

City of Mississauga Department Comments

Date Finalized: 2022-08-10	File(s): A572.21 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-08-18 3:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred to allow the applicant to redesign the 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 36.14% (approx. 196.72sq.m or 2117.48sq.ft) whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.0% (approx. 163.32sq.m or 1757.96sq.ft) in this instance;
2. A gross floor area of 370.18sq.m (approx. 3984.58sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 258.88sq.m (approx. 2786.56sq.ft) in this instance;
3. An eave height of 7.21m (approx. 23.65ft) whereas By-law 0225-2007, as amended, permits a maximum eave height of 6.4m (approx. 21.0ft) in this instance;
4. A height of 9.38m (approx. 30.77ft) whereas By-law 0225-2007, as amended, permits a maximum height of 9m (approx. 30ft) in this instance.

Background

Property Address: 5 Scarboro Street

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 Derry Road East and Airport Road intersection in Old Malton Village. It currently contains a single storey detached dwelling with limited landscaping and vegetation in both the front and rear yards. The property has a frontage of +/- 14.03m (46.03ft) and a lot area of 544.4m² (5,859.9ft²). The surrounding context consists of a mix of uses including detached dwellings to the west, commercial uses along Airport Road to the east, and low rise apartments across the street.

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



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:

City Department and Agency Comments	File:A572.21	2022/08/10	3
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The subject application was previously before the Committee at the December 16 hearing. At that time Planning staff had concerns with the application in that, in the opinion of staff, it did not meet the intent of the infill regulations in the Malton Infill Housing Study and did not meet the four tests of a minor variance. The applicant has since reduced the proposed gross floor area by 76.28m² (approximately 821.07ft²) and the proposed lot coverage by 4.96%, as well as introduced new variances for dwelling height and eave height.

Staff continue to express the same concerns as laid out in the staff report dated December 8, 2021. The proposed gross floor area and lot coverage continue to represent increases that are not consistent with the neighbourhood, negatively influence its character, and are not compatible with the existing and planned development of the neighbourhood. Furthermore staff note that the proposed lot coverage is almost entirely dwelling footprint. When combined with the newly proposed height variances this exacerbates the massing of the dwelling.

Given the above, staff recommend that the application be deferred for further 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

We note that a building permit application is required. In the absence of a building permit application we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed.

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

Comments Prepared by: Brandon Eidner, Zoning Examiner

Appendix 3 – Metrolinx

Metrolinx is in receipt of the minor variance application for 5 Scarborough Street to facilitate the construction of a new two-storey 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

Appendix 4 – Region of Peel

Development Engineering: Camila Marczuk (905) 791-7800 x8230

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 servicing will require review by Region of Peel Servicing Connections. 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

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

Comment: 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