

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2025-03-27	File(s): A65.25
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:4/3/2025 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 proposing a below grade entrance in the exterior side yard whereas By-law 0225-2007, as amended, does not allow a below grade entrance in the exterior side yard in this instance.

Background

Property Address: 4061 Dursley Cres

Mississauga Official Plan

Character Area: Rathwood Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: RM1-Residential

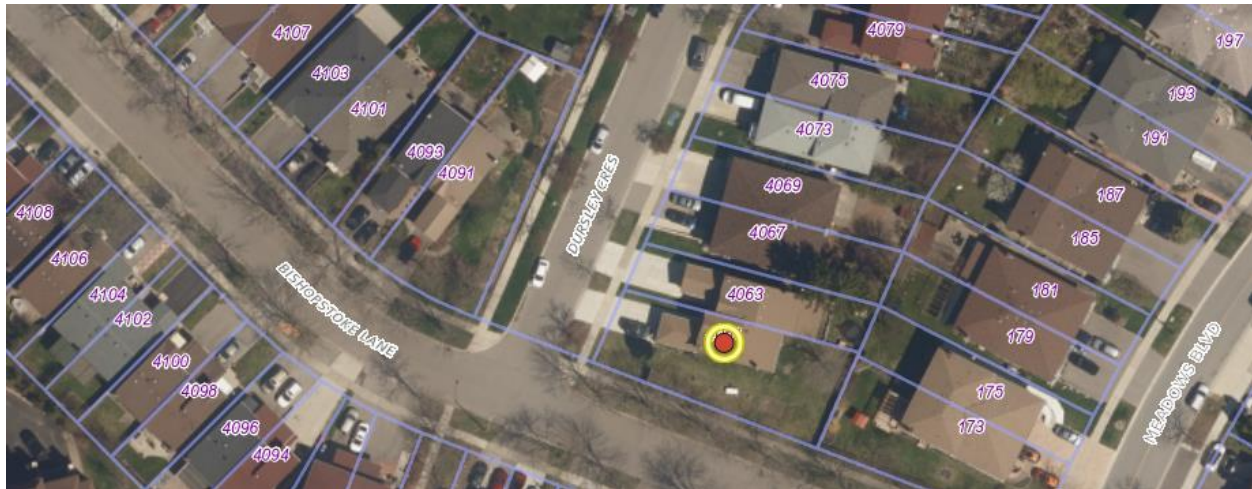
Other Applications: BPA-114213

Site and Area Context

The subject property is located north-east of the Burnhamthorpe Road East and Robert Speck Parkway intersection in the Rathwood 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 throughout the subject property. The surrounding area context consists of detached and semi-detached dwellings on similarly sized lots. Additionally, the larger context includes high density residential apartments, office and commercial uses.

The applicant is proposing to construct a below grade entrance in the exterior side yard requiring a variance for the location of the below grade entrance.



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 Rathwood Neighbourhood Character Area and is designated Residential Low Density II 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 the existing 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 existing 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.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This Department has no concerns/ objections with the applicant's request to locate a below grade entrance in the exterior side yard. The subject site is a corner lot, and the below grade entrance is not anticipated to impact the existing drainage pattern or any adjacent properties.



Comments Prepared by: Tony Iacobucci, Development Engineering

Appendix 2 – Zoning Comments

Building Permit Application BPA-114213 is still in a pre-screening review. Zoning has not yet had the opportunity to review the drawings and materials. Without the benefit of a fulsome review of the drawings and materials, the variances requested cannot be confirmed at this time. There may be some changes to the variances as requested, and there may also be some additional variances required. Zoning staff would like the opportunity to complete the review and advise the applicant through the process the variances required to the applicable zoning provisions.

Comments Prepared by: Emily Majeed, Planner-in-Training

Appendix 3 – Parks, Forestry & Environment

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 Application: A-25-065M / 4061 Dursley Crescent

Development Engineering: Brian Melnyk (brian.melnyk@peelregion.ca)|(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. Regional Site Servicing Connection approvals may be required prior to the local municipality issuing full building permit. 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 servicingconnections@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 servicingconnections@peelregion.ca.

Comments Prepared by: Petrele Francois, Junior Planner