

# City of Mississauga Department Comments

Date Finalized: 2022-05-11	File(s): A234.22 Ward 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-05-19 1:00:00 PM

## Consolidated Recommendation

The City recommends that the application be deferred in order to allow the applicant to redesign the proposed dwelling.

## Application Details

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

1. A lot coverage of 33.14% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% in this instance;
2. A gross floor area of 265.15sq.m (approx. 2,854.05sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 174.34sq.m (approx. 1,876.58sq.ft) in this instance;
3. A height to of 9.38m (approx. 30.77ft) to highest ridge sloped roof, whereas By-law 0225-2007, as amended, permits a maximum height of 9.00m (approx. 29.53ft) in this instance;
4. A height of eaves of 7.7m (approx. 25.3ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.4m (approx. 21.0ft) in this instance; and
5. A minimum interior side yard of 1.00m (approx. 3.28ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 1.20m (approx. 3.94ft) in this instance.

## Background

**Property Address:** 3095 Merritt Ave

### Mississauga Official Plan

Character Area: Malton Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

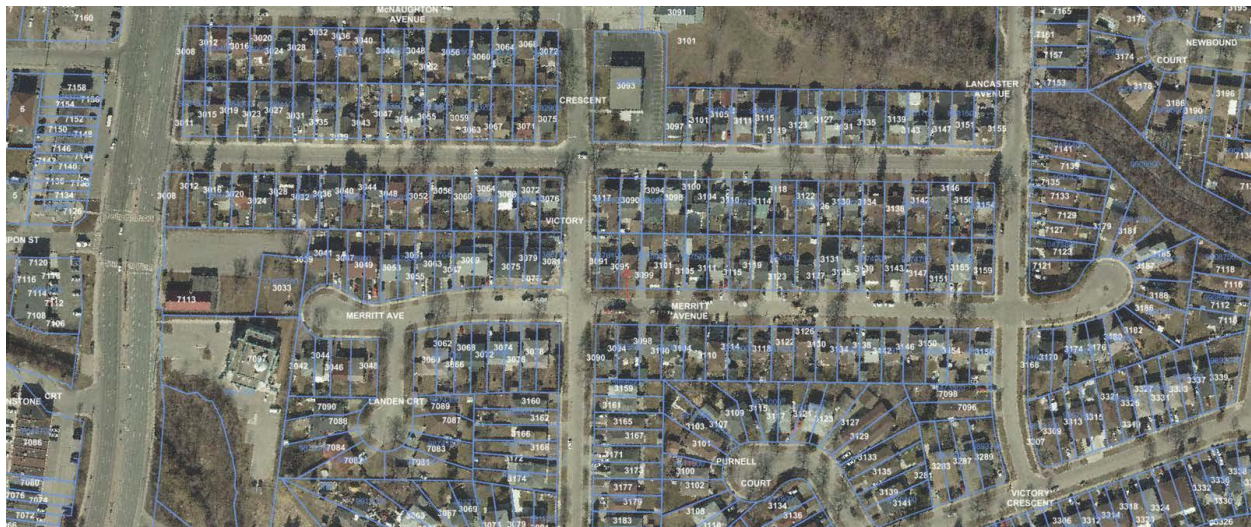
**Zoning:** R4-1 - Residential

**Other Applications:** PREAPP 21-9855

### Site and Area Context

The property is located north-east of the Derry Road East and Airport Road intersection in the Malton neighbourhood. The property currently contains a single storey detached dwelling and detached garage with minimal vegetation in both the front and rear yards. The subject property has a lot area of +/- 371.39m<sup>2</sup> (3,997.61ft<sup>2</sup>) and a lot frontage of +/- 12.19m (40ft). The built form of the surrounding neighbourhood consists of detached and semi-detached dwellings on similarly sized lots.

The applicant is proposing a new dwelling requiring variances for lot coverage, gross floor area, height, height of the eaves, and side yard setback.



## 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. The 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.

Arising from public input expressed through the 'My Malton' Community Visioning exercise undertaken in 2015, the City completed the Malton Infill Housing Study. This study resulted in Council's adoption of 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 eave height 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 and 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.

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 currently processing a Preliminary Zoning Review application under file PREAPP 21-9855. 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 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 3 – Region of Peel Comments**

Comments: 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 contact Servicing Connections at [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca)

Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Region of Peel Site Servicing connection approvals are required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections at [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca)

Comments Prepared By: Camila Marczuk, Development Engineering