

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-06-19	File(s): A8/20 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-07-07

Consolidated Recommendation

The City has no objection to the variances, as requested; however 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 home on the subject property proposing:

1. A lot coverage of 30.82% 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; and,
2. A gross floor area of 336.18m² (approx. 3,618.61sq.ft); whereas, By-law 0225-2007, as amended, permits a maximum gross floor area of 272.31 m² (approx. 2,931.12sq.ft), in this instance.

Background

Property Address: 7661 Redstone Road

Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3-69 (Residential)

Other Applications:

Building Permit: 19-8342

Site and Area Context

The property is located north-east of the Airport Road and Thamesgate Drive intersection. The immediate neighbourhood is primarily detached dwellings; however, semi-detached dwellings are also present. Architecturally, the area is comprised primarily of post-war, 1 and 1.5 storey bungalows; however, this area of Malton has seen recent residential development, with new construction being prevalent on both Redstone Road, as well as within the surrounding neighbourhood as a whole.

The Applicant is proposing to demolish the existing structure and replace it with a larger detached dwelling.



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:

A proposal for this property was previously brought before Committee on January 16th, 2020, under Application 'A' 8/20. At this time, the application was deferred to permit the Applicant the opportunity to redesign the dwelling. Planning Staff note, as per the provided revisions, the Applicant has removed the more egregious aspects of this previous proposal and has resubmitted a more modest design.

Does the proposal maintain the general intent and purpose of the Official Plan?

The site is located within the Malton Neighbourhood Character Area, and designated Residential Low Density I by the Mississauga Official Plan (MOP). The Residential Low Density I designation permits detached dwellings; semi-detached dwellings; 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 subject lands are to be used for residential purposes. The proposed dwelling respects the designated residential land use, and, despite the variances, has regard for the distribution of massing on the property as a whole. The variances, as requested, meet the purpose and general intent of the Official Plan.

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

As per Zoning By-law 0225-2007, the subject property is zoned R3-69 (Residential). Pursuant to Table 4.2.4.69(1) (R3 Exception Zones), the Zoning By-law permits a maximum lot coverage of 30.0%; whereas, the Applicant has proposed 30.82%. The general intent of this portion of the By-law is to ensure that individual lots are not visibly or disproportionately developed as it pertains to the overall size of a property. Staff note, no subsequent variances have been requested as it pertains to either the associative setback or height regulations, thereby mitigating the impacts of this requested increase. Further, a portion of this increased lot coverage is associated with an open-faced deck at the rear of the dwelling; a structural feature that does not lend itself to "true massing", but is required to be included in this calculation. It is the opinion of Planning Staff that no additional undue impact is created as a result of the requested variance. Variance 1, as requested, maintains the purpose and general intent of the Zoning By-law.

Pursuant to Table 4.2.4.69(2) (R3 Exception Zones), this zone regulates a detached dwelling's maximum gross floor area. The general intent of this portion of the By-law, as it pertains to infill development, is to ensure that individual properties are not overdeveloped, and that additional massing resultant of construction will not negatively impact the character of the neighbourhood. Despite requiring relief to permit the proposed increase in gross floor area; the detached dwelling remains appropriate in size and whose massing is well-hidden by multiple defined sections – the projecting bay windows and garage areas; the multiple roof sections, etc. – resulting in an unobtrusive design from a streetscape perspective. Variance 2, as requested, maintains the purpose and general intent of the Zoning By-law.

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

While the residential design of this neighbourhood has historically been single storey, or storey and a half structures, the proposed dwelling is in scale with the overall property as a whole, and, does not result in the over massing of the site. Staff further note, while infill zoning regulations were enacted to restrict over-massing of dwellings within this community, the presence of larger developments within the immediate contextual area, especially as it pertains neighbouring properties, predate these regulations and support the proposal of a larger structure in this instance. The variances, as requested, result in both the orderly development of the lands, and 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 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; however the Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Comments Prepared by: Roberto Vertolli, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We are noting that any Transportation and Works Department requirements for the proposed new dwelling will be addressed through the Building Permit Process.

Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit application under file 19-8342. Based upon review of this application, Staff advises that more information is needed to determine the validity of Variance 1, as well as to determine whether additional variance(s) may be required.

Comments Prepared by: Jeanine Benitez-Bumanglag, Zoning Examiner

Appendix 3 – 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

I trust this information is of assistance to you and the Committee. If you have any questions or concerns, please do not hesitate to contact me at (905) 791-7800 ext. 7190 or by email at tracy.tang@peelregion.ca

Comments Prepared by: Tracy Tang, Junior Planner