

City of Mississauga Department Comments

Date Finalized: 2023-10-04	File(s): A343.23
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-10-12 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application, as amended.

Application Details

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

1. An eave height of 7.158m (approx. 23.48ft) whereas By-law 0225-2007, as amended, permits a maximum eave height of 6.40m (approx. 21.00ft) in this instance;
2. A pedestrian entrance facing a street to facilitate a second unit whereas By-law 0225-2007, as amended, does not permit a pedestrian entrance facing a street to facilitate a second unit in this instance;
3. A front yard setback of 7.347m (approx. 24.10ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.50m (approx. 24.61ft) in this instance; and,
4. A setback to the second level of 1.229m (approx. 4.03ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.81m (approx. 5.94ft) in this instance.

Amendments

Zoning staff advise that the following variances be added:

5. A setback to the eave from the interior side yard of 0.823m (approx. 2.70ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.36m (approx. 4.46ft) in this instance; and,
6. A setback to the eave from the front yard of 6.941m (approx. 22.77ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 7.05m (approx. 23.13ft) in this instance; and,

Background

Property Address: 1629 Holburne Road

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

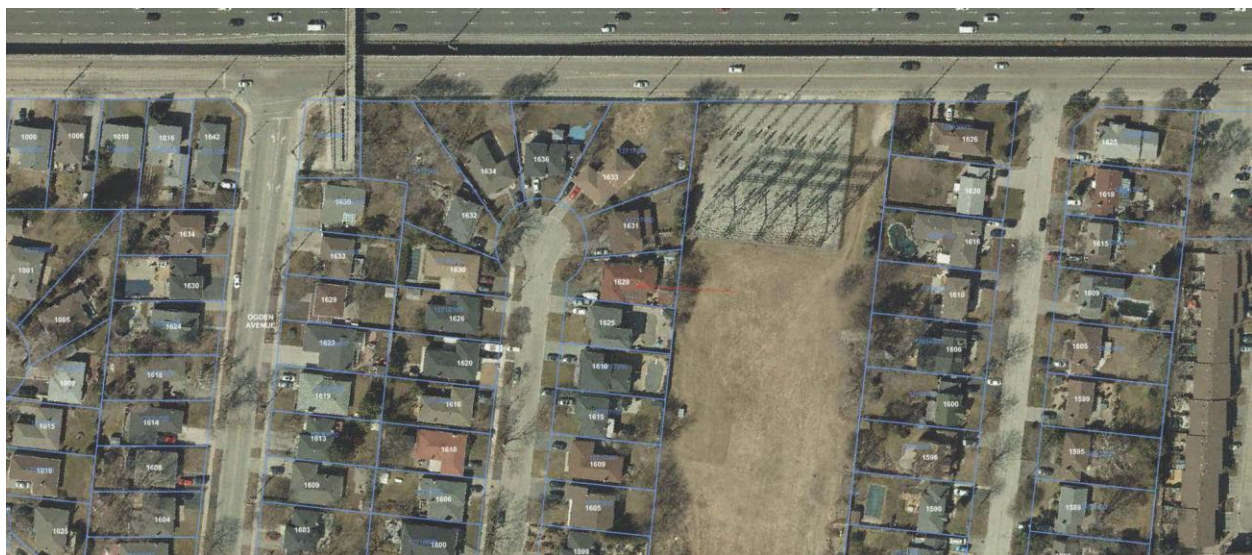
Zoning: R3-75- Residential

Other Applications: Building Permit under file SEC UNIT 23-8084

Site and Area Context

The subject property is located within the Lakeview Neighbourhood, southwest of the Dixie Road and Queen Elizabeth Way overpass. The immediate area is residential consisting of one and two-storey 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 applicant is proposing an addition requiring variances for eave height, a pedestrian entrance facing a street, 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 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 Lakeview Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, duplex, triplex, street townhouse and other forms of low rise dwellings with individual frontages. 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 applicant is proposing a second storey addition, which is characteristic of the existing dwellings in the neighbourhood. Planning staff are satisfied that the built form is appropriate for the subject property given the surrounding context and will not negatively impact the streetscape. 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 requests an increase to eave height. The intent of restricting height to the highest ridge and eaves is to lessen the visual massing of dwelling, while lowering the overall pitch of the roof by bringing the edge of the roof closer to the ground. This results in the dwelling having a more human scale. Staff note that the average grade sits slightly lower than the finished grade, mitigating any potential massing concerns. Furthermore staff note that an overall height variance has not been requested, which assists in keeping the dwelling's massing within an appropriate scale.

Variance #2 relates to a below grade entrance serving a secondary unit facing a street. The intent of the by-law in prohibiting a below grade entrance in the exterior side yard is to prevent negative visual impact to the overall streetscape. The proposed entrance is screened behind a fence surrounding the property, along with mature vegetation. The entrance does not restrict access to the rear yard and amenity area. Furthermore Planning staff note the absence of any true massing resulting from the proposal and a large setback from the property line. Staff are therefore satisfied that the application maintains the general intent and purpose of the Zoning By-law.

Zoning staff have identified Variances #5 and #6 pertaining to setback to the eave in the side yard and front yard respectively.

Variance #3 and #6 pertain to front yard setback to the dwelling and eaves respectively. The intent of the front yard setback provision is to ensure that there is sufficient space in the front of

the property for soft landscaping and to provide an appropriate setback from the street. Staff note that this a pie shaped lot. The front yard setback to the dwelling is a minor deviation from the permissible as-of-right regulation and is measured only to a pinch point at one corner. The setback then increases as you move to the east side to 11.81m (38.74ft). Staff are satisfied that the proposal maintains an appropriate setback from the street.

Variance #4 and #5 are for a side yard setback to the second storey and eaves respectively. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between the massing of primary structures on adjoining properties. Staff note that the second storey addition is proposed on top of the existing one-storey dwelling, which meets the required setbacks. The proposed second storey addition will have the same setback as the first storey, which is consistent with other two-storey detached dwellings found in the immediate area. As such, it is staff's opinion that the requested variances are a minor deviation from the by-law and do not pose any concerns.

Given the above, it is the opinion of Planning staff that the application maintains the general intent and purpose of the zoning by-law.

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

Upon review of the application staff are satisfied that the proposal represents appropriate development of the subject lands. The proposed eave height and setbacks do not pose any massing concerns, and the pedestrian entrance to the secondary unit is well screened. The variances, both individually and cumulatively, are minor in nature and will not create any undue impacts to adjoining properties or the planned or existing character of the area.

Comments Prepared by: Shivani Chopra, Planner in Training

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 SEC UNIT-23/8084.



Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file SEC UNIT 23-8084. Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

1. An eave height of 7.158m (approx. 23.48ft) whereas By-law 0225-2007, as amended, permits a maximum eave height of 6.40m (approx. 21.00ft) in this instance;
2. A pedestrian entrance facing a street to facilitate a second unit whereas By-law 0225-2007, as amended, does not permit a pedestrian entrance facing a street to facilitate a second unit in this instance;
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Please note that comments reflect those provided through the above permit application 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: Gary Gagnier; Zoning Examiner

Appendix 3 – Region of Peel

Minor Variance: A-23-343M – 1629 Holburne Rd

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.
- 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