

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2025-03-13	File(s): A29.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:3/20/2025 1:00:00 PM

Consolidated Recommendation

Staff have no objections to the application.

Application Details

The applicant requests the Committee to approve a minor variance to allow a second dwelling unit proposing:

1. A side yard setback to a staircase of 0.17m (approx. 0.56ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback to a staircase of 1.20m (approx. 3.94ft) in this instance;
2. Linked Dwelling use within an RM5-13 - Residential zone; whereas By-law 0225-2007, as amended, does not permit a Linked Dwelling in an RM5-13 - Residential zone in this instance; and,
3. A Linked Dwelling be developed in accordance with the RM5-13 - Residential regulations contained in Table 4.11.1; whereas By-law 0225-2007, as amended, does not permit a Linked Dwelling in an RM5-13 - Residential zone in this instance.

Background

Property Address: 1046 Windbrook Grove

Mississauga Official Plan

Character Area: East Credit Neighbourhood
Designation: Residential Medium Density

Zoning By-law 0225-2007

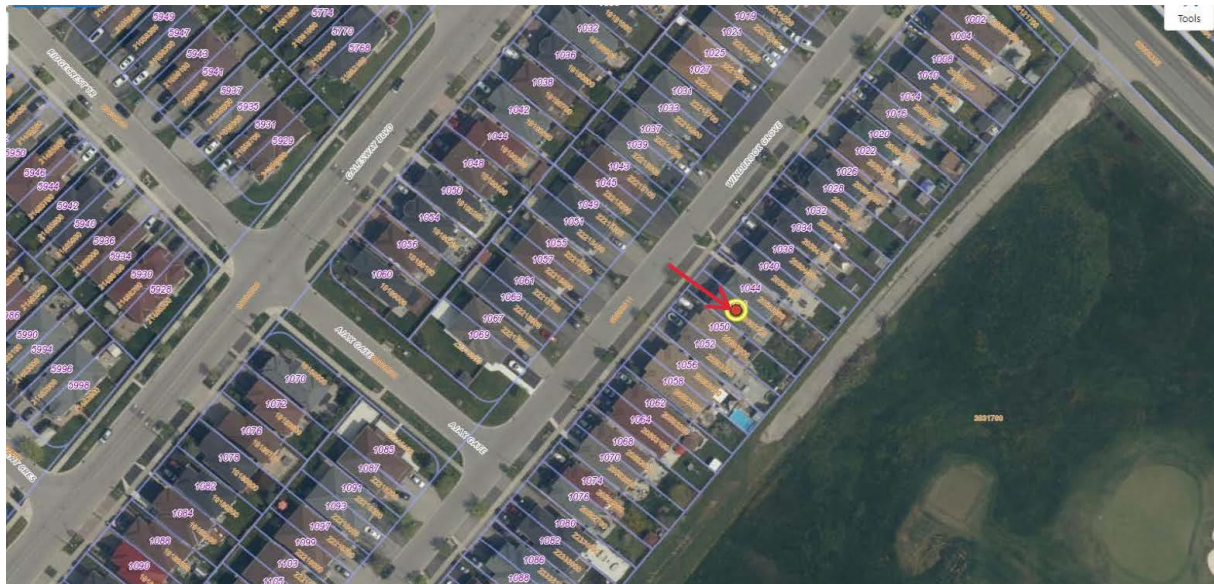
Zoning: RM5-13- Residential and G2-2- Greenland

Other Applications: SEC UNIT 23-10289

Site and Area Context

The subject property is located south-west of the Britannia Road and Terry Fox Way intersection in the East Credit neighbourhood. It currently contains a two-storey semi-detached dwelling with an attached garage. The property has an approximate lot area of +/- 271.27m² (2,919.92ft²). Limited landscaping and vegetation elements are present on the subject property. The surrounding area context includes residential uses in the form of two-storey detached and semi-detached dwellings. Additionally, BraeBen golf course abuts the property to the south and industrial uses are located further east of the property.

The applicant is proposing to construct a below grade entrance requiring variances for side yard setback and a linked dwelling use.



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:

Staff note that this application was previous before committee in May of 2024 where the application was deferred due to planning staff concerns with the below grade entrance in the western side yard would have prevent unencumbered access to the rear yard. The dwelling is a semi-detached and access to the rear yard is only available through the western side yard.

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject property is located in the East Credit Neighbourhood Character Area and is designated Residential Medium Density in Schedule 10 of the Mississauga Official Plan (MOP). Section 9 of the 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. Planning staff are of the opinion that the proposal is maintaining the existing use and will not pose negative impacts on the surrounding community. Planning staff are of the opinion that the general intent and purpose of the official plan are maintained.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

Variance #1 pertains to a reduced side yard setback to an above grade entrance. The intent of the side yard regulations in the by-law is to ensure that an appropriate buffer between structures on abutting properties is maintained as well as ensuring appropriate access to the rear yard and appropriate drainage is preserved. The proposal is for an above grade staircase in the western side yard to access a side entrance into the semi-detached dwelling. Access to the rear yard will also be available through the western side yard. This proposal facilities access to the rear yard through ascending and descending stairs to maintain access to the rear yard through the western side. With the dwelling entrance and stairs being below grade, there will be no impacts on neighbouring properties or prevent access to the rear yard. Furthermore Transportation & Works staff have raised no drainage concerns regarding the proposal. Staff are therefore satisfied that the request maintains the general intent and purpose of the by-law.

Variances #2 and #3 seek to permit alterations to an existing linked dwelling. The subject property is zoned RM5-13 which does not permit linked dwellings, requiring the variance to permit use in order to allow for any future alterations. Staff note the linked dwelling was built in 2002 in compliance with the zoning by-law at that time. The adoption of By-law 0225-2007, removed linked dwellings as a permitted housing form in all zones. Recognizing the dwelling was constructed in conformity with the by-law in place at that time legally permitting the use will not impact the existing neighbourhood.

Staff are off the opinion that the application is technical in nature and appropriate to be handled through the minor variance process. Furthermore, the request raises no concerns of a planning nature.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

Staff are of the opinion that the side yard proposal represents appropriate development of the subject property and that the application is minor in nature. There are no impacts to the streetscape and circulation around the exterior of the dwelling is maintained.

Comments Prepared by: Sara Ukaj, Planning Associate

Appendices

Appendix 1 – Transportation and Works Comments

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposed second dwelling unit and associated staircase within the side yard will be addressed through the Building Permit Process, SEC UNIT 23-10289.





Comments Prepared by: Tony Iacobucci, Development Engineering

Appendix 2 – Zoning Comments

The Building Division is processing Building Permit application SEC UNIT 23-10289. Based on the review of the information available in this application, the requested variances are correct.

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: Gary Gagnier, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

Park Planning Comments

The Parks and Culture Planning Section of the Community Services Department has no objections to the above noted minor variance application and advises as follows:

The lands adjacent to the property are owned by the Region of Peel, leased by the City of Mississauga, identified as BraeBen Golf Course (P-430), zoned OS2 – Open Space – City Park.

Should the application be approved, the Parks and Culture Planning Section provides the following notes:

1. Construction access from the adjacent park/greenlands is not permitted.
2. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
3. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.

Should further information be required, please contact Nicholas Rocchetti, Planner – Park Planning, Community Services Department at 905-615-3200 ext. 4659 or via email nicholas.rocchetti@mississauga.ca.

Comments Prepared by: Nicholas Rocchetti, Planner

Forestry Comments

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.

An 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 Technician, Forestry Section, Community Services Department at 905-615-3200 ext. 4264 or via email jamie.meston@mississauga.ca.

Comments Prepared by: Jamie Meston, Landscape Technician

Appendix 4 – Region of Peel Comments**Minor Variance: A-24-029M / 1046 Windbrook Grove**

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