

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-03-17	File(s): A91.21 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2021-03-25 1:00 PM

Consolidated Recommendation

The City has no objection to the variances, as requested.

Application Details

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

1. A gross floor area of 406.66sq.m (approx. 4377.25sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 350.89sq.m (approx. 3776.95sq.ft) in this instance;
2. A side yard (northerly) of 1.52m (approx. 4.99ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81m (approx. 5.94ft) in this instance;
3. A side yard (southerly) of 1.69m (approx. 5.54ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81m (approx. 5.94ft) in this instance; and
4. An building height measured to the eaves (from average grade) of 7.54m (approx. 24.74ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to the eaves of 6.40m (approx. 21.00ft) in this instance.

Background

Property Address: 54 Cattrick Street

Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3-69 - Residential

Other Applications: Pre-APP 21-4790

Site and Area Context

The subject property is located at the corner of Hull St. and Cattrick St. The property is an interior parcel with a lot area of +/- 1,004.47m² and a lot frontage of +/- 20.12m. It currently houses a one-storey, detached dwelling with limited vegetation/ landscape elements in the front and rear yards. Contextually, the neighbourhood consists of post-war, single storey detached dwellings mixed within newer two storey detached dwellings. The properties possess lot frontages of +/- 20.0m with mature vegetation scattered throughout and minimal landscape elements within the front yards.

The applicant is proposing a new two-storey dwelling, which requires variances for gross floor area, side yard setback 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 located in the Malton Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan, which 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. The proposed detached dwelling respects the designated land use; 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 as requested pertains to gross floor area:

Arising from public input expressed through the 'My Malton' Community Visioning exercise in 2015, the City initiated the Malton Infill Housing Study in 2016. This study resulted in Council's adoption of new zoning regulations principally aimed at regulating the massing of dwellings in a manner that is sensitive to the surrounding context. While the immediate area contains a lot of newer two storey dwellings, the intent of the policies are to limit the overall massing of these dwellings and maintain compatibility between the existing and planned character of the neighbourhood.

The applicant is proposing a 15.89% increase in gross floor area that will result in a noticeable visual impact to the streetscape. However, the proposed design has made an effort to design the exterior shape of the dwelling to reflect the established character of the surrounding neighbourhood context, understanding that this area is in transition. As such, the proposed increase is a minor deviation from the by-law and will contribute positively to the gradual transition of the area.

Variance #2 and #3 as requested pertain to side yard setback:

The general intent of this portion of the by-law is to ensure that an adequate buffer exists between the massing of primary structures and neighbouring properties, as well as ensuring access to the rear yard remains unencumbered. The proposed side yard variances of 1.52m and 1.69m, whereas 1.81m is required, are marginal. The variances provide an adequate buffer between the dwelling and the lot line, allowed a sufficient amount of space on both sides of the

dwelling for drainage and provides a visual buffer between the adjacent properties. Staff is of the opinion that variances #2, and #3 maintain the general intent and purpose of the zoning by-law.

Variance #4 as requested pertains to eave height:

The intent of restricting eave heights is to lessen the visual massing of dwelling by bringing the edge of the roof closer to the ground. This maintains the overall pitch of the roof and keeps the height of the dwelling within a human scale. The dwelling maintains an overall height of 7.54m, whereas 6.40m is permitted under the by-law. The proposed height is a minor deviation from the by-law and does not affect the overall pitch of the roof and maintains a human scale. As such, variance #4 meets the general intent and purpose of the by-law.

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

While the relief sought represents a deviation from what is contemplated through the Zoning By-law Staff note, the applicant has designed their proposal in a way that embraces and respects the general intent of the infill regulations of the “Malton Infill Housing Study 2016”. Staff are of the opinion that the proposed dwelling will contribute positively to the gentle transition of the area. This proposal results in an orderly development of the lands, whose impact is minor and reflects the broader community.

Conclusion

Based upon the preceding information, it is the opinion of Staff that the variances, as requested, meet the general intent and purpose of both the MOP and Zoning By-law; are minor in nature; and, are desirable for the orderly development of the lands. To this end, the Planning and Building Department has no objection to the variances, as requested.

Comments Prepared by: Brooke Herczeg RPP, 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 new dwelling will be addressed through the Building Permit process.



Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit under file PREAPP 21-4710. Based on review of the information currently available in this permit application, the variances, as requested are correct.

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

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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: Alana Zheng, Zoning Examiner

Appendix 5 – Region of Peel Comments

Development Engineering: Camila Marczuk (905) 791-7800 x8230

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 call our Site Servicing Technicians at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca

Comments Prepared by: Diana Guida, Junior Planner

Appendix 6- Conservation Authority Comments

Re: Committee of Adjustment Minor Variance Application A 91/21

54 Cattrick Street

City of Mississauga

Sukhpreet & Meenakshi Dhanota (Agent: Pedro Pimentel Architect)

This letter will acknowledge receipt of the above noted application, received on March 2, 2021. Toronto and Region Conservation Authority (TRCA) staff has reviewed the above noted application, and as per the "Living City Policies for Planning and Development within the Watersheds of the TRCA" (LCP), provides the following comments as part of TRCA's commenting role under the *Planning Act*, the Authority's delegated responsibility of representing the provincial interest on natural hazards encompassed by Section 3.1 of the *Provincial Policy Statement, 2020* (PPS); TRCA's Regulatory Authority under Ontario Regulation 166/06, *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*; and our Memoranda of Understanding (MOU) with the City of Mississauga and the Region of Peel wherein we provide technical environmental advice.

Purpose of the Application

It is our understanding that the purpose of this Minor Variance Application A 91/21 is to request the following variances:

1. A gross floor area of 406.66 sq.m. (approx. 4377.25 sq.ft.) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 350.89 sq.m. (approx. 3776.95 sq.ft.) in this instance;
2. A side yard (northerly) of 1.52 m. (approx. 4.99 ft.) whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81 m. (approx. 5.94 ft.) in this instance;
3. A side yard (southerly) of 1.69 m. (approx. 5.54 ft.) whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81 m. (approx. 5.94 ft.) in this instance;
4. A building height measured to the eaves (from average grade) of 7.54 m. (approx. 24.74 ft.) whereas Bylaw 0225-2007, as amended, permits a maximum building height measured to the eaves of 6.40 m. (approx. 21.00 ft.) in this instance.

It is our understanding that the purpose of the requested minor variances is to facilitate the replacement of a 62.6 sq.m. (673.82 sq.ft) 1-storey single family residential dwelling with a 406.66 sq.m. (4377.25 sq.ft) two-storey single family residential dwelling, with a basement and a below grade entrance at the subject property.

Recommendation

Based on the comments noted below, TRCA staff recommend **deferral** of the above noted application in order to provide an opportunity for the applicant to revise the proposed replacement dwelling and address the floodproofing concerns to the satisfaction of TRCA. Should the Committee not grant deferral of the application at the March 25, 2021 hearing, TRCA staff recommend denial of the application at this time.

Application Specific Comments

Ontario Regulation 166/06:

The subject property is located within TRCA's Regulated Area of the Mimico Creek Watershed, as it is located within a spill area of the Regional Storm Floodplain. In accordance with Ontario Regulation 166/06, as amended (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), a permit is required from the TRCA prior to any of the following works taking place:

- a) straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;
- b) development, if in the opinion of the Authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development.

Development is defined as:

- i. the construction, reconstruction, erection or placing of a building or structure of any kind;
- ii. any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;
- iii. site grading, including the temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere.

Based on our review, it appears that the subject property is located downstream of a spill area of the Regional Storm Floodplain associated with a tributary of the Mimico Creek, located to the north of the subject property.

Floodplain Management:

The PPS provides direction on all planning applications. According to subsection 3(5) and (6) of the *Planning Act*, all decision made by a municipality and comments provided by the TRCA shall be consistent with the PPS. Through our MOU between Conservation Ontario, the Ministry of Municipal Affairs and Housing (MMAH) and the Ministry of Natural Resources and Forestry (MNRF), the responsibility to uphold the natural hazards section of the PPS (Section 3.1) has been delegated to the Conservation Authorities. In this delegated role, TRCA is responsible for representing the Provincial interest on natural hazard matters where the Province is not involved.

As part of our delegated role, the TRCA develops, implements and manages floodplain mapping and modelling within our jurisdiction. Based on TRCA's hydraulic assessment, it appears that the subject property will be flooded and that the Regional floodplain elevation and velocity at the property are 168.95 m and 0.61 m/s, respectively.

As such, and in accordance with Section 8.5.1 Valley and Stream Corridors of the TRCA's Living City Policy, TRCA does not support an increase in the size and footprint of a replacement or reconstruction of an existing building or structure within the flood hazards where the addition is more than 50% of the original habitable ground floor area. Additionally, TRCA requires that the addition does not include a basement if one did not previously exist, and that replacements of an existing basement be no larger than the original. At this time, it has not been demonstrated that an existing basement is present through the submitted documents. The applicant must clarify whether the existing dwelling includes a basement.

Furthermore, please note that TRCA requires that the proposed replacement dwelling be properly flood proofed according to TRCA policies and standards, including any potential basement windows.

Given the above, TRCA staff has concerns with the size of the replacement dwelling and floodproofing of the proposed works in this minor variance application, as submitted. TRCA staff requests that the applicant contacts the undersigned in order to initiate discussions regarding TRCA's concerns.

Permitting:

As noted above, the subject property is located within TRCA's Regulated Area of the Mimico Creek Watershed. As such, a TRCA permit pursuant to Ontario Regulation 166/06 is required. As of date of this letter, TRCA staff has not received a permit application for the proposed works.

1. Once the above comments have been addressed, please advise the applicant to submit a TRCA permit application (Application for Development, Interference with Wetlands & Alterations to Shorelines and Watercourse – Ontario Regulation 166/06) and the associated fee of \$875 (Works on Private Residential Property – Standard) to initiate the TRCA permitting process.

Fees

In addition to regulatory responsibilities, TRCA has a role as a commenting agency for Planning Act applications circulated by member municipalities to assess whether a proposed development may be impacted by the TRCA.

2. By copy of this letter, the applicant is advised that the TRCA has implemented a fee scheduled for our planning application review services. This application is subject to a \$580 (Variance – Residential – Minor) review fee. The applicant is responsible for fee payment and should forward the application fee to this office as soon as possible.

Conclusion

We thank you for the opportunity to review the subject application and provide our comments as per our commenting and regulatory role. Should you have any additional questions or comments, please do not hesitate to contact the undersigned.

Comments Prepared by: Lina Alhabash, Planner I