

City of Mississauga Department Comments

Date Finalized: 2022-10-19	File(s): A454.22
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2022-10-27 1:00:00 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 lot coverage of 33.39% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30% in this instance; and,
2. A gross floor area of 359.64 sq m (approx. 3871.13sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 261.48 sq m (approx. 2814.55sq ft) in this instance.

Background

Property Address: 7745 Netherwood Rd

Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-69 - Residential

Other Applications: BP 9NEW 22-1028

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 an interior parcel with a lot area of +/- 557.1m² (5,996.6ft²) and a frontage of +/- 15.24m (50ft). Limited vegetative elements exist in both the front and rear yard. 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 lot coverage.



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 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.

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 an increase in gross floor area that is not consistent with the neighbourhood for the lot size and does 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 Building Permit under file BP 9NEW 22-1028. 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 submitted on 03/08/2022 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: Jeanine Benitez, 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 October 5, 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 A454.22 to allow the construction of a replacement dwelling proposing:

1. A lot coverage of 33.39% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30% in this instance; and,
2. A gross floor area of 359.64 sq m (approx. 3871.13sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 261.48 sq m (approx. 2814.55sq ft) in this instance.

It is our understanding that the above variances are required to facilitate the replacement of the existing house with gross floor area of 261.48 sq.m. with a two-storey house having a gross floor area of 359.64 sq.m. consisting of a second unit dwelling in the 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, 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 the dwelling itself is outside of this hazard, TRCA staff have no objection to the general size or footprint of the overall structure, however, we have concerns with the secondary unit proposed.

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 a review of the submitted documents, TRCA staff have concerns with the second dwelling unit being proposed on the replacement structure. As per the above policies TRCA staff do not support intensification of use where no safe access exists. Therefore, TRCA staff will require the applicant to revise the design to fully remove the secondary unit including any kitchen areas, below grade access points, or other facilities in support of this secondary use.

Recommendation

On the basis of the comments noted below, TRCA staff request a **deferral** of Minor Variance Application A454.22 so that the above comments can be addressed. Please reach out to the undersigned for assistance in addressing these items.

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

Appendix 4- Region of Peel

Minor Variance Application: A-454/22

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

Comment: 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 water or sanitary sewer will require review by the Region of Peel. Region of Peel Site Servicing connection approvals are required prior to the local

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municipality issuing building permit. For more information, please contact Servicing Connections at siteplanservicing@peelregion.ca

Comments Prepared by: Patrycia Menko, Junior Planner