

# City of Mississauga Department Comments

Date Finalized: 2024-04-10	File(s): A464.23
To: Committee of Adjustment	Ward: 11
From: Committee of Adjustment Coordinator	Meeting date:2024-04-18 1:00:00 PM

## Consolidated Recommendation

The City recommends the application be deferred to identify the correct variances.

## Application Details

The applicant requests the Committee to approve a minor variance to allow an entrance for a second unit proposing:

1. An interior side yard setback of 1.067m (approx. 3.50ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.21m (approx. 3.97ft) in this instance; and,
2. A driveway width of 6.63 m (approx. 21.75 ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 5.20 m (approx. 17.06 ft) in this instance.

## Background

**Property Address:** 839 Othello Court

### Mississauga Official Plan

Character Area: **Meadowvale Village Neighbourhood**  
Designation: **Residential Low Density II**

### Zoning By-law 0225-2007

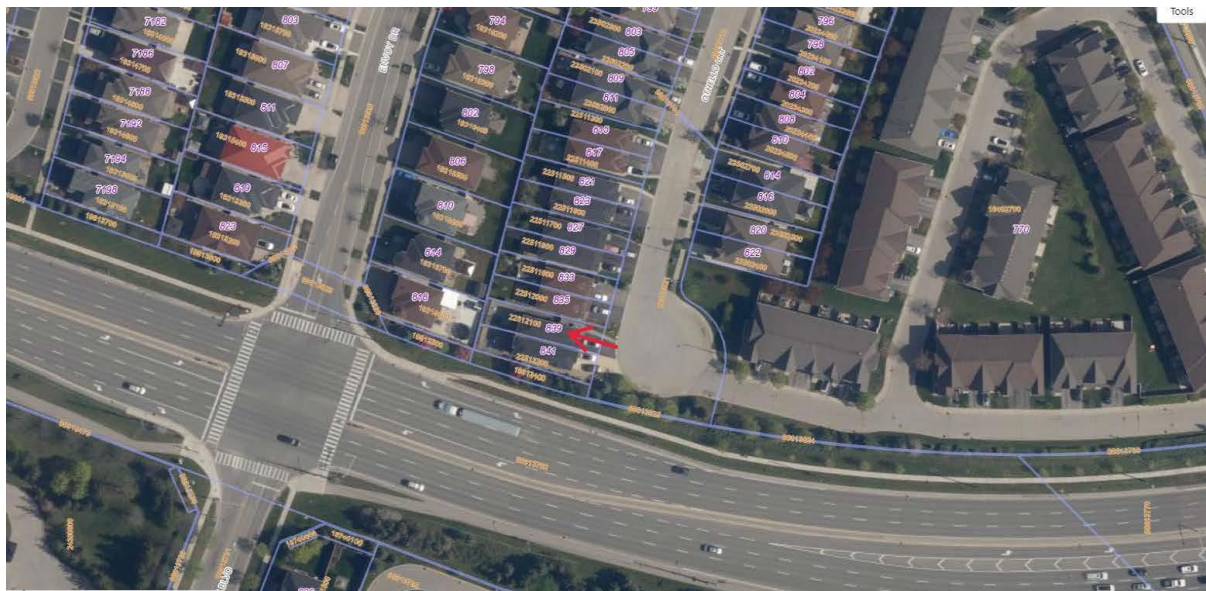
**Zoning:** RM5-27- Residential

**Other Applications:** None

### Site and Area Context

The subject property is located north-west of the Mavis Road and Derry Road West intersection in the Meadowvale Village neighbourhood. It is an interior lot containing a two-storey semi-detached dwelling with an attached garage. Limited landscaping and vegetative elements are present on the subject property. The property has an approximate frontage of +/- 7.61m (24.96ft), characteristic of lots in the area. The surrounding context is predominantly residential, consisting of two-storey detached, semi-detached and townhouse dwellings.

The applicant is proposing an above grade staircase in the side yard for personal use requiring a variance for a side yard setback and a driveway width variance.



## 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 Meadowvale Village Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP).

The general intent of the side yard regulations in the by-law is to ensure that an adequate buffer exists between primary structures on adjoining properties, that appropriate drainage can be provided and that access to the rear yard remains unencumbered. Staff note that the stairs do not create any impact on the abutting property. Furthermore, Transportation and Works staff

have raised no drainage concerns with the site and access to the rear yard remains unencumbered.

While planning staff are not in a position to interpret the zoning by-law, staff note the proposed variance for the side yard setback is still incorrect, as noted in the previous Committee of Adjustment report dated January 10<sup>th</sup>, 2024. The scope of work is limited to an above grade staircase to facilitate a side yard entrance. The side yard setback variance sought relates to provisions in the zoning by-law concerning below grade stairwells requiring a 1.2m (3.93ft) setback to the side lot line. The scope of work does not propose a below grade stairwell. In conversations with zoning staff, they have stated an encroachment variance as per regulation 4.1.5.5 in the zoning by-law may be required instead of the proposed setback variance. While staff do not have any objections to the proposed variance, staff recommend the application be deferred or amended in order for the correct variance to be noted.

Variance 2 pertains to an increased driveway width. The intent of the driveway width regulations in the by-law is to allow a driveway that can accommodate two vehicles parked side by side. Staff note the driveway width of 6.63m (21.75ft) is at the top of the driveway at its widest point. The driveway then narrows down to a width of 4.95m (16.24ft) towards the street, which meets the permissible zoning regulations. Staff are of the opinion that the proposed increase in the driveway width is minor. Further, staff are satisfied that the proposed driveway width does not facilitate the parking of additional vehicles across the driveway.

While planning staff have no concerns with the proposed above grade staircase in the side yard and the driveway width, staff recommend deferral at this time to allow the applicant to identify the correct variances.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

Should Committee see merit in the applicant's request we would recommend that the existing drainage pattern in the area of the existing above grade entrance be maintained. We note that with a reduced 1.067M (approx. 3.50ft) setback, the reduced setback in this instance can still allow for drainage.

With regards to Variance #2, we have no objections to the requested driveway width variance.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

## **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: Minan Song, Planner in Training

## **Appendix 3 – Region of Peel**

Please apply previous comments

Comments Prepared by: Ayooluwa Ayoola, Planner