

# City of Mississauga Department Comments

Date Finalized: 2022-10-12	File(s): A466.22
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2022-10-20 1:00:00 PM

## Consolidated Recommendation

The City recommends that the application be deferred.

## Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of an addition proposing:

1. An interior side lot line setback of 0m to the accessory structure whereas By-law 0225-2007, as amended, requires a 1.2m (approx. 3.93ft) side lot line setback to the accessory structure in this instance;
2. An interior rear lot line setback of 0.13m (approx. 0.42ft) to the accessory structure whereas By-law 0225-2007, as amended, requires a 1.2m rear lot line setback (approx. 3.93ft) to the accessory structure in this instance;
3. A combined side yard setback of 4.23m (approx. 13.87ft) whereas By-law 0225-2007, as amended, requires a combined side yard setback of 6.57m (approx. 21.55ft) in this instance;
4. A height of 9.59m (approx. 31.46ft) to the highest ridge whereas By-law 0225-2007, as amended, permits a maximum height of 9.5m (approx. 31.16ft) to the highest ridge in this instance;
5. An eaves height of 6.5m (approx. 21.32ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.4m (approx. 20.99ft) in this instance;
6. A gross floor area (GFA) of 439.05sq.m (approx. 4725.89sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 389.48sq.m (approx. 4192.32sq.ft) in this instance;
7. An interior side yard setback of 1.68m (approx. 5.51ft) to the second storey whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 2.41m (approx. 7.90ft) to the second storey in this instance.

## Background

**Property Address:** 1446 Spring Road

### Mississauga Official Plan

**Character Area:** Clarkson-Lorne Park Neighbourhood

**Designation:** Residential Low Density I

### Zoning By-law 0225-2007

**Zoning:** R2-4-Residential

**Other Applications:** Site Plan application under file SPI 22-31 W2.

### Site and Area Context

The subject property is located in the Clarkson-Lorne Park Neighbourhood Character Area, southeast of Birchwood Drive and White Oaks Avenue. The immediate neighbourhood contains a mix of older and newer one and two-storey detached dwellings with mature vegetation in the front yards. The subject property contains a one and a half storey dwelling with vegetation in the front yard.

The applicant is proposing an addition requiring variances for setbacks, height and gross floor area.



## 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 subject property is designated Residential Low Density I in the Mississauga Official Plan (MOP), which permits detached, semi-detached and duplex dwellings.

Planning staff require accurate floor plans in order to be able to review and assess the proposed Gross Floor Area (GFA) associated with variance #6. Furthermore, staff have concerns regarding variances #1 and 2 for reduced setbacks to the existing accessory structure. The intent in regulating setbacks to accessory structures is to ensure the structures can be adequately maintained and that the structures do not create any grading or drainage issues for the subject or neighbouring properties. The applicant has provided a 0m setback between the side lot line and the existing accessory structure, and a 0.13m (0.42ft) setback between the rear lot line and the accessory structure. These reduced setbacks will not allow the owner to adequately maintain the structure or provide sufficient space to accommodate eaves troughs to ensure drainage does not flow off the structure and onto neighbouring properties. As such, staff recommends that the applications be deferred to allow the applicant to submit the requested information and to increase setbacks to the proposed accessory structure.

Comments Prepared by: Connor DiPietro, 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 are being addressed through the current Site Plan application SPI-22/031.



Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing a Site Plan Infill approval application under file SPI 22-31 W2. Based on review of the information currently available in this permit application, variances # 1, 3, 4, 5, and 7, as requested are correct.

We also advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Please note that comments reflect those provided through the above permit application submitted on 05/20/2022 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: Jeanine Benitez, Zoning Examiner

### **Appendix 3 –Metrolinx**

Metrolinx is in receipt of the minor variance application for 1446 Spring Rd to facilitate the construction of an addition to the existing dwelling . Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300 meters of Metrolinx's Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.
- The Proponent is advised that the development lands, 1446 Spring Rd are located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the development lands. The Applicant is further advised that there may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand their operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.

Comments Prepared by: Farah Faroque, Intern, Third Party Projects Review