

City of Mississauga Department Comments

Date Finalized: 2022-06-08	File(s): A224.22
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2022-06-16 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 lot coverage of 32.15% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% in this instance;
2. A gross floor area of 365.36sq.m (approx. 3,932.70sq.ft) whereas By-law 0225-2007, as amended, permits a maximum floor area of 270.46sq.m (approx. 2,911.21sq.ft) in this instance; and,
3. A height to eaves of 6.60m (approx. 21.65ft) whereas By-law 0225-2007, as amended, permits a maximum height to eaves of 6.40m (approx. 21.00ft) in this instance.

Background

Property Address: 7519 Homeside Gdns

Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-69

Other Applications: None

Site and Area Context

The subject property is located south-east of the Airport Road and Thamesgate Drive intersection in the Malton Neighbourhood. It has a lot area of +/- 602.32m² (6,483ft²), a lot frontage of +/- 16.15m (53ft), and currently contains a single storey detached dwelling with minimal vegetation and landscaping elements in both the front and rear yards. The surrounding neighbourhood consists of a mix of both detached and semi-detached dwellings.

The applicant is proposing a new two-storey detached dwelling requiring variances for gross floor area, lot coverage, and eave height.



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 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. Staff are satisfied that the proposal appropriately balances the existing and planned characters of the surrounding area and are of the opinion that the application 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 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 2 requests an increase in gross floor area. The intent in restricting gross floor area is to maintain compatibility between existing and new dwellings in order to ensure the existing and planned character of a neighbourhood is preserved. While the proposal represents an increase to the permissions of the by-law and is generally larger than staff support in Malton, the subject property is slightly larger than the average for the area and is able to accommodate a larger house. Furthermore staff note the presence of several larger dwellings along Homeside Gardens contribute to the overall character of the street. The design of the proposed dwelling also utilizes a broken up front wall which limits the impact of the visual massing, while maintaining front and rear setbacks that are compatible with adjacent dwellings given the angle of the dwellings on either side of the subject property.

Variance 3 relates to the height of the eaves. The intent of restricting height to the eaves is to lessen the visual massing of the dwelling by bringing the edge of the roof closer to the ground. This keeps the height of the dwelling within human scale. The proposal requests a minor increase in eave height that does not have a significant impact on the massing of the dwelling. Furthermore staff note that an overall height variance has not been requested, which helps keep the massing within an appropriate scale.

Given the above, it is the opinion of Planning staff that the application maintains the general intent and purpose of the zoning by-law.

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

Upon review of the application staff are satisfied that the proposal represents appropriate development of the subject lands. The variances, both individually and cumulatively, are minor in nature and will not create any undue impacts to adjoining properties or the planned or existing character of the area.

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 Application 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.

Furthermore, we note that a Building Permit 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: Tage Crooks, Zoning Examiner

Appendix 3 – CN Proximity Comments

The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 1000m 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 1000 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

Appendix 4 – Toronto and Region Conservation Authority

This letter acknowledges receipt of the above noted application circulated by the City of Mississauga. The materials were received by Toronto and Region Conservation Authority (TRCA) on May 10, 2022. TRCA staff has reviewed the above noted application, and as per the “Living City Policies for Planning and Development within the Watersheds of the TRCA” (LCP), provides the following comments as part of TRCA’s commenting role under the *Planning Act*; the Authority’s delegated responsibility of representing the provincial interest on natural hazards encompassed by Section 3.1 of the *Provincial Policy Statement, 2020*; TRCA’s Regulatory Authority under Ontario Regulation 166/06, *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*; and, our Memorandum of Understanding (MOU) with the Region of Peel, wherein we provide technical environmental advice related to provincial plans.

Purpose of the Application

The purpose of Minor Variance Application A224/22 is seeking the following variances:

1. A lot coverage of 32.15% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% in this instance;
2. A gross floor area of 365.36sq.m (approx. 3,932.70sq.ft) whereas By-law 0225-2007, as amended, permits a maximum floor area of 270.46sq.m (approx. 2,911.21sq.ft) in this instance; and,
3. A height to eaves of 6.60m (approx. 21.65ft) whereas By-law 0225-2007, as amended, permits a maximum height to eaves of 6.40m (approx. 21.00ft) in this instance.

It is our understanding that the above variances are required to facilitate the replacement of the existing one-storey house at the subject property with a two-storey house including a walkout basement.

Ontario Regulation 166/06

The subject property is located within TRCA’s Regulated Area of the Mimico Creek Watershed. Specifically, the subject land is located downstream of a flood spill area of the Regulatory Flood Plain associated with a tributary of the Mimico Creek. As such, a TRCA permit pursuant to Ontario Regulation 166/06 will be required for any development or site alteration within the Regulated Area on the property.

Application Specific Comments

Based on our latest preliminary 2D modeling results, it appears that the entire property is located within the Regulatory flood plain. The Regional water surface elevation and the flood velocity at the property would be **171.94 m** (+/-) and **0.97 m/s** (+/-) respectively

As such, based on the above information, it appears that the entirety of the current dwelling is subject to flooding condition under a Regulatory Storm Event. In accordance with Section 8.5.1 Valley and Stream Corridors of the TRCA's Living City Policy, TRCA does not support an increase in the size and footprint of a replacement or reconstruction of an existing building or structure within the flood hazards where the addition is more than 50% of the original habitable ground floor area. Additionally, TRCA requires that the addition does not include a basement, if one did not previously, and that replacements of an existing basement be no larger than the original. At this time, it has not been demonstrated that an existing basement is present through the submitted documents. Therefore, it is premature to comment on the appropriateness of a basement as part of this development. Please note that increasing the number of dwelling units in a building within the flood hazard is not permitted.

Additionally, please note that TRCA requires that the proposed replacement dwelling be properly flood proofed according to TRCA policies and standards, including any potential basement windows. Given the above, TRCA has concerns with the size of the replacement dwelling and floodproofing of the proposed works in this minor variance application, as submitted. TRCA requests that the applicant contacts the undersigned in order to initiate discussions regarding TRCA's concerns.

Should the applicant disagree with TRCA's Regulatory Flood Plain preliminary analysis, the applicant may hire a consultant to determine the flooding extent of the spill using two-dimensional hydraulic model, otherwise the applicant is required to apply the preliminary result for of TRCA's flood modelling.

Recommendation

On the basis of the comments noted below, TRCA staff recommend **deferral** of Minor Variance Application A224/22 in order to provide an opportunity for the applicant to revise the proposed replacement dwelling and address TRCA's staff concerns. Should the Committee not grant deferral of the application at the June 16, 2022 hearing, TRCA staff recommend denial of the application at this time.

Fees

By copy of this letter, the applicant is advised that the TRCA has implemented a fee schedule for our planning application review services. This application is subject to a fee of \$610 (Variance Residential– Minor). The applicant is responsible for fee payment and should forward the application fee to this office as soon as possible.

We trust these comments are of assistance. Should you have any questions, please contact me at 416-661-6600 extension 5221 or at Marina.Janakovic@trca.ca

Comments Prepared By: Marina Janakovic, Planner I

Appendix 5 – 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

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

Comments Prepared by: Camila Marczuk, Development Engineering