

City of Mississauga Department Comments

Date Finalized: 2022-09-14	File(s): A571.21
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. 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 372.86sq.m (approx. 4,013.43sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 295.28sq.m (approx. 3,178.37sq.ft) in this instance; and
2. A height of eaves of 6.60m (approx. 21.65ft) measured to the underside of eaves whereas By-law 0225-2007, as amended, permits a maximum height of eaves of 6.40m (approx. 21.00ft) in this instance.

Background

Property Address: 7773 Netherwood Road

Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

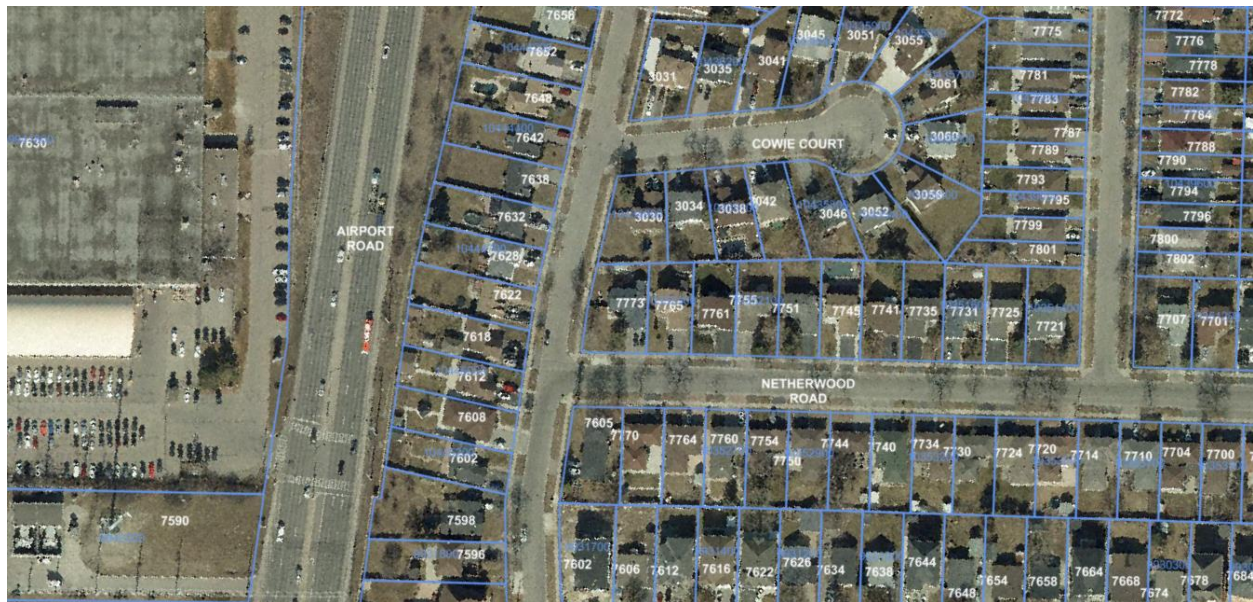
Zoning: R3-69 - Residential

Other Applications: None

Site and Area Context

The subject property is located north-east of the Airport Road and Thamesgate Drive intersection in the Malton neighbourhood. It is a corner property with a lot area of +/- 724.73m² (7,800.93ft²) and a frontage of +/- 22.8m (74.8ft). Limited landscaping elements exist in both the front and rear yard. Due to its location as a corner lot, the subject property is larger than most others in the surrounding area. The area's built form consists of both detached and semi-detached dwellings, as well as industrial uses to the west of Airport Road.

The applicant is proposing a new dwelling requiring variances for gross floor area and eaves 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:

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 II 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 typically support in Malton, the subject property is slightly larger than the average for the area and is able to accommodate a larger house. 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, rear, and exterior side yard 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 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: Andrea Patsalides, 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 a571.21 to allow the construction of a replacement dwelling proposing:

1. A gross floor area of 372.86 sq.m (approx. 4,013.43sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 295.28sq.m (approx. 3,178.37sq.ft) in this instance; and,
2. A height of eaves of 6.60m (approx. 21.65ft) measured to the underside of eaves whereas By-law 0225-2007, as amended, permits a maximum height of eaves of 6.40m (approx. 21.00ft) in this instance.

It is our understanding that the above variances are required to facilitate the replacement of the existing two-storey house with gross floor area of 229.39 sq.m. with a basement at the subject property with a two-storey house with a gross floor area of 372.86 sq.m. with an unfinished 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 downstream of a flood spill area of the Regulatory Flood Plain associated with a tributary of the Mimico Creek. As such, a TRCA permit pursuant to Ontario Regulation 166/06 will be required for any development or site alteration within the Regulated Area on the property.

Application Specific Comments

Based on our latest preliminary 2D modeling results, it appears that a small portion of the south-east corner of the subject property is located within the Regulatory flood plain. The Regional water surface elevation and the flood velocity at the property would be **172.985 m (+/-)** and **0.33 m/s (+/-)** respectively. Based on the topographic survey, the proposed house is located above the water surface elevation. As per The Living City Policy 8.4.13., 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. Based on the above, TRCA staff have no concerns regarding the location of the proposed development and the required variances, as submitted.

Recommendation

On the basis of the comments noted below, TRCA staff have **no objections** to the approval of Minor Variance Application a571.21.

Fees

By copy of this letter, the applicant is advised that the TRCA has implemented a fee schedule for our planning application review services. This application is subject to a fee of **\$610.00** (Variance Residential – Minor). The applicant is responsible for fee payment and should forward the application fee to this office as soon as possible.

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