

City of Mississauga Department Comments

Date Finalized: 2024-08-16	File(s): A362.24 Ward: 10
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-08-22 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Application Details

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

1. A side yard setback to the below grade entrance stairwell of 0.30m (approx. 0.98ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback to the below grade entrance stairwell of 1.20m (approx. 3.94ft) in this instance; and,
2. An encroachment of risers into the interior side yard of 0.90m (approx. 2.95ft) whereas By-law 0225-2007, as amended, permits a maximum encroachment of risers into the interior side yard of 0.61m (approx. 2.00ft) in this instance.

Background

Property Address: 5544 Linwell Place

Mississauga Official Plan

Character Area: Churchill Meadows Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

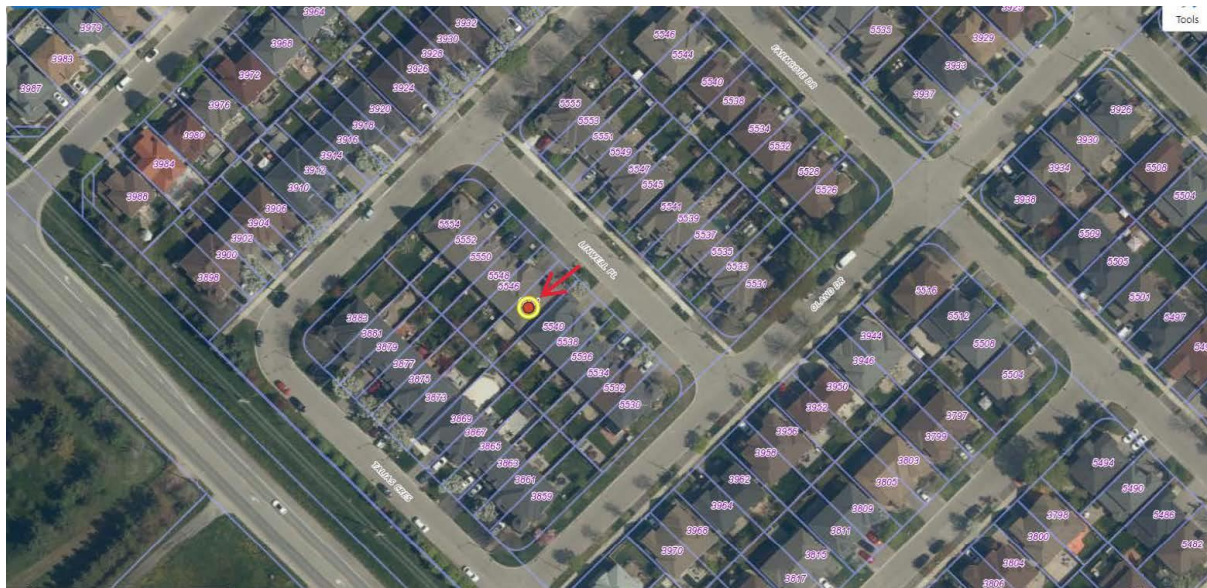
Zoning: RM5-21-Residential

Other Applications: None

Site and Area Context

The subject property is located south-east of the Thomas Street and Ninth Line intersection in the Churchill Meadows Neighbourhood Character Area. It is a interior 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 requiring variances for side yard setback to the below grade entrance stairwell and encroachment of risers into the interior side 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 Churchill Meadows Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP).

Variance 1 requests a reduction of the side yard setback to the below grade entrance stairs and variance 2 requests an increase in the encroachment of the concrete landing being proposed.

The general intent of the side yard setback to the below grade stairwell and encroachment regulation is to ensure that stairwells and landings are not situated too close to property lines, an adequate buffer exists between primary structures on adjoining properties, appropriate drainage can be provided and that access to the rear yard remains unencumbered. Staff note the below grade stairs and proposed concrete landing will be appropriately situated on the subject property. Furthermore, Transportation and Work's staff have raised no drainage concerns with the site.

Staff are satisfied that the impacts of the variance are minor in nature and meet the general intent and purpose of the official plan and zoning by-law. Additionally, the proposal contributes to orderly development of the subject property.

While Planning staff are not in a position to interpret the zoning by-law, staff note an additional variance may be required for a side yard setback to the existing air conditioning unit as depicted in the site photos. Staff note Section 4.1.6.1 of Zoning By-law 0225-2007 states external heating, air conditioning, home back-up generator and pool heating/filtering equipment may be located in a required yard, other than a front yard, provided that it is no closer than 0.61m (2ft) to any lot line. Additionally, staff note the air conditioning unit was not depicted on the site plan provided.

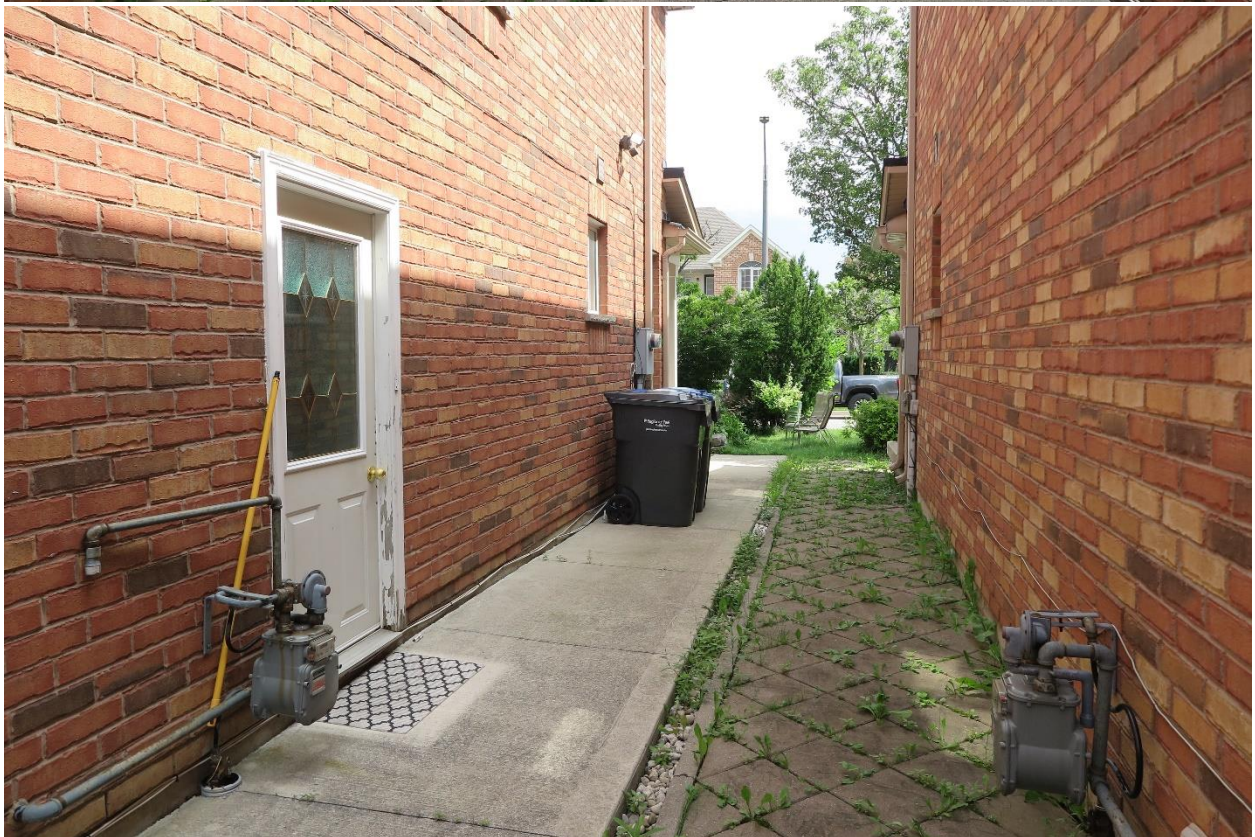
Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We note that the Transportation and Works Department has no objections to the proposed below grade entrance as it will not impact or alter the existing grading and drainage pattern for this property.





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: Crystal Abainza, 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 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 Application: A-24-362M / 5544 Linwell Place

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