

City of Mississauga Department Comments

Date Finalized: 2024-03-28	File(s): A158.24
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2024-04-04 3:30:00 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 the construction of a new house proposing:

1. A combined side yard setback of 7.07m (approx. 23.20ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard setback of 8.10m (approx. 26.57ft) in this instance;
2. A dwelling height of 10.08m (approx. 33.07ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling height of 9.50m (approx. 31.17ft) in this instance;
3. An eaves height of 7.659m (approx. 25.13ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance;
4. A gross floor area of 603.50sq m (approx. 6496.02sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 558.87sq m (approx. 6015.63sq ft) in this instance;
5. A driveway width of 10.45m (approx. 34.28ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50m (approx. 27.89ft) in this instance; and,
6. 2 kitchens whereas By-law 0225-2007, as amended, permits a maximum of 1 kitchen in this instance.

Background

Property Address: 1613 Birchwood Drive

Mississauga Official Plan

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

Zoning By-law 0225-2007

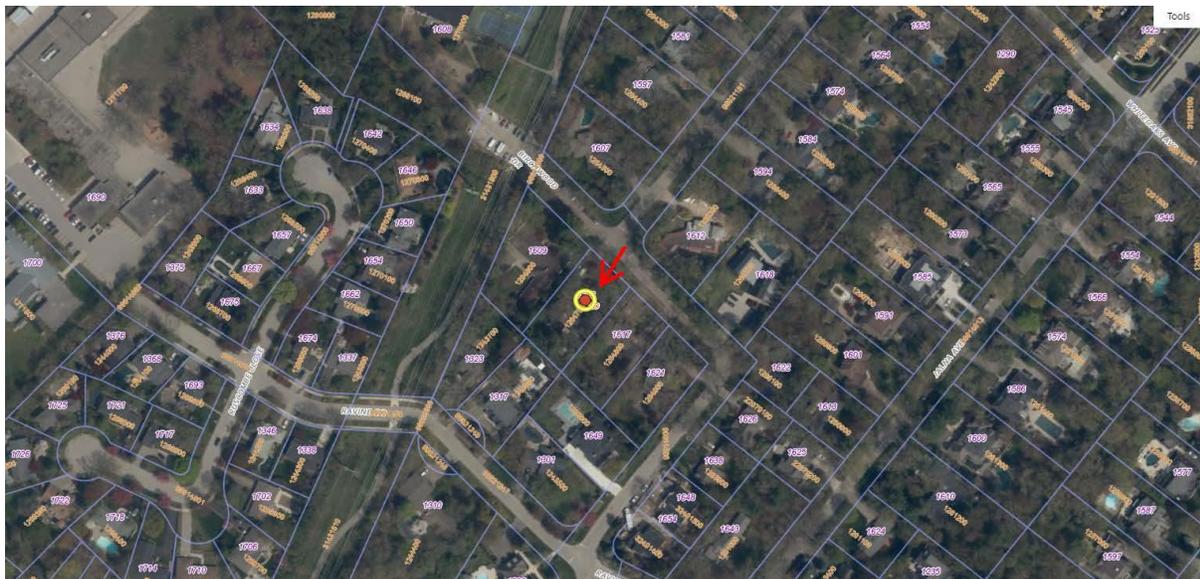
Zoning: **R2-5- Residential**

Other Applications: none

Site and Area Context

The subject property is located within the Clarkson – Lorne Park Neighbourhood Character Area, southwest of the Lorne Park Road and Truscott Drive intersection. 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 one-storey dwelling with mature vegetation in the front yard.

The applicant is proposing a driveway requesting variances for side yard widths, dwelling height, eave height, gross floor area, driveway width and number of kitchens.



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.

Variance #1 is for a reduction to the combined width of side yard requirement. Staff note that the proposed side yards align with side yards found in the immediate area. Furthermore, the applicant is not requesting setbacks variances.

Variance #2, 3 and 4 are for dwelling height, eaves height and gross floor area. The intent of the infill regulations are to limit the overall massing of these dwellings and maintain compatibility between the existing and planned character of the neighbourhood. Staff note that there is a 0.76m discrepancy between average grade and finished grade. Therefore, when standing on the property in the front yard, it would appear to be 0.76m (2.49ft) lower than the value of the variances. The proposed gross floor area represents a minor increase over the maximum gross floor area regulation. Furthermore, the proposed dwelling contains a variety of architectural materials and design features that visually breaks up the massing of the dwelling, such as roofline gables, decorative columns and multiple windows. As such, the proposed dwelling maintains compatibility with the surrounding area and would not negatively impact the character of the streetscape.

Variance #5 is for driveway width. The requested variance appears excessive numerically however, staff note that this variance is technical in nature. The proposed driveway configuration can be described as a teardrop driveway. A teardrop driveway has only one entry and exit point off the road and opens into a loop that cars may drive around.

The requested variance required is only for one point of the driveway at its "loop" portion, with the remaining portions of the driveway maintaining a width between 5.47m (17.95ft) and 7.47m (24.51ft). Staff are of the opinion that the configuration of the proposed driveway represents a creative solution to eliminate the need for backing out or turning around on the driveway without constructing a traditional circular driveway with two access points. No additional variances are requested for reduced soft landscaping or setbacks.

Variance #6 is for number of kitchens. The applicant is proposing two kitchens where only one kitchen is permitted. Staff have no concerns regarding this in principle, however staff is of the opinion that this variance may not be required, as the additional kitchen is an outdoor kitchen and is part of the cooking area on the deck located in the rear yard.

Through a detailed review of the application, staff is 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: Minan Song, Planner in Training

Appendix 3 – Region of Peel

Minor Variance and Consent: A-24-158M / 1613 Birchwood Drive

Development Engineering: Wendy Jawdek (905)-791-7800 x6019

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 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 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 by email at siteplanservicing@peelregion.ca
- Proposals to connect to an existing service lateral require approval from a Region of Peel inspector at construction stage.

Comments Prepared by: Ayooluwa Ayoola, Planner