

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-01-13	File(s): A11.21 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2021-01-21

Consolidated Recommendation

The City has no objections to the requested variances, as amended.

Application Details

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

1. A front yard of 7.68m (approx. 25.20ft) whereas By-law 0225-2007, as amended, requires a minimum front yard of 9.00m (approx. 29.53ft) in this instance;
2. A combined side yard width of 6.01m (approx. 19.72ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard width of 6.55m (approx. 21.49ft) in this instance; and
3. A building height measured to the eaves of 7.00m (approx. 22.97ft) whereas By-law 0225-2007, permits a maximum building height measured to the eaves of 6.40m (approx. 21.00ft) in this instance.

Amendments

Variance #2 should be amended as follows:

A combined side yard width of 24.78% of the lot frontage (6.01m (approx. 19.72ft)) whereas By-law 0225-2007, as amended, requires a minimum combined side yard width of 27% of the lot frontage (6.55m (approx. 21.49ft)) in this instance;

Background

Property Address: 1446 Birchwood Drive

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R2-4 (Residential)

Other Applications

Site Plan Application: 20-100

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, west of Lorne Park Road and Birchwood Drive. The neighbourhood consists of large lots containing one and two storey detached dwellings with mature vegetation. The subject property contains an existing one storey detached dwelling with mature vegetation throughout the lot. The rear of the subject property is traversed by Birchwood Creek, a Significant Natural Area.

The applicant is proposing a new two storey dwelling, requesting variances related to front yard setback, combined side yard width and eave height.



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 designated Greenlands and 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. Through the Site Plan process, it has been determined that the location of the proposed dwelling is appropriate and is sufficiently setback from the natural feature. Furthermore, Credit Valley Conservation (CVC) Authority has indicated that they have no concerns with the minor variance application. As per Section 16.5.1.4 (Infill Housing), infill housing is encouraged to fit the scale and character of the surrounding area to ensure that new development has minimal impact on its adjacent neighbours. The proposed detached dwelling respects the designated land use, and has regard for the distribution of massing on the property as a whole, maintaining the existing and planned character of the neighbourhood. Staff is of the opinion that the general intent and purpose of the official plan is maintained.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

Variance #1 proposes a front yard setback of 7.68 m whereas 9 m is required. The intent of a front yard setback is to ensure that a consistent character is maintained along the streetscape and that sufficient front yard space is incorporated into the design of neighbourhoods. In this instance, the proposed front yard setback is due to site constraints. The proposed setback is measured to the narrowest point of the dwelling to the front lot line. At the widest point, the dwelling maintains a setback of 8.45 m, minimizing the impact of the front yard setback. As such, staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #2 proposes a combined side yard width of 6.01 m whereas 6.55 m is required. 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, and that access to the rear yard ultimately remains unencumbered. The proposed width is taken from the front of the dwelling which represents the narrowest points to the side lot lines. Towards the rear of the dwelling, the combined side yard setback exceeds the required 6.55 m. Through a review of the immediate

neighbourhood, existing similar deficiencies are common. As such, the proposed setback is not out of context within the existing neighbourhood and maintains a sufficient buffer between neighbouring properties. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #3 proposes an eave height of 7 m whereas 6.40 m is permitted. The intent of restricting height to the eaves is to lessen the visual massing of the dwelling by bringing the edge of the roof closer to the ground, thereby lowering the overall pitch of the roof and keeping the dwelling within a human scale. The dwelling maintains an overall height of 9.50 m, consistent with the permitted height within the zoning by-law, thus mitigating any further impact from the increased eave height. Additionally, average grade is located approximately 1 m below finished grade for a majority of the front elevation of the dwelling, further minimizing the impact to the character streetscape. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

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

The proposed dwelling is compatible with the surrounding neighbourhood and does not negatively impact the streetscape character. The front yard setback generally maintains a consistent streetscape and does not pose a significant impact to the existing character of the neighbourhood. The reduced combined side yard width is a minor deviation from the zoning by-law and does not extend along the entire length of the dwelling. Towards the rear of the dwelling, the combined side yard width exceeds the required 6.55 m setback. The dwelling also contains features that break up the massing of the dwelling which includes building the second storey within the roofline, thereby limiting the impact of the increased eave height. Staff is of the opinion that the application represents orderly development of the lands and is minor in nature.

Conclusion

The Planning and Building Department has no objections to the requested variances, as amended.

Comments Prepared by: Lucas Petricca, 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 are being addressed through the Site Plan Application process, File SPI-20/100.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a site plan approval application under file SPI 20/100. Based on review of the information currently available for this application, we advise that the following variances should be amended as follows:

While the variance is correct, the wording should be amended as follows;

A combined side yard width of 24.78% of the lot frontage (6.01m (approx. 19.72ft)) whereas By-law 0225-2007, as amended, requires a minimum combined side yard width of 27% of the lot frontage (6.55m (approx. 21.49ft)) in this instance;

Our comments are based on the plans received by Zoning staff on 11/03/2020 for the above captioned site plan application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: Adam McCormack – Zoning Plans Examiner

Appendix 4 – Heritage

No Heritage Concerns

Comments Prepared by: John Dunlop, Manager

Appendix 5 – Region of Peel Comments

Development Planning: Diana Guida (905) 791-7800 x8243

Please be advised that a portion of the subject property is located within an area the Regional Official Plan (ROP) designates as a Core Area - Woodland and a Core Area -

Valley Corridor of the Greenlands System in Peel, under Policy 2.3.2. The subject property is also located within the limits of the regulated area of the Credit Valley Conservation (CVC).

Within the above-mentioned designations, ROP policies seek to protect environmental resources. The Region relies on the environmental expertise of the CVC for the review of applications located within or adjacent to Core Areas of the Greenlands Systems in Peel and their potential impacts on the natural environment. Regional Planning staff therefore, request that the Committee and city staff consider comments from the CVC and incorporate their conditions of approval appropriately.

Comments Prepared by: Diana Guida, Junior Planner

Appendix 6- Conservation Authority Comments

Credit Valley Conservation (CVC) staff have reviewed the subject application and offer comments based on the following roles and responsibilities:

1. Watershed Based Resource Management Agency and Public (commenting) Body under the *Planning Act* - providing comments based on CVC's Board approved policies;
2. Planning Advisory Services - providing environmental planning and technical advice/comments based on service agreements or memorandum of understanding;
3. Delegated Responsibilities – providing comments representing the provincial interest regarding natural hazards (except forest fires) as identified in Section 3.1 of the *Provincial Policy Statement (2020)*;
4. Regulatory Responsibilities – providing comments to ensure the coordination of requirements under the *Conservation Authorities Act Section 28 regulation*, to eliminate unnecessary delay or duplication in process;
5. Source Protection Agency – providing advisory comments to assist with the implementation of the *CTC Source Protection Plan* under the *Clean Water Act*, as applicable.

SITE CHARACTERISTICS:

The subject property is traversed by the valley slope and floodplain associated with Birchwood Creek. In addition, the property appears to be located within the Significant Natural Site of the City's Natural Heritage System and the Region of Peel Core Greenlands. It is the policy of CVC and the Province of Ontario to conserve and protect the significant physical, hydrological and biological features associated with the functions of the above noted characteristics and to recommend that no development be permitted which would adversely affect the natural features or ecological functions of these areas.

ONTARIO REGULATION 160/06:

The property is subject to the Development, Interference with Wetlands, and Alterations to Shorelines & Watercourses Regulation (Ontario Regulation 160/06). This regulation prohibits altering a watercourse, wetland or shoreline and prohibits development in areas adjacent to the

Lake Ontario shoreline, river and stream valleys, hazardous lands and wetlands, without the prior written approval of CVC (i.e. the issuance of a permit).

PROPOSAL:

It is our understanding that the applicants request the Committee to approve a minor variance to allow the construction of a new house proposing:

1. A front yard of 7.68m (approx. 25.20ft) whereas By-law 0225-2007, as amended, requires a minimum front yard of 9.00m (approx. 29.53ft) in this instance;
2. A combined side yard width of 6.01m (approx. 19.72ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard width of 6.55m (approx. 21.49ft) in this instance; and,
3. A building height measured to the eaves of 7.00m (approx. 22.97ft) whereas By-law 0225-2007, permits a maximum building height measured to the eaves of 6.40m (approx. 21.00ft) in this instance.

COMMENTS:

CVC staff have reviewed the provided information and have **no concerns** with the requested variance. CVC staff have reviewed and provided clearance on a Site Plan application (SP 20/100) for the proposed development previously. As such, CVC staff have **no objection** to the approval of this minor variance by the Committee at this time.

It should be noted that a CVC permit is required for the development as proposed.

Please circulate CVC any future correspondence regarding this application.

I trust that these comments are sufficient. Please do not hesitate to contact the undersigned at 905-670-1615 (ext. 236) should you have any further questions or concerns.

Comments Prepared by: Elizabeth Paudel, Junior Planner