

City of Mississauga Department Comments

Date Finalized: 2024-02-22	File(s): A94.24
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2024-02-29 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a new house proposing:

1. An eave height of 7.27m (approx. 23.85ft) whereas By-law 0225-2007, as amended, permits a maximum eave height of 6.40m (approx. 21.00ft) in this instance;
2. A floor area of an accessory structure of 29.64sq m (approx. 319.04sq ft) whereas By-law 0225-2007, as amended, permits a maximum floor area of 20.00sq m (approx. 215.28sq ft) in this instance;
3. A gross floor area of 457.30sq m (approx. 4922.34sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 430.42sq m (approx. 4633.00sq ft) in this instance; and,
4. A lot coverage of 30.26% (363.78sq m) whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% (360.63sq m) in this instance.

Background

Property Address: 1270 Birchview Drive

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R2-5- Residential

Other Applications: Building Permit application BP 9NEW 23-9393

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 a new two-storey detached dwelling requiring variances related to eave height, accessory structure area, gross floor area and lot coverage.



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?

Variance #1 requests an increase in the eave height. The intent of restricting height to the eaves is to lessen the visual massing of dwelling by lowering the overall pitch of the roof and bringing the edge of the roof closer to the ground. This keeps the overall height of the dwelling within human scale. Staff are satisfied that the proposed increase in height is appropriate for the subject property and note that no overall height variance is required. Staff note the average grade is lower than the finished grade by approximately 0.4m (approx. 1.3ft) for portions of the dwelling, reducing the appearance of the overall height of the structure. Further, staff are of the opinion that incorporation of architectural features such as windows and staggered walls with different materials in the dwelling design mitigate any massing impacts.

Variance #2 pertains to accessory structure area. The intent of the zoning by-law provisions regarding accessory structures is to ensure that the structures are proportional to the lot and dwelling and are clearly accessory, while not presenting any massing concerns to neighbouring lots. The structure does not require height or setback variances, which limits the impacts of the massing. The proposed floor area of the accessory structure is also below the maximum combined area requirement for accessory structures. The accessory structure represents a lot coverage of 2.46%, maintaining appropriate proportion to the lot. Staff are satisfied the accessory structure is clearly accessory to the main dwelling. Staff are of the opinion that the proposal does not represent overdevelopment of the lot. Furthermore staff are satisfied the structure will not have any negative impacts to the neighbouring dwellings.

Variance #3 requests an increase in the gross floor area. The intent in restricting gross floor area (GFA) is to maintain compatibility between existing and new dwellings and ensure the existing and planned character of a neighbourhood is preserved. Staff are of the opinion that the increase in GFA is a minor deviation from the permissible by-law regulation. Staff are satisfied that the proposed GFA is consistent with new detached dwellings in the immediate area and has limited impacts to both abutting properties and the streetscape. Furthermore, the dwelling maintains the established character of the neighbourhood.

Variance #4 pertains to lot coverage. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot which would impact the streetscape as well as abutting properties. Staff note that the dwelling's footprint represents 23.87% of the total lot coverage in this instance, which is well below the maximum permissible lot coverage of 30%. The front and rear porches, the excessive eaves, cabana and covered bar add an additional 6.39% to the

proposed lot coverage. Staff are of the opinion that these elements present negligible massing concerns and the coverage increase is negligible. Staff are satisfied that the requested increase in the overall lot coverage represents a minor deviation from the zoning by-law requirements.

Given the above staff are of the opinion that the variances maintain 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?

Staff are satisfied that the application is minor in nature and that any potential impacts on abutting properties are mitigated due to the design of the subject property. Staff are also of the opinion that 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 dwelling are being addressed by our Development Construction Section through the Building Permit process BP9 NEW-23/9393.

Comments Prepared by: John Salvino, Development Engineering Technologist



Appendix 2 – Zoning Comments

The Building Division is processing Building Permit application BP 9NEW 23-9393. Based on the review of the information available in this application, the requested variances are correct.

Our comments may no longer be valid should there be changes in the Committee of Adjustment application that have yet to be submitted and reviewed through the Building Division application.

To receive updated comments, the applicant must submit any changes to information or drawings separately through the above application.

Comments Prepared by: Gary Gagnier; Zoning Examiner

Appendix 3- Region of Peel

We have no comments or objections.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner