

City of Mississauga Department Comments

Date Finalized: 2023-07-19	File(s): A253.23
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2023-07-27 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

Application Details

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

1. An interior side yard setback of 1.78m (approx. 5.83ft) whereas By-law 0225-2007, as amended, requires an interior side yard setback of 2.41m (approx. 7.90ft) in this instance;
2. A combined setback of 7.51m (approx. 24.63ft) whereas By-law 0225-2007, as amended, requires a combined setback of 8.23m (approx. 27.00ft) in this instance;
3. A flat roof height of 7.69m (approx. 25.22ft) whereas By-law 0225-2007, as amended, permits a flat roof height of 7.5m (approx. 24.60ft) in this instance; and,
4. A building height of 9.85m (approx. 32.31ft) to the highest ridge whereas By-law 0225-2007, as amended, permits a building height of 9.5m (approx. 31.16ft) to the highest ridge in this instance.

Background

Property Address: 1170 Birchview Drive

Mississauga Official Plan

Character Area: Clarkson - Lorne Park NHD
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R2-5-Residential

Other Applications: None

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, north of Lorne Park Road and east of Queen Victoria Avenue. The immediate neighbourhood is entirely residential, predominantly consisting of two-storey detached dwellings with mature vegetation and landscape elements in the front yard. The subject property contains a two-storey dwelling with vegetation in the property's front yard.

The applicant is proposing an addition requiring variances related to the setback and height.



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).

The Residential Low Density I 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. Staff are of the opinion that the proposed built form is compatible with the surrounding context and meets the general intent and purpose of the Official Plan.

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

Variances #1 and #2 relate to the individual and combined side yard setback on the property. The intent of the side yard regulations are to ensure that: an adequate buffer exists between the massing of structures on abutting properties, appropriate drainage can be maintained, and that access to the rear yard remains unencumbered. Staff note that the reduction in the setback represents the existing side yard and is minor in nature. The reduction is measured to the garage wall and increases towards the dwelling. The proposed addition does not encroach any further into the existing side yard. Staff are satisfied that maintaining the existing side yards provides an adequate buffer and permits continued access to the rear yard, and therefore the variances meet the general intent and purpose of the Zoning By-law.

Variance #3 and #4 pertain to roof height. The intent in restricting height to the flat roof is to reduce the overall massing of a flat roof dwelling compared to a sloped roof dwelling and to minimize negative impacts on the streetscape and neighbouring properties. The intent of the height provisions in the by-law is to keep the dwelling within a human scale. Staff note that the "Average Grade", from which the height of the dwelling is measured, is 0.7m below the "Established Grade" for the majority of the dwelling. This reduces the impact of the height on the streetscape and abutting properties as the dwelling will not appear to be as tall as the request in the variance. Staff are satisfied that the dwelling maintains an appropriate height and will not present as its full requested height. Furthermore, no variances are requested for the GFA or lot coverage, mitigating any massing impacts.

Given the above Planning staff are of the opinion 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?

Staff are satisfied that the proposal represents appropriate development of the subject property and will not have significant impacts on abutting properties. The requested variances are minor in nature, representing existing conditions on the subject property.

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 will be addressed by our Development Construction Section through the future Building Permit process.



Comments Prepared by: John Salvino, 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: Sibila Lass Weldt, Zoning Examiner

Appendix 3 – Metrolinx

1170 Birchview Drive

Metrolinx is in receipt of the minor variance application for 1170 Birchview Drive 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 300m of Metrolinx's Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.
- The Proponent is advised the following:
 - **Warning:** The Applicant is advised that the subject land is 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 subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit 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 or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

Comments Prepared by: Farah Faroque, Project Analyst

Appendix 4 – Heritage

The adjacent property (1173 Queen Victoria Avenue) is designated under the *Ontario Heritage Act*. Accordingly, a Heritage Impact Assessment is required to ensure that the proposed development does not negatively impact the heritage resource. The terms of reference are available at

https://www7.mississauga.ca/documents/culture/heritage/HeritageImpactAssessment_TermsOfReference2017.pdf. More comments may be forthcoming once the Heritage Impact Assessment is accepted.

Comments Prepared by: Andrew Douglas, Heritage Analyst

Appendix 5 – Region of Peel

Minor Variance: A-23-253M - 1170 Birchview Drive

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.
- 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.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner