

City of Mississauga Department Comments

Date Finalized: 2024-07-10	File(s): A282.24 Ward: 10
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-07-18 1:00:00 PM

Consolidated Recommendation

The City has no objection to variance 1, however recommends variance 2 be refused.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a below grade entrance proposing:

1. A below grade stairwell entrance (to access the second dwelling basement unit) in the exterior side yard whereas By-law 0225-2007 as amended does not permit a below grade stairwell entrance in the exterior side yard in this instance;
2. A driveway width of 4.60m (approx. 15.09ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 3.80m (approx. 12.47ft) in this instance;
3. A pedestrian entrance facing a street for an accessory dwelling unit whereas By-law 0225-2007 as amended does not permit a pedestrian entrance facing a street for an accessory dwelling unit in this instance.

Amendments

The Building Department is processing Building Permit/Certificate of Occupancy/ Preliminary Zoning Review/Independent Zoning Review application SEC UNIT 24-1347. Based on review of the information available in this application, we advise that following amendment(s) is/are required:

Remove Variance 3: A pedestrian entrance facing a street for an accessory dwelling unit whereas By-law 0225-2007 as amended does not permit a pedestrian entrance facing a street for an accessory dwelling unit in this instance.

Recommended Conditions and Terms

Should the Committee see merit in the applicant's request, Forestry staff recommend:

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1. As a condition of approval, the resident obtain a tree permit application (Permit the Injury or Destruction of Trees on Public or Private Property Application). If public tree injury or removal is required, a permit must be issued as per By-law 0020-2022.

Background

Property Address: 5886 Shelford Terrace

Mississauga Official Plan

Character Area: Churchill Meadows Neighbourhood
Designation: Medium Density

Zoning By-law 0225-2007

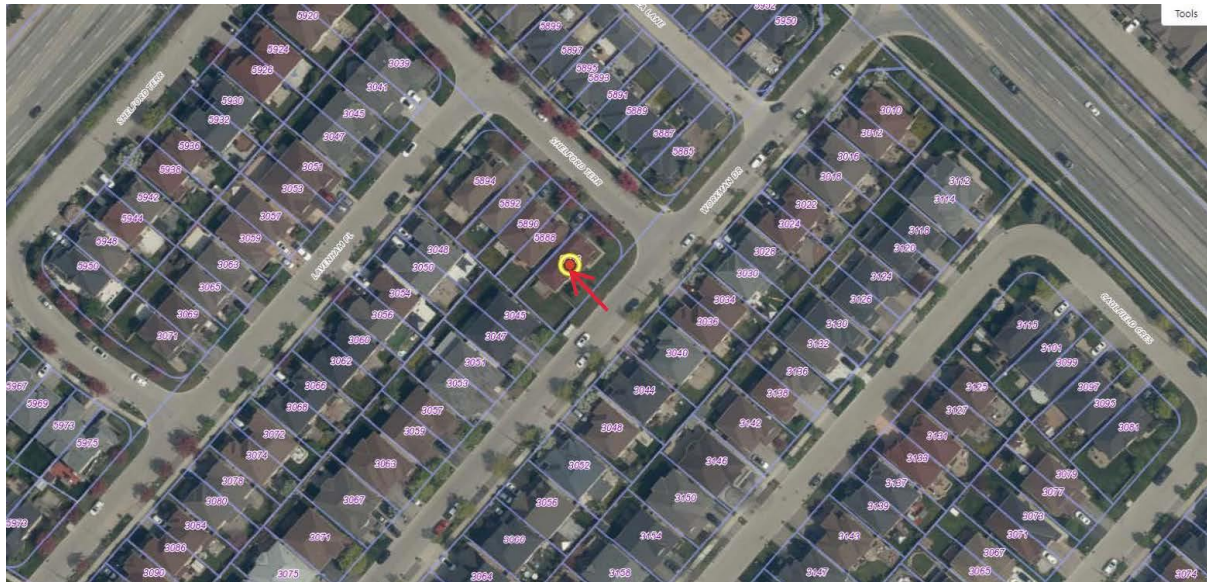
Zoning: RM5-21- Residential

Other Applications: SEC UNIT 24-1347

Site and Area Context

The subject property is located south-west of the Britannia Road West and Winston Churchill Boulevard intersection in the Churchill Meadows Neighbourhood Character Area. It is a corner lot containing a two-storey townhouse 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, semi-detached and townhouse dwellings.

The applicant is proposing to construct a below grade entrance to facilitate an accessory residential unit and widen the existing driveway requiring variances for location of the below grade entrance and driveway width.



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 Churchill Meadows Neighbourhood Character Area and is designated Medium Density in Schedule 10 of 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. The applicant is proposing a secondary unit within a permitted dwelling. Staff note that the entrance will be appropriately screened from the streetscape by the proposed privacy fence and that the driveway will be compatible with the surrounding context.

Variance 1 requests a below grade stairwell to be located in the exterior side yard. The intent of the exterior side yard regulation surrounding a second unit entrance is to ensure that an adequate buffer exists between a structure's massing and the public realm, and to ensure the entrance does not negatively impact the overall streetscape. In this instance, the applicant will locate the entrance behind a proposed privacy fence which will appropriately screen the stairwell from view. Staff are satisfied that any negative impact to the streetscape will be appropriately mitigated and that the proposal meets the general intent and purpose of the official plan and zoning by-law. Furthermore, it contributes to orderly development of the subject property whose impacts to the streetscape and abutting properties will be minor in nature.

Variance 2 requests an increase in driveway width. The intent of this portion of the by-law is to permit a driveway large enough to suitably accommodate the required number parking spaces for a dwelling while also allowing space for other components of the site including landscaping and the opportunity for vegetation. Staff note the presence of a City tree located in the front yard which was not depicted on the site plan provided. Based on this, the City's Forestry Department has determined that the proposed driveway extension will encroach into the existing root system of this tree. As a result, the public tree will be injured or may need to be removed. The MOP identifies public and private trees as part of the Urban Forest. The following policy is applicable:

6.3.42 Mississauga will protect, enhance, restore and expand the Urban Forest. This will be achieved by the following:

- e. ensuring development and site alteration will not have negative impacts on the Urban Forest.

While Planning staff typically support driveway width variances of this nature, based on the comments provided from the City's Forestry Department, staff cannot support the requested variance and are of the opinion it does not meet the four tests of a minor variance.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

As the subject lot this is a corner lot and the below grade entrance is being proposed in an area which will not impact the existing drainage pattern or any of the adjacent properties, we have no drainage related concerns with the location of the below grade entrance.





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Comments Prepared by: Tony Iacobucci, Development Engineering

Appendix 2 – Zoning Comments

The Building Department is processing Building Permit/Certificate of Occupancy/ Preliminary Zoning Review/Independent Zoning Review application SEC UNIT 24-1347. Based on review of the information available in this application, we advise that following amendment(s) is/are required:

Remove Variance 3: A pedestrian entrance facing a street for an accessory dwelling unit whereas By-law 0225-2007 as amended does not permit a pedestrian entrance facing a street for an accessory dwelling unit 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: Minan Song, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

The Forestry Section of the Community Services Department does not support the 1m expansion of the driveway on Shelford Terrace as currently outlined in Prop. Site Plan A 0.2, since it will negatively impact a City tree (possible injury or destruction), and advises as follows:

1. If the committee is to move forward with approval of the application, Forestry staff suggests as a condition of approval, the resident obtain a tree permit application (Permit the Injury or Destruction of Trees on Public or Private Property Application). If public tree injury or 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 Jamie Meston, Landscape Architect Assistant, Forestry Section, Community Services Department at 905-615-3200 ext. 4264 or via email jamie.meston@mississauga.ca.

Comments Prepared by: Jamie Meston, Landscape Architect Assistant,

Appendix 4 – Region of Peel

Minor Variance: A-24-282M / 5886 Shelford Terrace

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.
- 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: Petrele Francois, Junior Planner