

City of Mississauga Department Comments

Date Finalized: 2022-09-14	File(s): A431.22
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2022-09-22 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 lot coverage of 32.4% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30% in this instance;
2. A gross floor area of 296.09sq m (approx. 3195.81sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 263.90sq m (approx. 2840.60sq ft) in this instance;
3. A height to the eaves overhang of 7.00m (approx. 22.96ft) whereas By-law 0225-2007, as amended, permits a maximum height to the eaves overhang of 6.40m (approx. 20.99ft) in this instance; and,
4. Garage dimensions of 2.75m x 5.2m (approx. 9.02ft x 17.06ft) whereas By-law 0225-2007, as amended, requires a minimum garage dimension of 2.75m x 6.0m (approx. 9.02ft x 19.68ft) in this instance.

Amendments

The applicant has worked with Planning staff to address concerns prior to the hearing, and as such variance 3 should be amended as follows:

3. A height to the eaves overhang of 7.00m whereas By-law 0225-2007, as amended, permits a maximum height to the eaves overhang of 6.40m in this instance.

Background

Property Address: 6959 Justine Dr

Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3-69 - Residential

Other Applications: PREAPP 22-1953

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 +/- 569.5m² (6,130ft²). 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. 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 lot coverage, gross floor area, eave height, and garage dimensions.



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 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 note that the dwelling itself represents a lot coverage of less than the permitted 30%, with the remainder of the coverage attributed to the front balcony and rear concrete deck. Staff are of the opinion that the deck and balcony do not represent the same massing concerns as if the entirety of the request was for the enclosed structure, and that the proposal is appropriate for both the lot and 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 a notable open to below area exists within the second floor of the dwelling, the overall massing of the proposed structure is generally in line with newer dwellings in the area. The design of the proposed dwelling also maintains appropriate front and rear yard setbacks that are compatible with abutting properties.

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 applicant has worked with staff to reduce the requested increase from 7.36m (24.15ft) to 7.00m (22.97ft). The revised proposal requests an increase in eave height that does not have a significant impact on the massing of the dwelling, given the grading of the subject property. Furthermore staff note that an overall height variance has not been requested, which helps keep the massing within an appropriate scale.

Variance 4 pertains to a proposed rectangular garage area. The intent of this provision is to ensure that the garage can accommodate the parking of atypical vehicles entirely within the garage area. Staff note that the requested depth of the garage is the same as a legal parking space in the City and that, despite the proposed reduction in size, the garage will maintain the ability to provide parking for vehicles of average length.

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 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 application under file PREAPP 22-1953. Based on review of the information currently available in this permit application, we advise that more information is required in order to verify the accuracy of the requested 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- TRCA

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 August 16, 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 A431.33 to allow the construction of a replacement dwelling proposing:

1. A lot coverage of 32.4% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30% in this instance; 2. A gross floor area of 296.09sq.m (approx. 3195.81sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 263.90sq.m (Approx. 2840.60sq.ft) in this instance; 3. A height to the eaves overhang of 7.36m (approx. 24.15ft) whereas By-law 0225-2007, as amended, permits a maximum height to the eaves overhang of 6.40m (approx. 20.99ft) in this instance; and, 4. Garage dimensions of 2.75m x 5.2m (approx. 9.02 ft x 17.06ft) whereas By-law 0225-2007, as amended, requires a minimum garage dimension of 2.75m x 6.0m (approx. 9.02ft x 19.68ft) in this instance.

It is our understanding that the above variances are required to facilitate the replacement of the existing one-storey house and detached garage with gross floor area of 9m x 11.5 at the subject property with a two-storey house with a gross floor area of 296.9 sq.m. (11.48m x 14.93m) with a finished 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 outside of a flood spill area of the Regulatory Flood Plain associated with a tributary of the Mimico Creek.

Application Specific Comments

Based on our latest preliminary 2D modeling results, it appears that the subject property is located outside of the Regulatory flood plain, however there is no safe access for emergency or private vehicles out of or into the neighbourhood during a regulatory flood event. As per The Living City Policy 8.4.13. and 8.5, please note that a future proposal for a second unit dwelling in the basement is not permitted as there is no safe access for emergency or private vehicles out of or into the neighbourhood during a regulatory flood event. In summary, a future proposal

for a second unit dwelling would not be supported as it represents an increase in risk to life and property.

Recommendation

On the basis of the comments noted above, TRCA staff have **no objection** to the Minor Variance Application A431.22.

Fees

The required fees have been addressed.

We trust these comments are of assistance. Should you have any questions, please contact me at + 1 (437) 880-2368 or at Marina.Janakovic@trca.ca

Comments Prepared by: Marina Janakovic, Planner 1