

# City of Mississauga Department Comments

Date Finalized: 2023-08-09	File(s): A263.23
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-08-17 1:00:00 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, as requested, meets the requirements of Section 45(1) of the Planning Act. 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 a dwelling proposing:

1. An eave height of 7.29m (approx. 23.92ft) whereas By-law 0225-2007, as amended, permits a maximum eave height of 6.40m (approx. 21.00ft) in this instance;
2. A front yard setback to the porch (ground floor) of 5.67m (approx. 18.60ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 5.90m (approx. 19.36ft) in this instance;
3. A front yard setback to the roof (second storey) of 5.67m (approx. 18.60ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 7.50m (approx. 24.61ft) in this instance;
4. A left (west) interior side yard setback to the ground and second floors of 1.73m (approx. 5.68ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.81m (approx. 5.94ft) in this instance;
5. A left (west) interior side yard eave encroachment of 1.33m (approx. 4.36ft) whereas By-law 0225-2007, as amended, permits 1.36m (approx. 4.46ft) in this instance;
6. A right (east) interior side yard setback to the ground and second floors of 1.80m (approx. 5.91ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.81m (approx. 5.94ft) in this instance; and,
7. A right (east) interior side yard eave encroachment of 1.27m (approx. 4.17ft) whereas By-law 0225-2007, as amended, permits 1.36m (approx. 4.46ft) in this instance.

## Background

**Property Address:** 1591 Clearwater Drive

### Mississauga Official Plan

**Character Area:** Lakeview Neighbourhood

**Designation:** Residential Low Density I

### Zoning By-law 0225-2007

**Zoning:** R3-75- Residential

**Other Applications:** none

### Site and Area Context

The subject property is located within the Lakeview Neighbourhood, east of the Dixie Road and Queen Elizabeth Way overpass. The immediate area is low density residential consisting of detached dwellings on lots with mature vegetation in the front and side yards. The subject property contains a one-storey detached dwelling with mature vegetation in the front yard.

The application is for a new second storey addition to an existing one-storey detached dwelling requiring variances for eave height and 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 are as follows:

The subject property is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP), which permits detached dwellings.

Variance #1 is for increased eave height. Staff note that no overall height variance is required. Furthermore, the proposed dwelling contains a variety of architectural and design features that breakup the first and second storeys of the dwelling. Lastly, eave height is measured from average grade which is 0.71m (2.33ft) below the grade at where the dwelling sits. Therefore, the value of the requested variance would appear 0.71m (2.33ft) less when viewed from the street.

Variances #2 and 3 relate to front yard setbacks. Staff note that the proposed variances are only required to accommodate an open porch and roof. Staff note that these features of the dwelling do not create significant massing. Furthermore, the front yard setback to the dwelling's face does not require a variance.

Variances #4, 5, 6 and 7 are for interior side yard setbacks. Staff note that the application proposes a second storey addition over the existing one-storey detached dwelling. The applicant is proposing the same setback to the second storey that exists to the first storey. This proposed setback is common for detached dwellings in the immediate area. Furthermore, the proposed setbacks ensure adequate access to the rear yard is maintained, are consistent with setbacks found in the immediate area and provide an adequate buffer to the northerly and southerly side lot lines.

Through a detailed review of the application, staff are 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.

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 dwelling 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: Brooke Herczeg, Zoning Examiner

## **Appendix 3- Region of Peel Comments**

### **Minor Variance: A-23-263M / 1591 Clearwater Drive**

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

### **Comments:**

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- 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).
  - 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: Ayoola Ayooluwa, Junior Planner