

# City of Mississauga Department Comments

Date Finalized: 2022-02-09	File(s): A29.22 Ward 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-02-17 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

## Application Details

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

1. A gross floor area (infill) of 232.37sq.m (approx. 2,501.21sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 174.31sq.m (approx. 1,876.26sq.ft) in this instance;
2. A lot coverage of 33.79% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% in this instance;
3. An eaves height of 6.72m (approx. 22.05ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance;
4. A side yard setback (easterly) of 1.45m (approx. 4.76ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.80m (approx. 5.91ft) in this instance;
5. A side yard setback (westerly) of 1.45m (approx. 4.76ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.80m (approx. 5.91ft) in this instance;
6. An encroachment of eaves of 0.76m (approx. 2.49ft) into the required side yard (easterly) whereas By-law 0225-2007, as amended, permits a maximum encroachment of eaves of 0.45m (approx. 1.48ft) into a required yard in this instance; and,
7. An encroachment of eaves of 0.76m (approx. 2.49ft) into the required side yard (westerly) whereas By-law 0225-2007, as amended, permits a maximum encroachment of eaves of 0.45m (approx. 1.48ft) into a required yard in this instance.

## Background

**Property Address:** 3139 Churchill Avenue

## Mississauga Official Plan

Character Area: Malton Neighbourhood  
Designation: Residential Low Density II

## Zoning By-law 0225-2007

**Zoning:** R4-1 - Residential

**Other Applications:** None

## Site and Area Context

The subject property is located north-east of the Airport Road and Derry Road East intersection in the Malton neighbourhood. It has a lot frontage of +/- 12.19m (40ft), a lot area of +/- 371.5m<sup>2</sup> (3,999ft<sup>2</sup>) and backs onto Victory Park. This portion of Churchill Avenue contains only detached dwellings, however semi-detached dwellings are present in the nearby vicinity. The vast majority of dwellings along this portion of Churchill Avenue are the original one and two storey detached dwellings that were built in the area when it was originally developed. There are, however, several new builds present in the neighbourhood. Limited mature vegetation exists on the subject and surrounding properties.

The applicant is proposing to construct a new dwelling on the property requiring variances for gross floor area, lot coverage, setbacks, height, and eave encroachments.



## 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 Residential Low Density II in the Mississauga Official Plan (MOP) and is within the Malton Neighbourhood Character Area. This designation 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. While Victory Village is characterized by smaller dwellings, staff note the presence of some larger dwellings along this particular portion of Churchill Avenue. Staff are therefore satisfied that the proposal maintains 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 pertains to an increase in Gross Floor Area (GFA). The intent in restricting gross floor area is to maintain compatibility between existing and new dwellings and ensure the existing and planned character of a neighbourhood is preserved. While the proposed GFA represents a larger increase than is normally supported in Victory Village, staff note that the proposed dwelling is appropriately designed to not accentuate the massing of the structure and represents development in line with neighbouring properties. Furthermore the property backs onto Victory Park, limiting the number of surrounding residential properties impacted by the increased floor area.

Variance 2 requests an increase in lot coverage. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot which would impact the streetscape as well as abutting properties. Staff are satisfied that the proposal does not represent an overdevelopment of the subject property and is in line with both original and newer dwellings in the surrounding context.

Variance 3 requests an increase to eave height. The intent of restricting height to the highest ridge and eaves is to lessen the visual massing of dwelling, by lowering the overall pitch of the roof and bringing it closer to the ground. This results in the dwelling having a more human scale. The proposed eave height does not pose any massing concerns and represents a minor deviation from the zoning by-law requirement.

Variances 4 and 5 request reduced side yard setbacks. 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, access to the rear yard ultimately remains unencumbered, and that appropriate drainage can be provided. Staff note that the proposed setback reductions are minor and provide an appropriate buffer between neighbouring dwellings. Furthermore the reduced setbacks also provide unencumbered access to the rear yard and the Transportation and Works Department has raised no concerns regarding drainage.

Variances 6 and 7 request an increased eave encroachment. The intent of this portion of the By-law is to ensure an appropriate buffer between the eaves and lot lines. Staff note that these variances are partially caused due to the reduced setbacks and are satisfied that the eaves on the subject property are appropriately setback from the lot lines.

Given the above, staff are satisfied that the requested variances maintain the general intent and purpose of the Zoning Bylaw.

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

The requested variances represent appropriate development of the lands. The request is minor and is compatible with the surrounding context. Staff are of the opinion that the impacts of the requested variances are minor and will not cause undue impacts on adjacent properties.

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 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.

We note that a building permit application is 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 3 – Parks, Forestry, & Environment**

The Park Planning Section of the Community Services Department has no objections to the above noted minor variance application and advises as follows:

1. The lands to the rear of the property are City owned lands, identified as Victory Park (P-001) and within the Natural Hazard Lands, zoned G-1, that are also classified as a naturally significant area within the City's Natural Heritage System. Section 6.3.24 of the Mississauga Official Plan states that the Natural Heritage System will be protected, enhanced, restored and expanded through the following measures:
  - a) ensuring that development in or adjacent to the Natural Heritage System protects and maintains the natural heritage features and their ecological functions through such means as tree preservation, appropriate location of building envelopes, grading, landscaping...;
  - b) placing those areas identified for protection, enhancement, restoration and expansion in public ownership, where feasible.

Should the application be approved, Community Services provides the following notes:

1. Construction access from the adjacent park/greenlands is not permitted.
2. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.

Should further information be required, please contact Jim Greenfield, Park Planner, Community Services Department at 905-615-3200 ext. 8538 or via email [jim.greenfield@mississauga.ca](mailto:jim.greenfield@mississauga.ca)

Comments Prepared by: Jim Greenfield, Park Planner