

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-04-28	File(s): A63.21 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-05-06 1:00 PM

## Consolidated Recommendation

The City has no objection to the variances, as requested. The Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

## Application Details

The applicants request the Committee to approve a minor variance to allow the construction of a new house on the subject property proposing:

1. A lot coverage of 32.48% of the lot area whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% of the lot area in this instance;
2. A gross floor area of 290.24sq.m (approx. 3,124.12sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 248.48sq.m (approx. 2,674.62sq.ft) in this instance; and
3. A height measured to the eaves of 6.6m (approx. 21.7ft) whereas By-law 0225-2007, as amended, permits a maximum height measured to the eaves of 6.4m (approx. 21.0ft) in this instance.

## Recommended Conditions and Terms

The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of dwelling unit within 300m of the railway right-of-way:

“Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration

attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”

## Background

**Property Address:** 20 Harrow St

### Mississauga Official Plan

Character Area: Malton Neighbourhood  
Designation: Residential Low Density I

### Zoning By-law 0225-2007

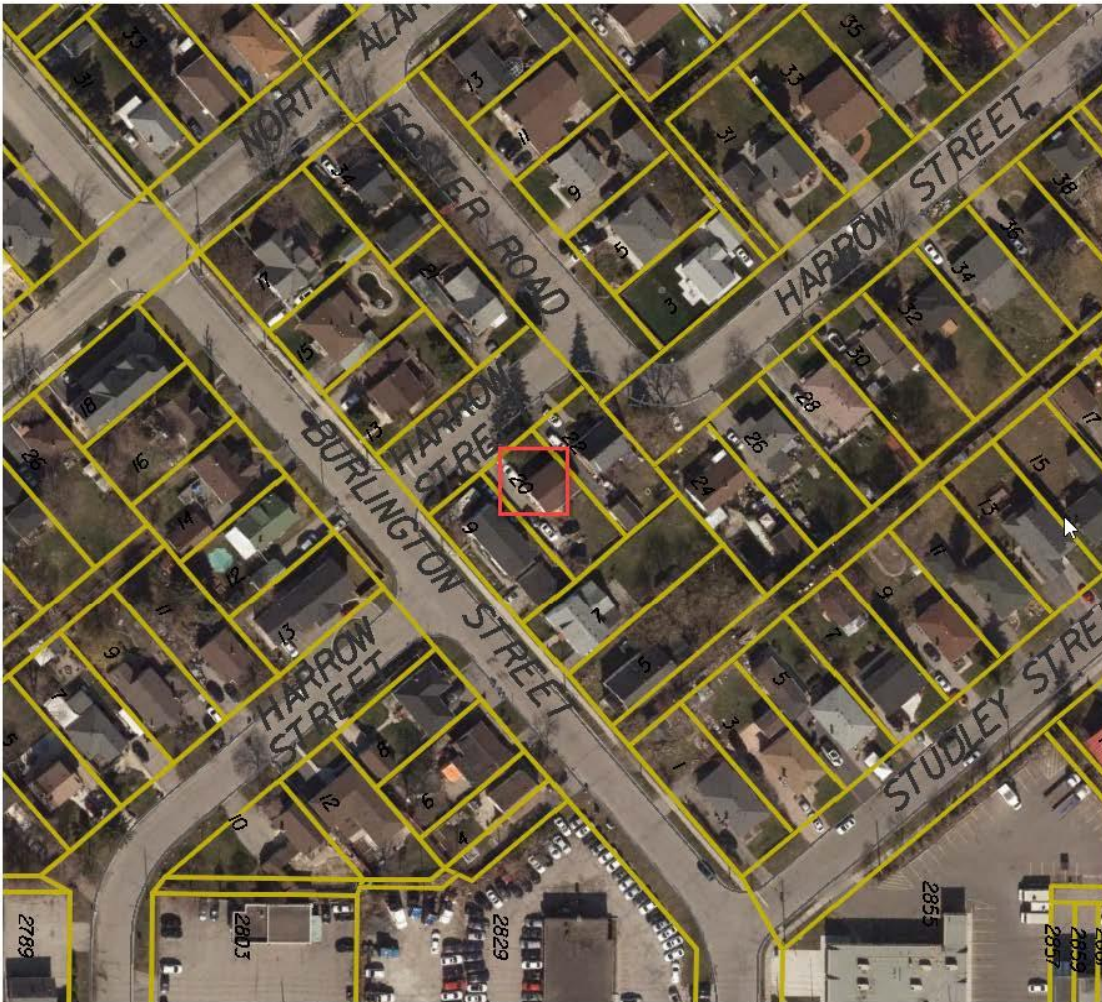
**Zoning:** R3-69 - Residential

**Other Applications:** None

### Site and Area Context

The property is located north-west of the Derry Rd and Airport Rd intersection, and currently houses a single storey detached dwelling with minimal vegetation and landscaping elements in both the front and rear yards. The subject property is an interior parcel with a lot area of approximately +/- 492.39m<sup>2</sup> and a lot frontage of approximately +/- 15.24m. Contextually, the surrounding neighbourhood consists of modest, single storey detached homes with mature vegetation scattered throughout and minimal landscape elements within the front yards. The surrounding properties possess lot frontages of +/- 15.0m.

The applicant is proposing a new two storey dwelling that requires variances related to eave height, 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 Malton Neighbourhood character areas and 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 maintains the general intent and purpose of the MOP.

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

Variance #1 and #2 as requested pertain to lot coverage and gross floor area. Arising from public input expressed through the 'My Malton' Community Visioning exercise undertaken in 2015, the City completed 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. Although the surrounding area contains a lot of newer two storey dwellings, the intent of the policies are to limit the overall massing of these dwellings, in order to maintain compatibility between the existing and planned character of the neighbourhood. The application originally came to the Committee of Adjustment on March 4, 2021 with a significantly larger proposal. Committee members were concerned with the size of the dwelling and deferred the application for redesign. The subsequent redesign has reduced both the lot coverage and gross floor area. Staff are of the opinion that the new design is inline with the Malton Infill Housing Study of 2016; and is compatible with both the existing and infill development of the neighbourhood. As such, the applicant meets the general intent and purpose of the by-law.

Variance #3 and as requested pertains to eave height:

The intent of restricting height of the eaves 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 proposed eave height of 6.60m whereas 6.40m is permitted is a minor deviation from what the by-law envisions. The proposed

does not affect the overall pitch of the roof and maintains a human scale. As such, variance #3 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 that the applicant's redesign represents an orderly development of the lands, whose impacts are minor in nature.

## **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. The Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

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 not in receipt of any permit applications at this time and the applicant is advised that a zoning review has not been completed. We are unable to confirm the accuracy of the requested variance(s) or determine whether additional variance(s) may be required.

The applicant is advised that a completed zoning review may identify additional instances of zoning non-compliance. The applicant may consider applying for a preliminary zoning review application and submit working drawings for a detailed zoning review to be completed. A minimum of 6-8 weeks will be required to process a preliminary zoning review application depending on the complexity of the proposal and the detail of the information submitted.

Comments Prepared by: Brandon Eidner, Zoning Examiner

### Appendix 5 – Region of Peel Comments

#### **Deferred Minor Variance Application: DEF-A-63/21**

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](mailto:siteplanservicing@peelregion.ca)

Comments Prepared by: Diana Guida, Junior Planner

### Appendix 7 – Canadian National Railway Company

Thank you for circulating CN the proposed projects mentioned in subject. This is to confirm that we have reviewed the information and site locations. CN Rail does have comments only with

regards to the application addressed as 20 HARROW street. We recommend implementing the following criteria as your condition to project approval:

- The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of dwelling unit within 300m of the railway right-of-way:

“Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”

Comments Prepared by: Ashkan Matlabi, Senior Planner