicant has now requested a 0.16m (approx. 0.52ft) setback which we support. It should be noted from the revised drawings submitted, in particular Detail 'X' in the Site Plan that an 8-inch foundation wall is being proposed, however, there will be a 2 x 8-inch notch in the wall to achieve the required 6-inch setback which will be at grade level.

In view of the above we have no further concerns or requirements with regards to the applicant's request.





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: Brooke Herczeg, Zoning Examiner

### **Appendix 3 – Region of Peel**

Please apply previous comments.

Comments Prepared by: Petrele Francois, Junior Planner