

# City of Mississauga Department Comments

Date Finalized: 2022-11-30	File(s): A572.21
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2022-12-08 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 lot coverage of 36.05% (approx. 196.35sq.m or 2113.49sq.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 329.24sq.m (approx. 3543.91sq.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 7.15m (approx. 23.46ft) whereas By-law 0225-2007, as amended, permits a maximum eave height of 6.40m (approx. 21.0ft) in this instance;
4. A height of 9.33m (approx. 30.61ft) whereas By-law 0225-2007, as amended, permits a maximum height of 9.00m (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:** PREAPP 22-618

### 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 544.4m<sup>2</sup> (5,859.9ft<sup>2</sup>). 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:

**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. Planning staff are satisfied that the built form is appropriate for the subject property given surrounding conditions and will not negatively impact the streetscape. Staff are therefore of the opinion that the application maintains the general intent and purpose of the zoning by-law.

**Does the proposal maintain the general intent and purpose of the Zoning By-law?**

Variance 1 requests an increase in lot coverage, and variance 2 requests an increase in gross floor area. 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. The intent in restricting gross floor area is to maintain compatibility between existing and new dwellings and ensuring that the existing and planned character of a neighbourhood is preserved. While staff note that these requests are generally higher than would be supportable in the surrounding area, the end of Scarboro Street near Airport Road contains a variety of built forms which are complementary to the proposal and limit the proposals individual impacts. Staff are therefore satisfied that the lot coverage and gross floor area represents an appropriate balance between the existing and planned character of the area in this instance.

Variances 2 & 3 relate to the overall and eave heights of the structure. The intent of restricting height to the highest ridge and eaves is to lessen the visual massing of dwelling. By lowering the overall pitch of the roof and bringing the edge of the roof closer to the ground it will keep the dwelling within human scale. Staff are satisfied that the proposed dwelling's height is not excessive and represents an appropriate height. Staff note that multiple properties along the north side of Scarboro Street appear to have high eaves and that the dwelling will fit into the character of the area. There is no impact to the east as the property abuts the rear of a commercial property fronting onto Airport Road.

**Is the proposal desirable for the appropriate development of the subject lands and minor in nature?**

Planning staff are satisfied that the impacts of the variances, both individually and cumulatively, are minor in nature. Furthermore staff are of the opinion that the application proposes appropriate development of the subject property.

Staff further note that the drawings appear to show that the dwelling may be used as, or converted to at a future time, a multiplex. Should the applicant intend to use the structure as a multiplex, additional approvals may be required, and additional considerations for construction and parking

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may be necessary. The applicant therefore may wish to defer the application to ensure all necessary variances have been requested.

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 application under file PREAPP 22-618. 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 05/23/2022 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 – Region of Peel

Please apply previous comments.

Comments Prepared by: Patricia Menko, Junior Planner

### Appendix 4- Metrolinx

Metrolinx is in receipt of the minor variance application for 5 Scarboro 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 [Derek.Brunelle@Metrolinx.com](mailto:Derek.Brunelle@Metrolinx.com) with questions and to initiate the registration process.

Comments Prepared by: Farah Faroque, Intern, Third Party Projects Review