

City of Mississauga Department Comments

Date Finalized: 2024-09-04	File(s): A378.24 Ward: 10
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-09-12 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 an exterior side yard setback to a below grade entrance of 3.40m (approx. 11.15ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback to the below grade entrance of 4.50m (approx. 14.76ft) in this instance.

Background

Property Address: 5218 Palmetto Place

Mississauga Official Plan

Character Area: Churchill Meadows Neighbourhood
Designation: Medium Density

Zoning By-law 0225-2007

Zoning: RM2-18-Residential

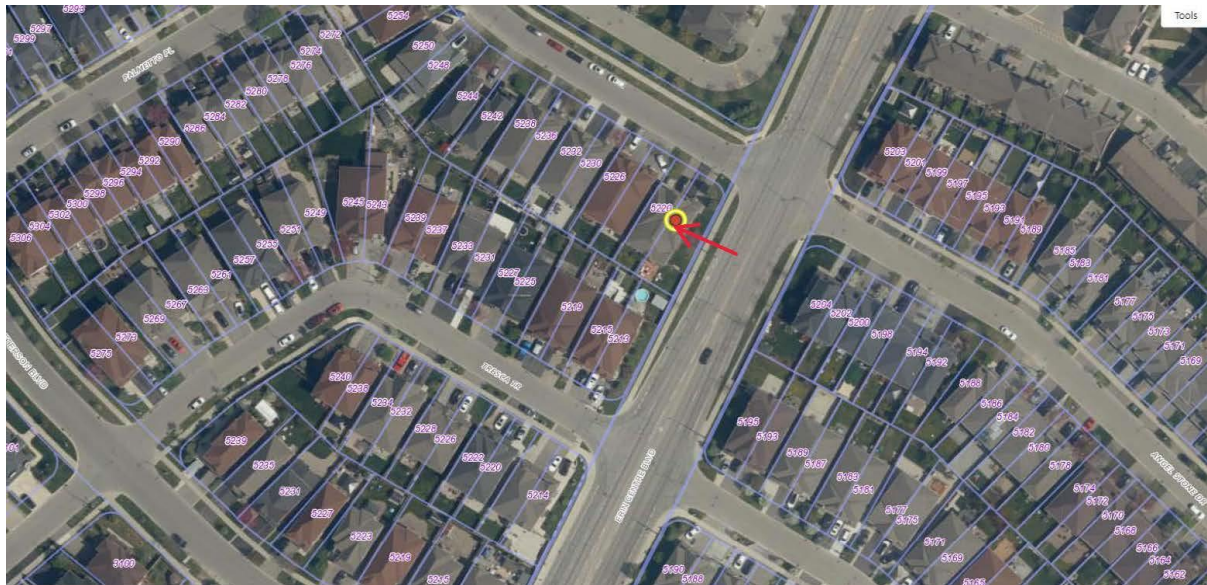
Other Applications: None

Site and Area Context

The subject property is located on the north side of Erin Centre Boulevard, west of the Winston Churchill Boulevard and Erin Centre Boulevard intersection in the Churchill Meadows Neighbourhood Character Area. It is a corner lot containing a two-storey semi-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, semi-detached and townhouse dwellings.

The applicant is proposing a below grade entrance requiring a variance for the location of the below grade entrance in the exterior 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 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. Staff note that the entrance will be appropriately screened from the streetscape with a proposed privacy fence ensuring compatibility with the surrounding context.

The sole variance requests a below grade stairwell to be located in the exterior side yard. The intent of the exterior side yard regulation is to ensure that an adequate buffer exists between a structure and the public realm, and to ensure the entrance does not negatively impact the overall streetscape. In this instance, the applicant is proposing to locate the entrance behind the proposed privacy fence which will appropriately screen the stairwell from view.

Staff are satisfied that any negative impact to the streetscape is appropriately mitigated and that the proposal meets the general intent and purpose of the official plan and zoning by-law. Furthermore, the proposal contributes to orderly development of the subject property whose impacts to the streetscape and abutting properties are minor in nature.

While staff are not in a position to interpret the zoning by-law, staff note an additional variance may be required for driveway width. The existing conditions on the subject property do not match what has been depicted on the initial drawings submitted. Staff note the RM2-18 zone permits a total driveway width of 4.7m (15.41ft) on corner lots.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

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





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 reviewed 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