

# City of Mississauga

Memorandum:

## City Department and Agency Comments

Date Finalized: 2021-04-21	File(s): A151.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-04-29 1:00 PM

### 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 meets the requirements of Section 45 (1) of the Planning Act.

### Application Details

The applicants request the Committee to approve a minor variance to allow the construction of an addition on the subject property proposing:

1. A combined width of side yards of 22% of the lot frontage (5.70m) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 27% of the lot frontage (7.00m) in this instance;
2. A side yard of 1.98m (approx. 6.50ft) measured to a proposed open framed rear deck whereas By-law 0225-2007, as amended, requires a minimum side yard of 2.41m (approx. 7.91ft) to a second storey in this instance; and
3. A garage projection of 2.87m (approx. 9.42ft) whereas By-law 0225-2007, as amended, does not permit a garage projection in this instance.

### Amendments

Variance #1 and 2 should be amended as follows:

A combined width of side yards of 22.73% of the lot frontage (5.89m) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 27% of the lot frontage (7.00m) in this instance;

A side yard setback of 2.17m to the 2<sup>nd</sup> storey portion whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 2.41m in this instance;

## Background

**Property Address:** 1388 Birchwood Heights Drive

### Mississauga Official Plan

Character Area: Mineola Neighbourhood  
Designation: Residential Low Density I

### Zoning By-law 0225-2007

**Zoning:** R2-4 - Residential

### Other Applications

Site Plan Application: 21-16

### Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, northwest of Hurontario Street and Mineola Road West. The neighbourhood is entirely residential, consisting of one and two storey detached dwellings with significant mature vegetation. The subject property contains an existing two storey dwelling with mature vegetation throughout the lot.

The applicant is proposing an addition that requires variances related to a combined side yard width, setback to a second storey and garage projection.



## 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 are as follows:

The proposed additions maintain the existing dwelling footprint and do not encroach further into the required side yards. Additionally, due to the angle of the lot lines, it creates a pinch point which skews the measurement of the combined side yard width. The dwelling exceeds by-law requirements measured from the widest point. The deficient setback to the second storey is an existing condition and does not create any additional massing concerns. Regarding the garage projection, this is an existing condition, however, the garage will project an additional 0.91 m from what currently exists. The front covered porch is generally in line with the proposed projection thereby, minimizing the impact of an inconsistent streetscape. As such, staff is of the opinion that the application is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning nature, in this instance.

### Conclusion

The Planning and Building Department recommends that the Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the application meets the requirements of Section 45 (1) of the Planning Act.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

## 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 addition will be addressed through the Site Plan Application process, File SPM-21/016.

Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing a site plan approval application under file SPM 21-16. Based on review of the information currently available for this application, we advise that more information is required to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Further, the following variance should be amended/added as follows;

1. A combined width of side yards of 22.73% of the lot frontage (5.89m) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 27% of the lot frontage (7.00m) in this instance;
2. A side yard setback of 2.17m to the 2<sup>nd</sup> storey portion whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 2.41m in this instance;

Our comments are based on the plans received by Zoning staff on 1/25/2021 for the above captioned site plan application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: A. McCormack

### Appendix 5 – Region of Peel Comments

We have no comments or objections.

Comments Prepared by: Diana Guida, Junior Planner