

City of Mississauga Department Comments

Date Finalized: 2023-01-18	File(s): A461.21
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2023-01-26 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 310.31sq.m (approx. 3340.14sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 296.20sq.m (approx. 3,188.27sq.ft) in this instance;
2. A building height of 10.27m (approx. 33.69ft) whereas By-law 0225-2007, as amended, requires a maximum building height of 9.0m (approx. 29.5ft) in this instance;
3. An eaves height of 7.83m (approx. 25.69ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance; and,
4. A garage size of 5.64m x 5.69m (approx. 18.50m x 18.67m) whereas By-law 0225-2007, as amended, permits a maximum garage size of 2.75m x 6.00m (approx. 9.02m x 19.69m) in this instance.

Background

Property Address: 7437 Sills Road

Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

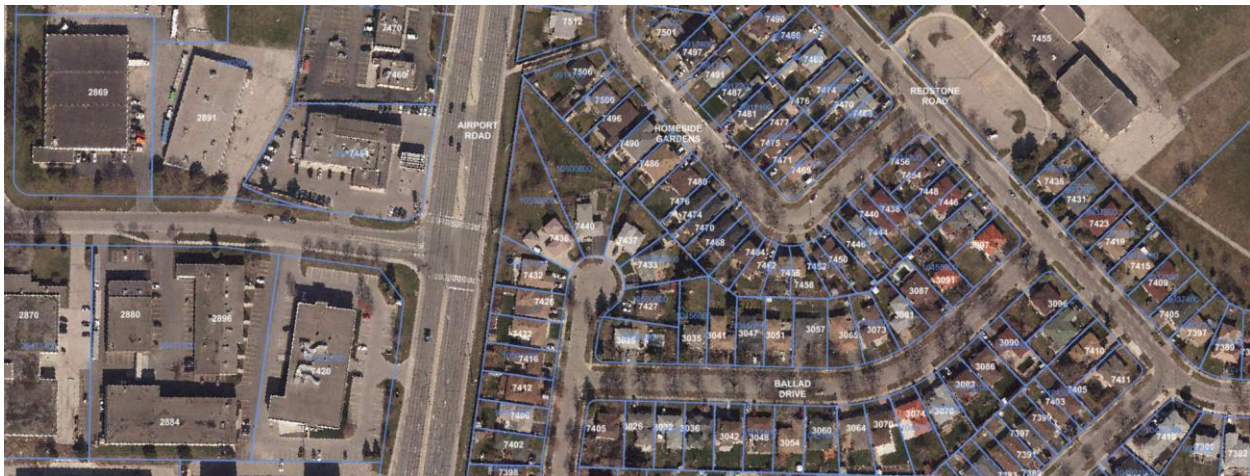
Zoning: R3-69 - Residential

Other Applications: PREAPP 21-6394

Site and Area Context

The subject property is located north-east of the Airport Road and Morning Star Drive intersection. It is a pie shaped lot at the end of Sills Road with a lot frontage of +/- 15.16m (50ft) and a lot area of +/- 731.01m² (7,869ft²). While this end of Sills Road exclusively contains detached dwellings with attached garages, semi-detached dwellings are present further down Sills Road as well as to the rear of the subject property. There is limited vegetation in both the front and rear yards of the subject property and surrounding properties.

The applicant is proposing a new two storey dwelling on the subject property requiring variances for floor area, building height, and height to the eaves.



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. This 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.

The subject application was previously before the Committee at the November 24, 2022 hearing. At that time staff had no objections to the application, and the application remains substantially similar to the proposal at that time. Staff comments from the previous hearing therefore remain applicable.

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 dwelling will be addressed through the Building Permit Application process.

The Site Plan (Sheet No A1 with revision date November 25, 2022) submitted with the application depicts a 2.286M Easement along the property line and indicates that the easement is on the Registered Plan but not on title. The proposed dwelling is not encroaching into the limits of the easement, however, the owner must ensure that the new dwelling is located entirely outside the limits of the easement.

We reviewed our records and found that Plan C-08891, the Plan and Profile Drawing for Sills Road (prepared by G.V Klienfeldt & Associates in 1966) depicts a 15 ft. easement between the subject and abutting property. The Drawing also shows a catchbasin located at the rear of the subject property with a 10 inch pipe connecting to the storm manhole located on Sills Road. We also note from our site inspection that the entire area within the easement is currently free from any structures.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department has processed a Preliminary Zoning Review application under file PREAPP 21-6394. 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: Sherri Takaloo, Zoning Examiner

Appendix 3 – Toronto and Region Conservation Authority

Re: Minor Variance Application – A461.21

7437 Sills Road

City of Mississauga, Ontario L4T 2K5

Lot 29, Plan 806

Karamjeet Kaur Brar & Sukhmander Singh Brar (Agent: Aum Drafting & Consulting Inc. c/o Kaushik Suthar)

Further to our previous planning letter dated November 18, 2022, the purpose of this planning letter is to provide Toronto and Region Conservation Authority (TRCA) staff comments on the 3rd submission materials for Minor Variance Application A461.21. This letter will acknowledge receipt of the above noted planning application at 7437 Sills Road at the City of Mississauga. The materials were received by Toronto and Region Conservation Authority (TRCA) in December 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.

Purpose of the Application

It is our understanding that the purpose of the above noted application is to allow the construction of a new dwelling proposing:

1. A gross floor area of 310.31sq.m (approx. 3340.14sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 296.20sq.m (approx. 3,188.27sq.ft) in this instance;
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Background

TRCA staff previously reviewed a Minor Variance Application assigned city file no. A 461/21 to facilitate the development of a replacement dwelling at the subject property. TRCA staff advised that the subject property is located within a flood spill area of the Regulatory Flood Plain associated with a tributary of the Mimico creek and requested deferral of the application to provide the applicant an opportunity to revise the proposal.

Subject to further revisions by the applicant to address TRCA concerns, TRCA issued a Permit assigned TRCA Permit No. C-221087 on September 12, 2022 in order to facilitate the replacement of a one storey single family dwelling with the development of a new two storey single family dwelling with finished basement, and to facilitate the development of an elevated above grade (60.05 sq.ft.) deck in the rear yard, (102.23 sq.ft.) front porch with roof, (14.85 sq.ft.) walkway paving and (50.25 sq.ft.) driveway paving in the front yard.

The proposed development does not exceed the 50% expansion of habitable space and matches the existing basement size in order to limit the risk to public safety and property damage. Based on the approved drawings, the area of the proposed basement is 747.98 sq.ft. and the area of the original basement is 751.63 sq.ft. The applicant has provided a letter on June 28, 2022, signed by a qualified structural engineer confirming the development can withstand the velocity of 1.1m/s and flood depth of 171.62 masl associated with the Regional Flood Event. A list of the material approved by TRCA staff are available in Appendix A of this letter.

Recommendation

On the basis of the comments noted below, TRCA staff have no objections to the approval of Minor Variance Application A461.21 as all previous comments have been met.

Application Review Fee

TRCA staff thank the applicant for their submission of the required planning review fee. Conclusion Note that the above comments are being provided based on current policy and legislation which are subject to change from time to time. Future applications will be reviewed in accordance with the policies in effect at the time of review.

Comments Prepared by: Marina Janakovic – Planner I, Development, Planning and Permits