

City of Mississauga Department Comments

Date Finalized: 2022-07-20	File(s): A346.22
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2022-07-28 3:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

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 – infill of 433.94sq.m (approx. 4670 sq.ft), whereas By-law 0225-2007, as amended, permits a maximum gross floor area-infill of 277.42sq.m (approx. 2986 sq. ft) in this instance;
2. A dwelling unit depth of 23.13m (approx. 75 ft), whereas By-law 0225-2007, as amended, permits a maximum dwelling unit depth of 20.00m (approx. 66 ft) in this instance;
3. A lot coverage of 36.26%, whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% in this instance;
4. A front yard setback of 7.13m (approx. 23 ft), whereas By-law 0225-2007, as amended, requires a front yard setback of 7.50m (approx. 24.61ft) in this instance;
5. A porch setback of 4.61m (approx. 15 ft), whereas By-law 0225-2007, as amended, requires a minimum porch setback of 5.90m (approx. 19 ft) in this instance;
6. A balcony setback of 5.91m (approx. 19 ft), whereas By-law 0225-2007, as amended, requires a minimum balcony setback of 6.50m (approx. 21 ft) in this instance;
7. An eaves height of 6.71m (approx. 22 ft), whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21 ft) in this instance; and
8. A dwelling height of 9.11m (approx. 30 ft), whereas By-law 0225-2007, as amended, permits a maximum dwelling height of 9.00m (approx. 29.5 ft) in this instance.

Background

Property Address: 7011 Justine Drive

Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3-69 - Residential

Other Applications: PREAPP 21-9246

Site and Area Context

The subject property is located north-west of the Goreway Drive and Derry Road East intersection and currently houses a single storey detached dwelling. The subject property is an interior parcel, with a lot area of +/- 642.28m² (6,913.44ft²). Limited landscaping and vegetation elements are present in both the front and rear yards. Contextually, the surrounding neighbourhood consists of detached dwellings on similarly sized lots. Semi-detached dwellings and commercial uses are present in the larger area context.

The applicant is proposing the construction of a new 2-storey detached dwelling requiring variances for gross floor area, lot coverage, dwelling depth, setbacks, and 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:

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.

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, lot coverage, height, and dwelling depth 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 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 under file PREAPP 21-9246. 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

Development Planning: Joseph Filice (905) 791-7800 x3182

Comments: Please be advised that the subject property is located within the limits of the regulated area of the Credit Valley Conservation (CVC).

The Region relies on the environmental expertise of the CVC for the review of development applications located within or adjacent to this regulated area in Peel and their potential impacts on the natural environment. Regional Planning staff therefore, request that the Committee and city staff consider comments from the CVC and incorporate their conditions of approval appropriately

Development Planning: Joseph Filice (905) 791-7800 x3182

Comments: Please be advised that the subject property is located within the limits of the regulated area of the Toronto and Region Conservation Authority (TRCA).

The Region relies on the environmental expertise of the TRCA for the review of development applications located within or adjacent to this regulated area in Peel and their potential impacts on the natural environment. Regional Planning staff therefore, request that the Committee and city staff consider comments from the TRCA and incorporate their conditions of approval appropriately.

Comments Prepared by: Joseph Filice, Junior Planner