

City of Mississauga Department Comments

Date Finalized: 2023-09-06	File(s): A324.23
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2023-09-14 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 meets the requirements of Section 45 (1) of the Planning Act.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a second storey addition above the existing dwelling proposing a dwelling unit depth of 22.00m (approx. 72.17ft) whereas By-law 0225-2007, as amended, permits a dwelling unit depth of 20.00m (approx. 65.61ft) in this instance.

Amendments

The Building Department is currently processing a Second Unit Application under file SEC UNIT 23-6251. Based on review of the information currently available in this permit application, we advise that the variance should be amended as follows:

- The applicant requests the Committee to approve a minor variance to allow the construction of a second storey addition above the existing dwelling proposing a dwelling unit depth of 22.02m (approx. 72.24ft) whereas By-law 0225-2007, as amended, permits a dwelling unit depth of 20.00m (approx. 65.61ft) in this instance.

Background

Property Address: 1376 Birchwood Dr

Mississauga Official Plan

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

Zoning By-law 0225-2007

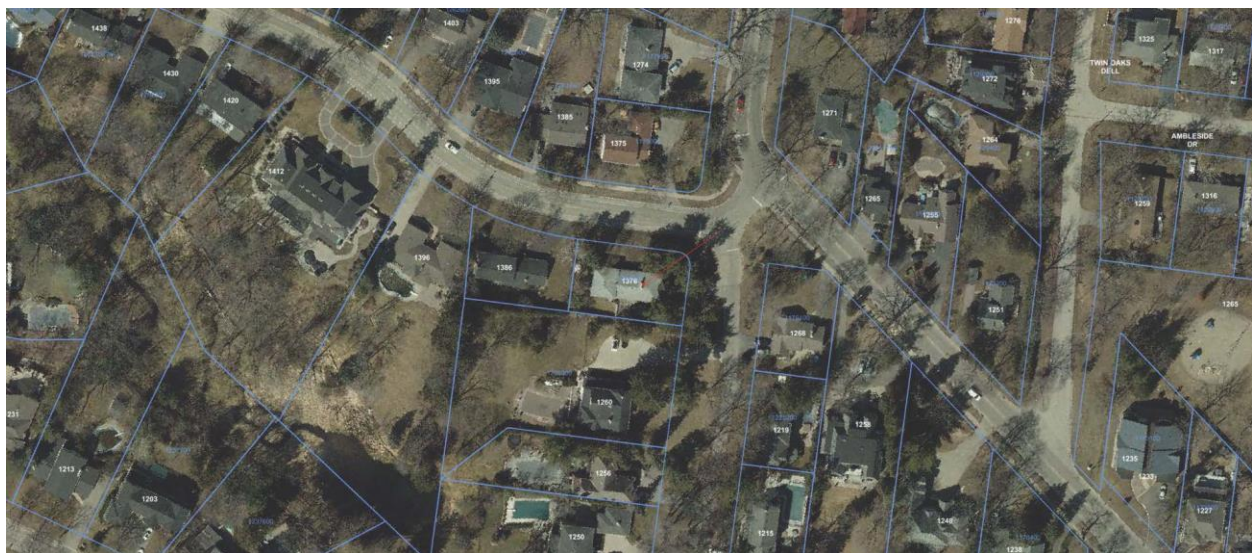
Zoning: R2-4-Residential

Other Applications: Second Unit Application under file SEC UNIT 23-6251

Site and Area Context

The subject property is located within the Clarkson – Lorne Park Neighbourhood Character Area, southeast of Lorne Park Road. The immediate area consists of a mix of older and newer one and two-storey detached dwellings with mature vegetation throughout the properties. The subject property contains an existing 1.5-storey dwelling with mature vegetation in the front yard.

The applicant is proposing a second storey addition requiring a variance for dwelling depth.



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 located within the Clarkson-Lorne Park Neighbourhood, and is designated Residential Low Density I by the Mississauga Official Plan (MOP). The Residential Low Density I designation permits detached, semi-detached and duplex dwellings. The requested variance pertains to dwelling depth. The intent of the by-law is to minimize any impact of long walls on neighbouring lots as a direct result of the building massing.

Staff note that the subject property is a corner lot. The front lot line for a corner lot is calculated from the shorter of the two lot lines that abut the street or a private road. In this instance, the shortest lot line facing a street is located on the east side of the property, facing Glen Road.

Staff note that the easterly side wall of the dwelling faces the front lot line of the subject property, whereas the front façade faces the exterior side's lot line. Therefore, the zoning by-law interprets the side wall of the dwelling to be the front wall, in this instance.

Dwelling depth is calculated from the outside of the front wall of a dwelling to the outside of the rear wall. As a result, the dwelling's depth is calculated from the easterly side wall of the dwelling to the westerly side wall, which is technically the dwelling's width not depth.

Staff are of the opinion that this variance is technical in nature as the depth from the façade of the dwelling to the back wall is actually 8.7m (28.54ft). If the proposed dwelling was located on an interior lot, a variance for dwelling depth would not be required.

As such, is staff's opinion that the applicant's proposal is sympathetic to the surrounding area, is technical in nature, and does not impact the neighbouring properties. 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 second storey addition will be addressed by our Development Construction Section through the permit SEC UNIT 23/6251.



Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Second Unit Application under file SEC UNIT 23-6251. Based on review of the information currently available in this permit application, we advise that the variance should be amended as follows:

- The applicant requests the Committee to approve a minor variance to allow the construction of a second storey addition above the existing dwelling proposing a dwelling

unit depth of 22.02m (approx. 72.24ft) whereas By-law 0225-2007, as amended, permits a dwelling unit depth of 20.00m (approx. 65.61ft) in this instance.

We also advise that more information is required in order to determine whether additional variance(s) will be required.

Please note that comments reflect those provided through the above permit application submitted on 06/16/2023 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 – CVC

CVC staff have reviewed the information related to the minor variance application for the above-mentioned property and provide the following comments.

The subject property at 1376 Birchwood Cres in Mississauga does not contain any floodplains, watercourses, shorelines, wetlands, valley slopes or other environmental features of interest to Credit Valley Conservation (CVC). Furthermore, the property is not subject to Ontario Regulation 160/06, (the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation) or to the policies of CVC at this time. As such, a CVC permit is not required for development on this property and we do not need to review and comment on the proposed Minor Variance application.

Comments Prepared by: Stuti Bhatt, Junior Planner

Appendix 4 – Region of Peel

Minor Variance Application: A-23-324M – 1376 Birchwood Dr

Development Engineering: Brian Melnyk (905)-791-7800 x3602

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.
- 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.

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- 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: Patrycia Menko, Junior Planner