

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-08-04	File(s): A302.21 Ward 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-08-12 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred to allow the applicant to redesign the dwelling to reduce the gross floor area and garage projection.

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 374.49sq.m (approx. 4,030.98sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 296.20sq.m (approx. 3188.27sq.ft) in this instance;
2. A front yard of 6.97m (approx. 22.87ft) whereas By-law 0225-2007, as amended, requires a front yard of 7.50m (approx. 24.60ft) in this instance;
3. A rear yard of 6.13m (approx. 20.11ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard of 7.50m (approx. 24.60ft) in this instance;
4. A garage projection of 3.36m (approx. 11.02ft) whereas By-law 0225-2007, as amended, permits a maximum garage projection of 2.00m (approx. 6.56ft) in this instance;
5. A building height of 9.30m (approx. 30.51ft) whereas By-law 0225-2007, as amended, permits a maximum building height of 9.00m (approx. 29.52ft) in this instance; and
6. A building height measured to the eaves of 6.86m (approx. 22.51ft) 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: 7437 Sills Road

Mississauga Official Plan

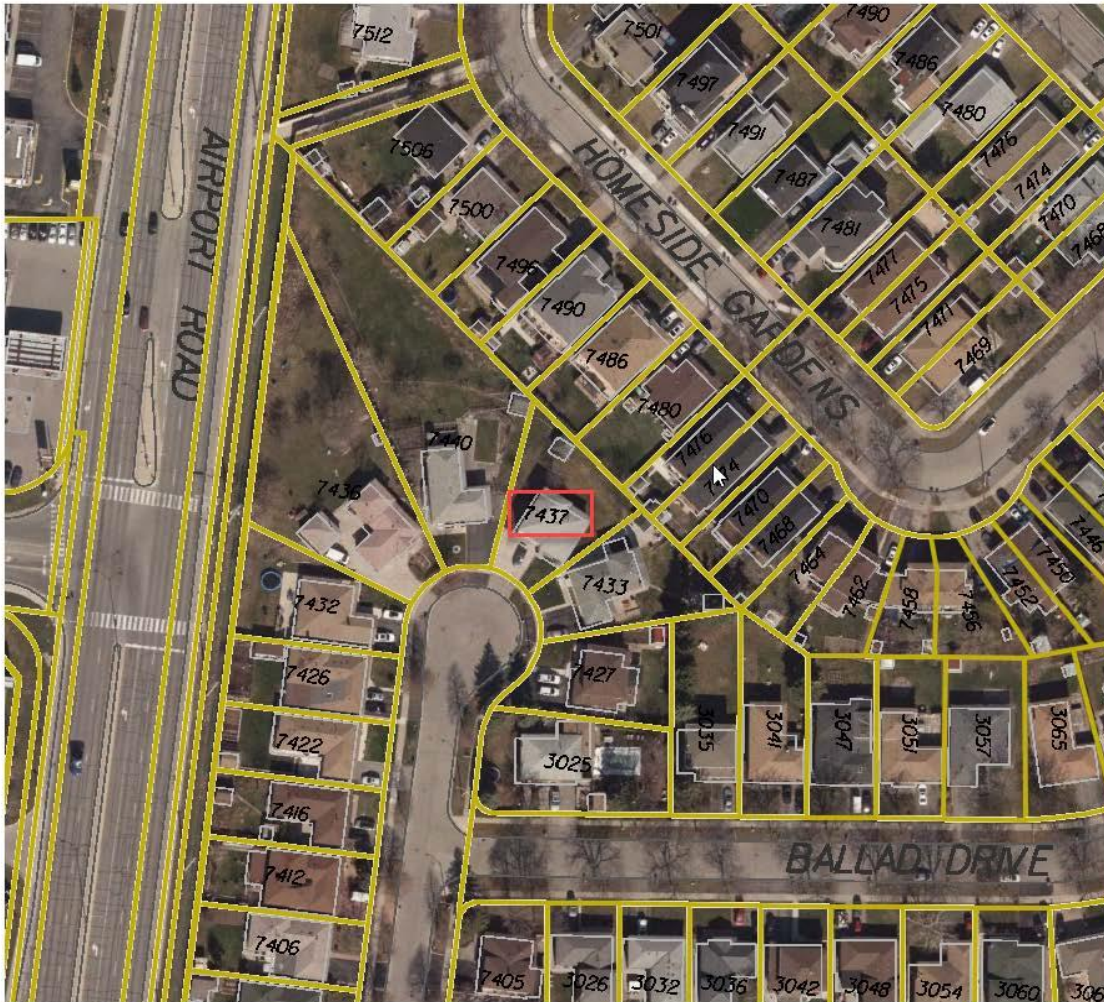
Character Area: Malton Neighbourhood

Designation: Residential Low Density II

Zoning By-law 0225-2007**Zoning: R3-69 - Residential****Other Applications:** PREAPP 21-6394**Site and Area Context**

The subject property is located north-east of the Airport Road and Morning Star Drive intersection. It is a pie shaped lot at the end of the Sills Road cul-de-sac with a lot frontage of +/- 15.16m (50ft.) and a lot area of +/- 731.01m² (7,869ft.). While the Sills Road cul-de-sac exclusively contains detached dwellings with attached garages, semi-detached dwellings are present further down Sills Road as well as to the rear of the subject property. There is limited vegetation in both the front and rear yards of the subject property and surrounding properties.

The applicant is proposing a new two storey dwelling on the subject property requiring variances for floor area, setbacks, heights, and the garage projection.



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:

The subject property is located in the Malton Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan, which permits detached, semi-detached and duplex dwellings. Section 9 of the 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.

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, which 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. 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 application proposes increases in gross floor area and garage projection that are not consistent with the neighbourhood and do not maintain the intent of the infill regulations. These variances will create a dwelling with significant massing with cumulative impacts that will negatively influence the neighbourhood's character. As such, staff are of the opinion that the design is not compatible with the existing and planned development of the neighbourhood and recommend that the application be deferred for redesign.

Conclusion

The Planning and Building Department recommends that the application be deferred to allow the applicant to redesign the dwelling to reduce the gross floor area and garage projection.

Comments Prepared by: Alexander Davies, 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 through the Building Permit Application process.

The Site Plan (Sheet No A1) submitted with the application depicts a 2.286M Easement along the property line and indicates that the easement is on the Registered Plan but not on title. The proposed dwelling is not encroaching into the limits of the easement, although the owner must ensure that the new dwelling is located entirely outside the limits of the easement.

We reviewed our records and found that Plan C-08891, the Plan and Profile Drawing for Sills Road (prepared by G.V Kliefeldt & Associates in 1966) depicts a 15 ft. easement between the subject and abutting property. The Drawing also shows a catchbasin located at the rear of the subject property with a 10 inch pipe connecting to the storm manhole located on Sills Road. We also note from our site inspection that the entire area within the easement is currently free from any structures.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

A building permit is required. The Building Department is currently processing a pre-application zoning review under file 21-6394. Based on review of the information currently available, the variances, as requested are correct.

Please note that comments reflect those provided through the above preapp and should there be any changes contained within this Committee of Adjustment application that 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: Sherri Takaloo – Zoning examiner