

# City of Mississauga Department Comments

Date Finalized: 2023-01-25	File(s): A481.22
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2023-02-02 3:00:00 PM

## Consolidated Recommendation

The City recommends the application be deferred to allow the applicant to redesign the proposed dwelling.

## 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 369.22sq.m. (approx. 3974.25sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 268.07sq.m (approx. 2885.48sq.ft) in this instance;
2. A lot coverage of 177.11sq.m. (approx. 1906.40sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot coverage of 185.92sq.m. (approx. 2001.23sq.ft) in this instance;
3. A building height of 9.26m (approx. 30.38ft) whereas By-law 0225-2007, as amended, permits a maximum building height of 9.00m (approx. 29.53ft) in this instance;
4. A height of eaves from average grade of 6.87m (approx. 22.54ft) whereas By-law 0225-2007, as amended, permits a maximum height of eaves from average grade of 6.40m (approx. 131.23ft) in this instance; and,
5. A garage area of 5.84m x 5.38m (approx. 19.16ft x 17.65ft) whereas By-law 0225-2007, as amended, permits a maximum garage area of 2.75m x 6.0m (approx. 9.02ft x 19.69ft) in this instance.

## Background

**Property Address:** 30 Harrow St

### Mississauga Official Plan

**Character Area:** Malton Neighbourhood

Designation: Residential Low Density I

### Zoning By-law 0225-2007

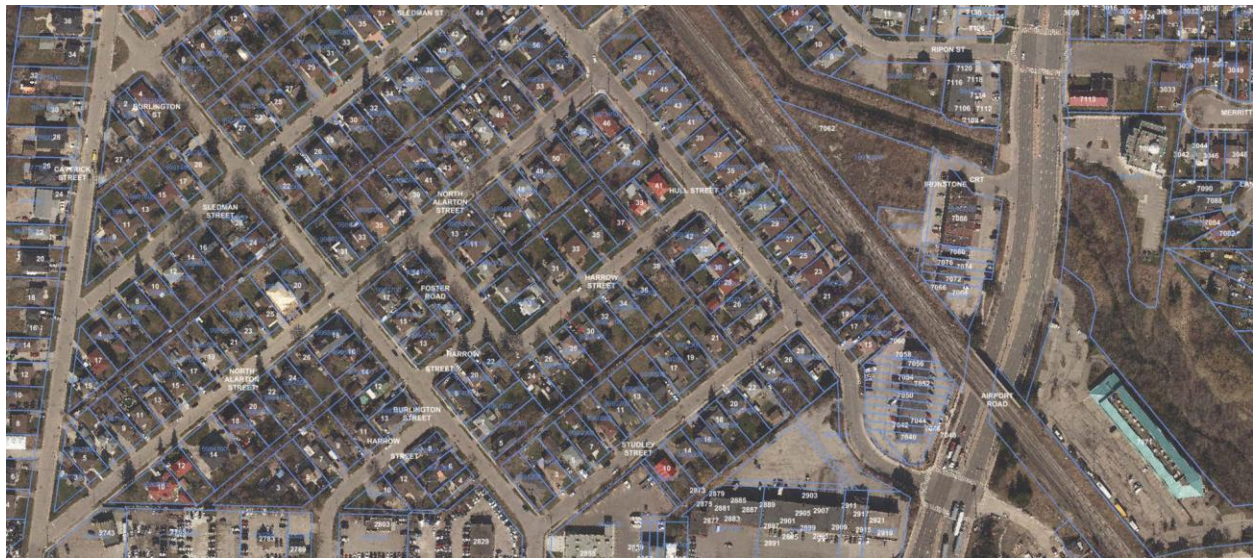
Zoning: R3-69 - Residential

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 lot frontage of +/- 15.18m (49.8ft) which is characteristic of lots in the area. The surrounding context is predominantly residential, consisting of detached dwellings on similarly sized lots. Commercial uses are present along Derry Road West and Airport Road.

The applicant is proposing a new dwelling requiring variances for gross floor area, lot coverage, overall height, eave height, and garage 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:

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.

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 increases in gross floor area and eave height that are not consistent with the neighbourhood for lots of similar size and do 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**

We note that a Building Permit is required. In the absence of a Building Permit 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**

### **30 Harrow St**

Metrolinx is in receipt of the minor variance application for 30 Harrow St 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

#### **Appendix 4 – Region of Peel**

##### **Minor Variance Application: A-481/22, 30 Harrow Street**

Servicing: Camila Marczuk (905) 791-7800 x8230

##### **Comments:**

- This site does not have frontage on existing municipal sanitary sewer.
- 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 905.791.7800 x7973 or by email at [siteplanservicing@peelregion.ca](mailto: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 municipality issuing building permit. For more information, please contact Servicing Connections at [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca)

Comments Prepared by: Patrycia Menko – Junior Planner, Planning and Development Services