

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-10-28 To: Committee of Adjustment	File(s): A341/20 Ward: 7
From: Committee of Adjustment Coordinator	Meeting date: 2020-11-05

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.

Application Details

The Applicant requests the Committee to approve a minor variance to allow the construction of a below grade deck and stairs on the subject property, proposing a side yard of 0.18m (approx. 0.59ft); whereas, By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (approx. 3.93ft), in this instance.

Amendments

Based upon review of this Application, Staff notes that the Minor Variance application should be amended as follows, permitting:

1. A westerly side yard of 0.18m (approx. 0.59ft), measured to the basement entrance stairwell; whereas, By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (approx. 3.93ft), in this instance; and,
2. A westerly side yard of 0.18m (approx. 0.59ft), measured to the porch; whereas, By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (approx. 3.93ft), in this instance.

Background

Property Address: 421 Luzon Crescent

Mississauga Official Plan

Character Area: Fairview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R4-22 (Residential)

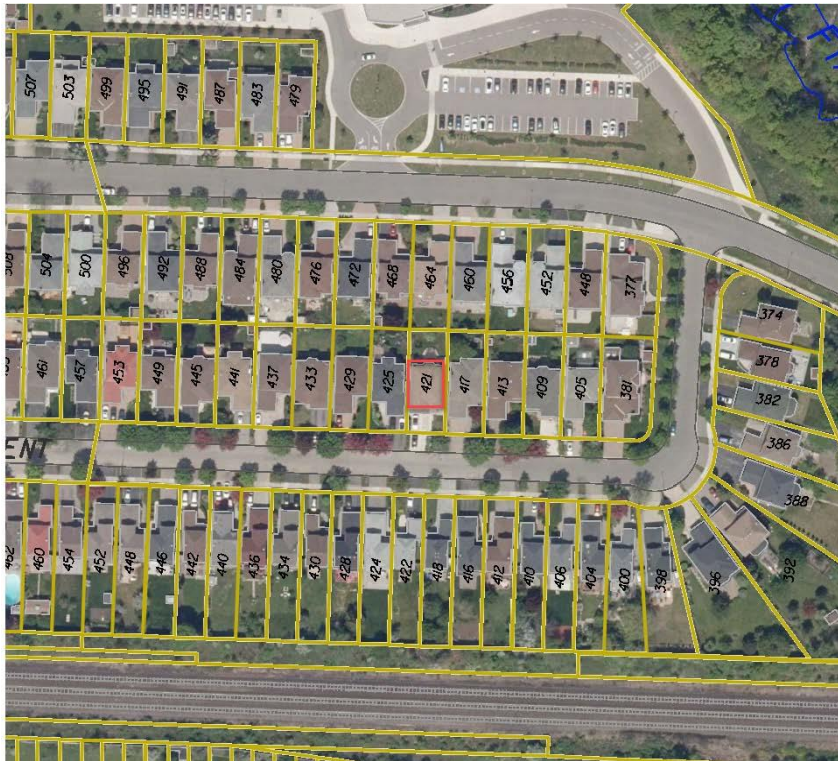
Other Applications:

Building Permit: 20-1911

Site and Area Context

The subject property is located south-west of the Central Parkway West and Confederation Parkway intersection, and currently houses a two-storey detached dwelling with an attached double-car garage. Contextually, the area is comprised exclusively of detached dwellings. The properties within the immediate area possess lot frontages of +/-12.5m, with moderate vegetative / natural landscaped elements within the front yards.

The subject property is an interior parcel, with a lot area of 411.0m² and a lot frontage of 12.27m.



Comments

Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment the authority to grant relief from the requirements stipulated by the municipal Zoning By-law, provided that such applications meet the requirements set out under Section 45(1) and/or 45(2) (a) or (b) of the *Planning Act*.

Staff comments concerning the application of the four tests to this minor variance request are as follows:

As is the case with the majority of below-grade entrances, Planning Staff note the absence of any true massing resulting from the proposal. Further, while the 0.18m setback is inherently limiting; such relief occurs at a pinch point within the interior side yard, with the remainder of the residential structure suitably setback. Also of note, access to the rear yard remains unencumbered, with the existing 0.90m (westerly side yard) remaining unaltered.

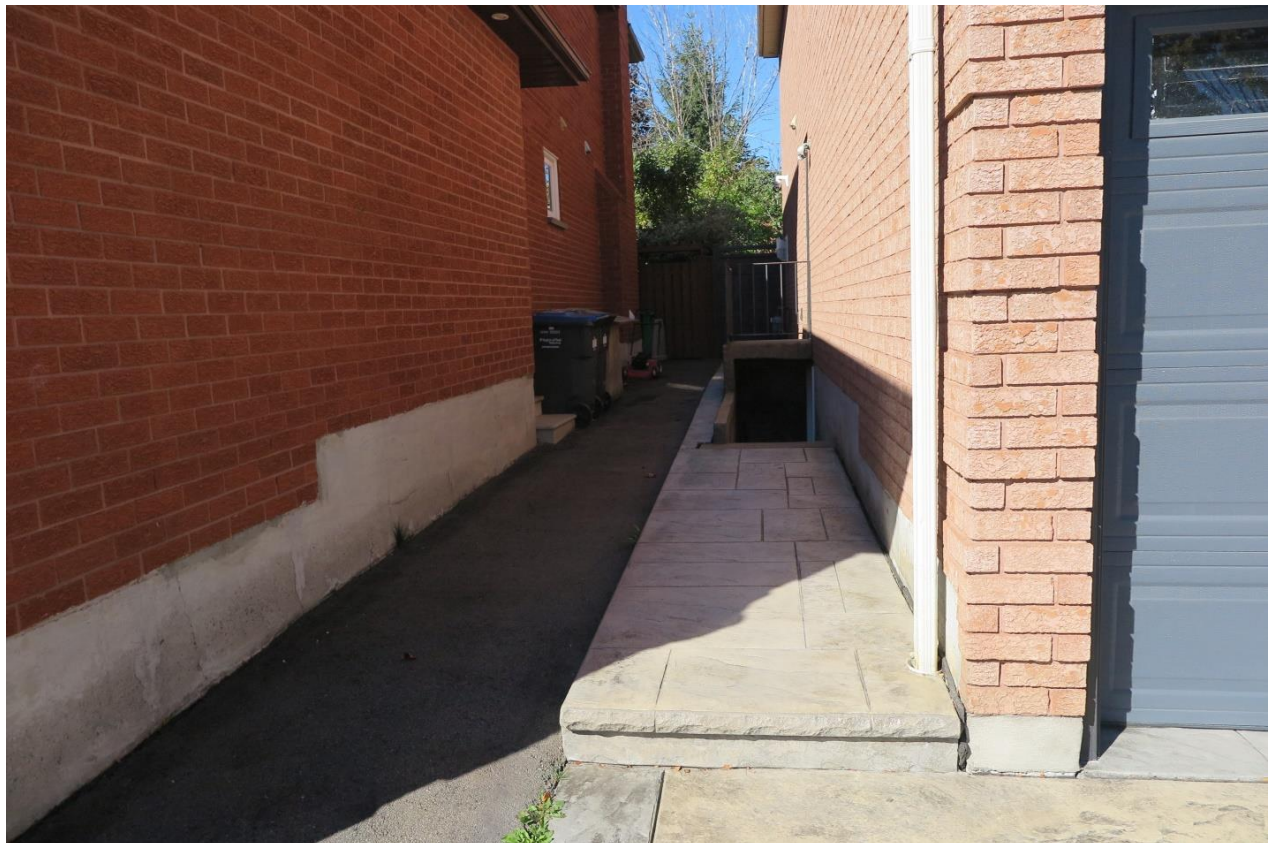
Through a detailed review, Staff is of the opinion that the application is appropriate to be handled through the minor variance process. Further, the application, as amended, raises no concerns of a planning nature.

Comments Prepared by: Roberto Vertolli, Committee of Adjustment Planner

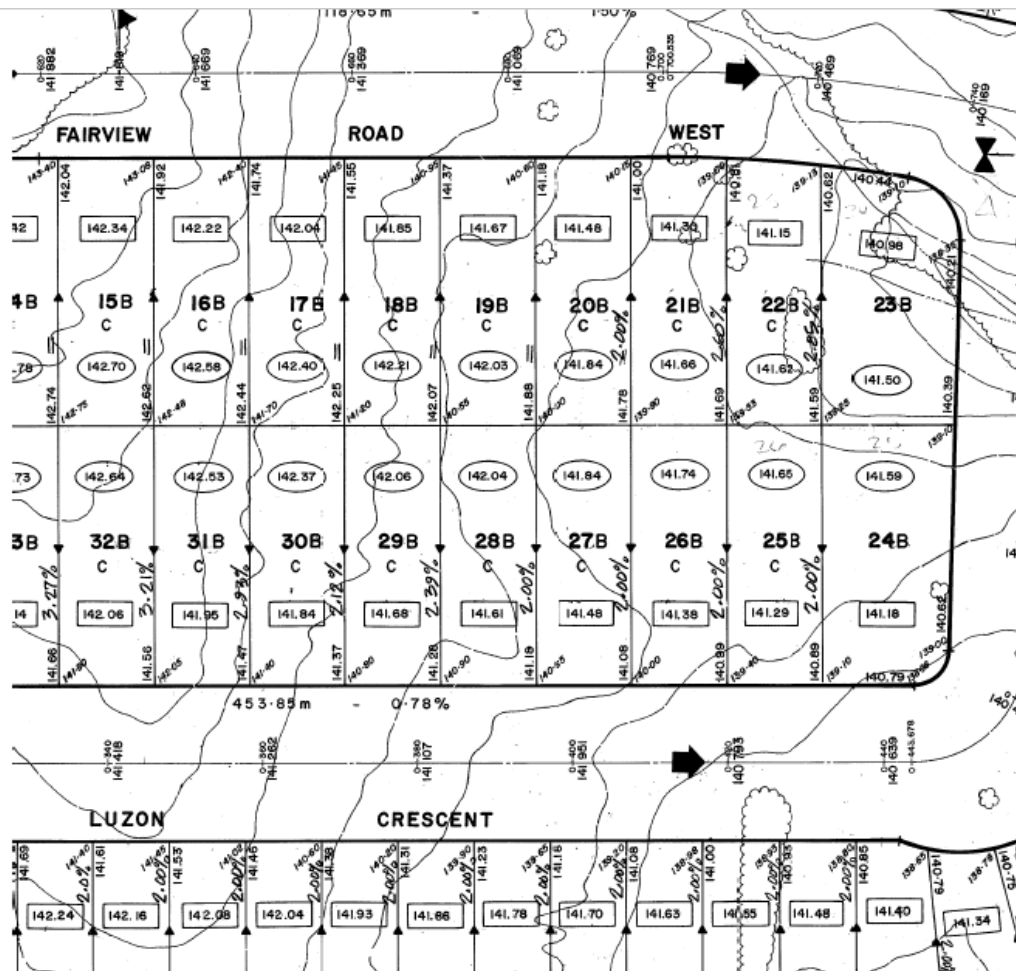
Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committee's information are some photos which depict the existing basement entrance (below grade deck and stairs), as constructed. Also attached is the Grading Plan approved for this property under Registered Plan 43M-826 (Shown as Lot 29 B on Grading Plan C-24673 attached) which depicts a rear to front drainage pattern meaning drainage from the rear yard was designed to be directed to the front via side yard swale. A reduction in side yard setback to 0.18M (approx. 0.59 ft.) whereas 1.20M is required does not allow for a functional drainage swale between the properties and this would result in some drainage being directed onto the adjacent lot.







Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit application under file 20-1911. Based upon review of this Application, Staff notes that the Minor Variance application should be amended as follows, permitting:

1. A westerly side yard of 0.18m (approx. 0.59ft), measured to the basement entrance stairwell; whereas, By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (approx. 3.93ft), in this instance; and,
2. A westerly side yard of 0.18m (approx. 0.59ft), measured to the porch; whereas, By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (approx. 3.93ft), in this instance.

Comments Prepared by: Brian Bonner, Zoning Examiner

Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the November 5th, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Consent Applications: B-54/20, B-55/20

Minor Variance Applications: A-312/20, A-338/20, A-340/20, A-341/20, A-342/20, A-344/20, A-345/20, A-348/20, A-349/20, A-350/20, A-352/20

Comments Prepared by: Diana Guida, Junior Planner