

City of Mississauga Department Comments

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| Date Finalized: 2022-07-13 | File(s): A22.22 Ward: 5 |
| To: Committee of Adjustment | |
| From: Committee of Adjustment Coordinator | Meeting date:2022-07-21 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 of 420sq.m (approx. 4,520.80sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 349.44sq.m (approx. 3,761.34sq.ft) in this instance; and,
2. An eaves height of 6.86m (approx. 22.51ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance.

Background

Property Address: 44 Cattrick Street

Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3-69 - Residential

Other Applications: PREAPP 21-7789

Site and Area Context

The subject property is located north-west of the Derry Road East and Airport Road intersection in Old Malton Village. It currently contains a 1.5 storey detached dwelling with limited landscaping and vegetation in the front yard. The rear yard contains mature vegetation along the rear property line. The property has a lot frontage of +/- 20.12m (66ft) and a lot area of 997.21m² (10,733ft²), which is characteristic of lots along the west side of Cattrick Street. The surrounding context consists of detached dwellings as well as vacant airport lands to the rear of the property. Industrial uses are present across the airport lands.

The applicant is proposing to construct a new dwelling on the subject property requiring variances for gross floor area and height to the eaves.



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 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 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 lack of dwellings to the rear of the property limit the impact of the proposed dwelling. The design of the proposed dwelling also utilizes a broken up front wall which limits the impact of the visual massing, while maintaining appropriate front and rear setbacks.

Variance 2 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.

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 has processed a Preliminary Zoning Review application under file PREAPP 21-7789. Based on review of the information currently available in this permit application, we advise that variance # 2 can be confirmed.

Furthermore, more information is required in order to verify the accuracy of the remaining variance(s) or determine whether additional variance(s) will be required.

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: Brandon Eidner, Zoning Examiner

Appendix 3 – Metrolinx

Metrolinx is in receipt of the minor variance application for 44 Cattrick Street to facilitate the construction of a new two-storey single-family dwelling. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300 meters of Metrolinx's Weston Subdivision which carries Metrolinx's Kitchener GO Train service.
- As per section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, the Owner shall grant Metrolinx an environmental easement for operational emissions. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property. A copy of the form of easement is included for the Owner's information. The applicant may contact Harrison.Rong@Metrolinx.com with questions and to initiate the registration process.

Comments Prepared by: Harrison Rong, Project Coordinator