

City of Mississauga Department Comments

Date Finalized: 2022-06-08	File(s): A241.22
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, as amended. 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 of 343.43sq.m (approx. 3,696.65sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 261.49sq.m (approx. 2,814.65ft) in this instance; and
2. A lot coverage of 34.20% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% in this instance.

Amendments

The applicant has worked with Planning staff to redesign the dwelling and amend the variances as follows:

1. A gross floor area of 330.22sq.m (approx. 3,554.47sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 261.49sq.m (approx. 2,814.65ft) in this instance; and
2. A lot coverage of 33.34% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% in this instance.

Background

Property Address: 7616 Anaka Dr

Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3-69 - Residential

Other Applications: None

Site and Area Context

The subject property is located north-west of the Goreway Drive and Brandon Gate Drive intersection in the Malton neighbourhood. It has a lot area of +/- 557.1m² (5,997ft²), a lot frontage of +/- 15.24m (50ft), and currently contains a single storey detached dwelling with minimal vegetation and landscaping elements in both the front and rear yards. The property backs onto open space on the Ascension of Our Lord Secondary School property. The surrounding neighbourhood consists of older single and two-storey detached homes on similarly sized lots.

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



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 I on 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, requiring that such development is compatible with: the existing site conditions, the surrounding context, and the landscape of the character area. Staff have worked with the applicant prior to the hearing and are satisfied that the revised 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?

Staff note that revised drawings were received from the applicant, addressing some of staff's concerns. Planning staff have had sufficient time to review the revised drawings and comment as follows:

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 area.

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 by ensuring the existing and planned character of the neighbourhood is preserved. While the proposal represents an increase to the permissions of the by-law, staff are satisfied that the revised proposal appropriately balances the existing built form and character of the neighbourhood with the planned character envisioned by the Malton Infill Housing Study. The design of the proposed dwelling utilizes a broken up roofline and front wall which limits the impact of the visual massing, while maintaining front and rear setbacks that substantially align with adjacent dwellings.

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: Tague 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 – 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