

# City of Mississauga Department Comments

Date Finalized: 2023-07-05	File(s): A219.23
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2023-07-13 3:30:00 PM

## Consolidated Recommendation

The City has no objection 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 to allow an addition proposing:

1. A side yard setback to the driveway of 0.00m whereas By-law 0225-2007, as amended, requires a minimum side yard setback to the driveway of 0.60m (approx. 1.97ft) in this instance;
2. A combined side yard setback of 4.24m (approx. 13.91ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard setback of 6.17m (approx. 20.24ft) in this instance;
3. A north side yard setback to the second storey roof structure of 2.01m (approx. 6.59ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 2.41m (approx. 7.91ft) in this instance;
4. A south side yard setback to the second storey roof structure of 2.23m (approx. 7.32ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 2.41m (approx. 7.91ft) in this instance;
5. A north side yard setback to the second storey roof overhang of 1.70m (approx. 5.58ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.96m (approx. 6.43ft) in this instance; and,
6. A south side yard setback to the second storey roof overhang of 1.70m (approx. 5.58ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.96m (approx. 6.43ft) in this instance.

## Background

**Property Address:** 1413 Queen Victoria Ave

## 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: Building Permit under file BP 9ALT 23-6196.**

## Site and Area Context

The subject property is located within the Clarkson – Lorne Park Neighbourhood Character Area, southeast of the Lorne Park Road and Indian Road intersection. The immediate area consists of a mix of older and newer two-storey detached dwellings with mature vegetation throughout the properties. The subject property contains an existing two-storey detached dwelling with mature vegetation in the front yard.

The applicant is proposing an addition requiring variances for setbacks.



## 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 subject property is located in the Clarkson-Lorne Park Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, and duplex dwellings. 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. The proposal conforms to the designation and staff are of the opinion that the proposed built form is compatible with detached dwellings in the immediate area.

Staff are satisfied that the general intent and purpose of the official plan are maintained.

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

Variance #1 is for a setback to a driveway. Planning staff have no concerns with this variance, as it is only required to one point of the driveway where the driveway tapers to fit between two existing stone piers. The majority of the driveway complies with the minimum setback requirement.

Variances #2, 3, 4, 5 and 6 pertain to side yard setbacks. Through a review of the immediate neighbourhood, similar deficiencies are common for detached dwellings in the area. Therefore, the proposed setbacks and side yards are also not out of character within the immediate neighbourhood.

Staff are satisfied that the general intent and purpose of the zoning by-law are maintained.

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

The requested variances represent appropriate development of the lands. The request is minor and is compatible with the surrounding context. Staff are of the opinion that the impacts of the requested variances are minor and will not cause undue impacts on adjacent properties.

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 by our Development Construction Section through the Building Permit process, File BP 9ALT-23/6196.







Comments Prepared by: John Salvino, Development Engineering Technologist

## Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file BP 9ALT 23-6196. Based on review of the information currently available in this application, the following variances, as requested are correct.

1. A side yard setback to the driveway of 0.00m whereas By-law 0225-2007, as amended, requires a minimum side yard setback to the driveway of 0.60m (approx. 1.97ft) in this instance;
2. A combined side yard setback of 4.24m (approx. 13.91ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard setback of 6.17m (approx. 20.24ft) in this instance;
3. A north side yard setback to the second storey roof structure of 2.01m (approx. 6.59ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 2.41m (approx. 7.91ft) in this instance;

4. A south side yard setback to the second storey roof structure of 2.23m (approx. 7.32ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 2.41m (approx. 7.91ft) in this instance;

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

5. A north side yard setback to the second storey roof overhang of 1.70m (approx. 5.58ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.96m (approx. 6.43ft) in this instance; and,

6. A south side yard setback to the second storey roof overhang of 1.70m (approx. 5.58ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.96m (approx. 6.43ft) in this instance.

Please note that comments reflect those provided through the above permit application submitted on 05/03/2023 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 – Region of Peel**

#### **Minor Variance: A-23-219M – 1413 Queen Victoria Avenue**

Development Engineering: Camila Marczuk (905) 791-7800 x8230

#### **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. 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 [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca).
- All unutilized water and sanitary services shall be abandoned in accordance with Region of Peel design specifications. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at [siteplanservicing@peelregion.ca](mailto:siteplanservicing@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 [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca).

Comments Prepared by: Patrycia Menko, Junior Planner