

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-02-17	File(s): A290.20 Ward: 9
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-02-25

Consolidated Recommendation

The City has no objection to variance #1 however recommends that variance #2 be refused. Should the Committee see merit in the application Staff recommends the condition be imposed.

Application Details

The applicant requests the Committee to approve a minor variance to allow a basement apartment on the subject property proposing:

1. A side yard of 0.65m (approx. 2.13ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (approx. 3.94ft) in this instance; and
2. 2 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 3 parking spaces in this instance.

Amendments

City Planning Strategies Staff recommend that the requested variance be amended as follows:

- Proposing one parking space for the existing semi-detached dwelling, whereas By-law 0225-2007, as amended, requires two parking spaces in this instance

The Building Department is currently processing a building permit under file 20-3865. Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

1. A side yard of 0.65m (approx. 2.13ft) measured to below grade stairwell, whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (approx. 3.94ft) measured to below grade stairwell, in this instance; and
2. A total of 2 parking spaces for the dwelling and second unit, whereas By-law 0225-2007, as amended, requires a total of 3 parking spaces, in this instance.

Recommended Conditions and Terms

Should committee see merit in this application, City Planning Strategies Staff recommend the following condition:

- That the parking requirement for the primary dwelling unit be reduced at one (1) parking space and the proposed second dwelling unit be maintained at one (1) parking space.

Background

Property Address: 6486 Chaumont Crescent

Mississauga Official Plan

Character Area: Meadowvale Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

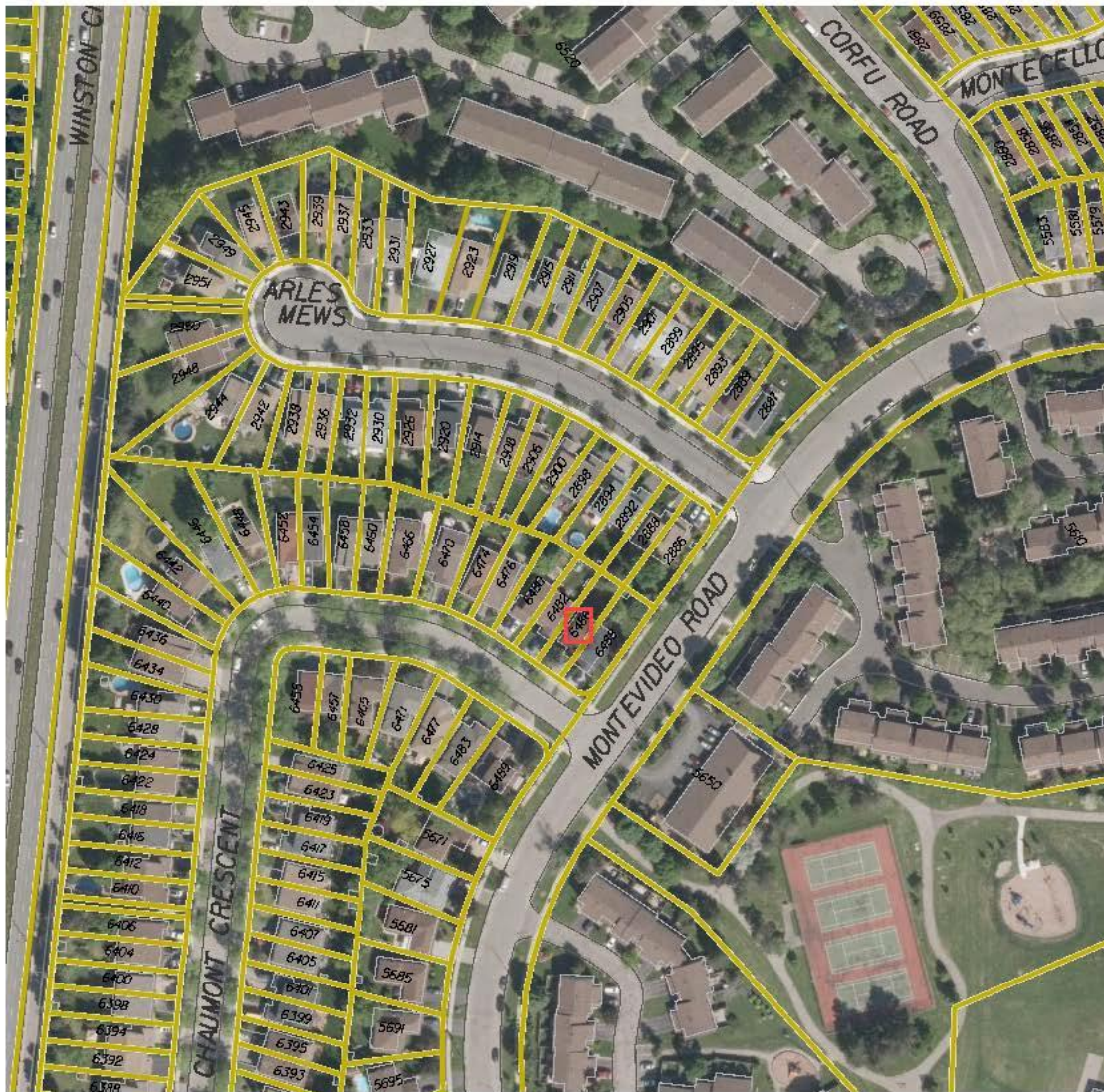
Zoning: RM1 - Residential

Other Applications: None

Site and Area Context

The subject property is located south-east of the Battleford Road and Winston Churchill Boulevard intersection and currently houses a two-storey semi-detached dwelling with an attached single-car garage. The subject property is an interior parcel with a lot area of +/- 360.0m² and a lot frontage of +/- 9.45m, possessing minimal vegetation and landscaping in the front and rear yards. Contextually, the area is comprised exclusively of residential structures that include detached and semi-detached dwellings. Properties within the immediate area possess lot frontages of +/-12.6m, with moderate vegetative / natural landscaped elements within the front yards.

The applicant has proposed a secondary unit in the basement that requires variances for a reduced side yard and reduced parking.



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:

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

The site is located within the Meadowvale Neighbourhood Character Area and is currently designated Residential Low Density II by the Mississauga Official Plan (MOP). Pursuant to Section 7 (Complete Communities) of the MOP, the City is committed to meeting the housing needs of people of all ages, abilities and income groups. The MOP encourages housing forms that support the living and working of residents in Mississauga. Secondary units help the City reach its affordable housing target, required by the Province, by expanding the diversity of affordable housing units availability in local communities. Staff are of the opinion that the application meets the criteria under Section 7.2 of the MOP.

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

Variance #1 as requested pertains to side yard setback:

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 0.65m setback is inherently limiting; such relief only occurs at a pinch point within the interior side yard, with the remainder of the residential structure maintaining a suitable setback.

Additionally, while the only exterior access to the rearyard would be reduced to 0.65m, the setback would be enough to accommodate access to the rear yard for most personal yard and lawn maintenance equipment. Through a detailed review, Staff is of the opinion that Variance #1, as requested, is appropriate to be handled through the minor variance process. Further, this variance raises no concerns of a planning nature.

Variance #2 as requested pertains to parking:

The intent in quantifying the required number of parking spaces is to ensure that each structure is self-sufficient in providing adequate parking accommodations based upon its intended use.

As per Zoning By-law 0225-2007, 3 parking spaces are required; whereas, the applicant is providing 2 parking spaces. Mississauga has prioritized its role in supporting the delivery of a range of housing however; a report entitled, *Housing Choices: Second Units Implementation Strategy*, dated June 4, 2013 (prepared by City Staff), notes the impact of such a reduction. This report notes that the proposed zoning by-law for second units includes a number of regulations intended to protect neighbourhood character including the requirement for one on-site parking

space for the second unit. This is in addition to the required parking for the primary unit of 2 spaces as noted in Section 4.1.20.9 which is intended to regulate second units where the dwelling and property can accommodate them. In this instance the proposed 2 parking spaces does not meet the requirement for 3 parking spaces.

City Planning Strategies (CPS) Staff note, the subject property can accommodate a total of 2 parking spaces, with one car in the garage and one car on the driveway. Staff contacted the agent, Andrii Golovnia, ITHD Architectural and Structural Design Services, via email on February 10, 2021, regarding parking and the agent confirmed that the property owner only has one car. As such, one parking space is sufficient for the semi-detached dwelling and the owner is agreeable to providing one parking space for the second unit.

Further, staff note that the subject property is connected by public transit and located within approximately 100 m of a transit stop along Montevideo Road.

Based on the submitted information, staff recommend that the requested variance be amended as follows:

- Proposing one parking space for the existing semi-detached dwelling, whereas By-law 0225-2007, as amended, requires two parking spaces in this instance.

Staff can support the parking variance as amended with the following condition:

- That the parking requirement for the primary dwelling unit be reduced to one (1) parking space and the proposed second dwelling unit be maintained at one (1) parking space.

While CPS does not object to the parking variance request, Planning Staff are concerned with the reduction because the proposed does not meet the requirements under the zoning by-law. As per Council Resolution CPD-121-91, semi-detached dwellings on lots with a frontage of 12m or less require a minimum of 3 parking spaces per dwelling, including those in a garage. The resolution further stipulates that a minimum of one visitor parking space per 4 dwellings is required on the street. Planning Staff are concerned that if visitor parking is utilized by the secondary units this capacity will eventually be maximized and reduce the availability of visitor parking. And while parking may not be significantly impacted in this instance because the owner currently has one car, the proposed reduction may become a problem in the future. Mississauga is currently experiencing an increase in multi-generational homes which has resulted in more cars per household.

Based on the these concerns and the previous studies, Planning Staff have determined the proposed parking reduction cannot be supported in principle however should the committee see merit in the application Staff recommend that the condition recommended by City Planning Strategies Staff be imposed.

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

The applicant's proposal of a reduced side yard results in no massing impact and no concerns of a planning nature. The applicant's proposal of reduced parking however does not comply with the zoning bylaw, Planning Staff are of the opinion that variance #2 is not minor in nature and is not consistent with City lead policy.

Conclusion

Based upon the preceding information, the Planning and Building Department has no objection to variance #1 however recommends that variance #2 be refused. Should the Committee see merit in the application Staff recommends the conditions be imposed.

Comments Prepared by: Brooke Herczeg RPP, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We note from our site inspection of the property that there is a drainage swale between the subject and abutting property in the area of the proposed basement entrance and any proposed walkout should be constructed in such a manner that it does not impact on any drainage from the rear yard being directed towards the front of the dwelling.

Typically this department does not comment on existing utilities, however we note from our site inspection that there is an existing hydro service, gas meter and venting from the furnace directly in the area where the stairwell is being proposed. Stairwell entrances are usually constructed behind any utilities, in this instance we question how this can be achieved without these utilities being re-located and the only option would be in front of the dwelling. We are providing this comment for information purposes and assume the applicant is addressing this matter through the Building Permit Application.



Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit under file 20-3865. Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

1. A side yard of 0.65m (approx. 2.13ft) measured to below grade stairwell, whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (approx. 3.94ft) measured to below grade stairwell, in this instance; and
2. A total of 2 parking spaces for the dwelling and second unit, whereas By-law 0225-2007, as amended, requires a total of 3 parking spaces, in this instance.

Please note that comments reflect those provided through the above permit application and should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the application file noted above, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments

Comments Prepared by: Alana Zheng, Zoning Examiner

Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the February 25th, 2021 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Applications: DEF-A-290/20, DEF-A-354/20, DEF-A-377/20.

Comments Prepared by: Diana Guida, Junior Planner