

City of Mississauga Department Comments

Date Finalized: 2023-02-01	File(s): A710.22 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-02-09 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 minor variances to allow the construction a new dwelling proposing:

1. A lot coverage of 199.05 sq.m (approx. 2142.55sq.ft) whereas By-law 0225-2007, as amended, permits a lot coverage of 186.86 sq.m (approx. 2011.34sq.ft) in this instance;
2. A gross floor area of 347.74 sq.m (approx. 3743.04sq.ft) whereas By-law 0225-2007, as amended, permits a gross floor area of 274.57 sq.m (approx. 2955.44sq.ft) in this instance; and,
3. An eaves height of 6.60m (approx. 21.65ft) whereas By-law 0225-2007, as amended, permits an eaves height of 6.4m (approx. 20.99ft) in this instance.

Amendments

While Planning staff are not in a position to interpret the zoning by-law, staff note that lot coverage is regulated as a percentage of the lot area and variance 1 should therefore be expressed as a percentage of the lot area.

Background

Property Address: 7581 Redstone Road

Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3-69-Residential

Other Applications: PREAPP 22-1661

Site and Area Context

The subject property is located north-east of the Airport Road and Thamesgate Drive intersection in the Malton Neighbourhood. It has a lot area of +/- 622.87m² (6,704.52ft²), a lot frontage of +/- 16.73m (54.89ft), and currently contains a single storey detached dwelling with minimal vegetation and landscaping elements in the front and rear yards. The surrounding neighbourhood consists of older single and two storey detached and semi-detached homes, as well as newer two storey detached dwellings on similarly sized lots.

The applicant is proposing a new two-storey dwelling requiring variances for lot coverage, gross floor area, and eave 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 I in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, and duplex dwellings. Section 9 of 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 proposed dwelling conforms to the designation and staff are of the opinion that the proposed built form appropriately balances the planned character of the area and the existing built form of the surrounding context. Staff are satisfied that the general intent and purpose of the official plan are maintained.

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

Variance 1 requests an increase in lot coverage. 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. Staff are satisfied that the proposal does not represent an overdevelopment of the subject property and is in line with both original and newer dwellings in the surrounding context.

Variance 2 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, staff are satisfied that the revised proposal appropriately balances the existing built form and character of the neighbourhood with the planned character envisioned by the Malton Infill Housing Study.

Variance 3 relates to the height of the eaves. The intent of restricting height is to lessen the visual massing of the dwelling thereby keeping the dwelling to a human scale. Staff are satisfied that the proposed increase is minor in nature and will not create additional undue impacts to the streetscape or abutting properties when compared to an as of right condition. Furthermore staff note that no overall height variance is requested, limiting the impacts of the height.

Given the above, staff are satisfied 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 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 22-1661. 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: Maria Fernandez, Zoning Examiner

Appendix 3 – Region of Peel

Minor Variance Application: A-710/22, 7581 Redstone Road

Servicing: Camila Marczuk (905) 791-7800 x8230

Comments:

- 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.
- Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Site Servicing approvals are required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.

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

Appendix 4 – Toronto and Region Conservation Authority

Re: Committee of Adjustment Minor Variance Application A710.22
7581 Redstone Road
City of Mississauga, Ontario L4T 2B7
Owner: Arefa Vedachhia (Agent: Jamshaid Ali Durrani)

This letter acknowledges receipt of a revised submission in support of the above noted application circulated by the City of Mississauga. The materials were received by Toronto and Region Conservation Authority (TRCA) staff on January 24, 2023. TRCA staff has reviewed the above noted application, and we provide the following comments in accordance with the mandatory programs and services TRCA must provide as a public body commenting under the Planning Act.

Purpose of the Application

The purpose of Minor Variance Application A 710.22 is to allow the construction a new dwelling proposing:

1. A lot coverage of 199.05 sq.m (approx. 2142.55sq.ft) whereas By-law 0225-2007, as amended, permits a lot coverage of 186.86 sq.m (approx. 2011.34sq.ft) in this instance;
2. A gross floor area of 347.74 sq.m (approx. 3743.04sq.ft) whereas By-law 0225-2007, as amended, permits a gross floor area of 274.57 sq.m (approx. 2955.44sq.ft) in this instance; and,
3. An eaves height of 6.60m (approx. 21.65ft) whereas By-law 0225-2007, as amended, permits an eaves height of 6.4m (approx. 20.99ft) in this instance.

It is our understanding that the requested variances are required to facilitate the replacement of single-family dwelling with a gross floor area of 188 sq.m. with a two-storey house with a gross floor area of 347.74 sq.m., a rear yard deck, front yard driveway paving and front and rear walkway paving at the subject property. The proposed works also include the development of a second unit dwelling in the basement of the proposed house.

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 within 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 the entire subject property is located within the Regulatory Flood Plain. The Water Surface Elevation and velocity are 172.54m and 0.46 m/s at the subject property respectively.

Based on our review, it appears that both the existing house and the proposed replacement dwelling are located within the Regulatory Flood Plain. Additionally, it appears that the proposed replacement dwelling with a gross ground floor area of 189.83 sq.m. also includes a basement with two bedrooms and a separate entrance. However, the existing habitable ground floor area and the proposed habitable ground floor area (excluding garage, porch, deck) is unclear.

In accordance with Section 8.5.1 Valley and Stream Corridors of the TRCA's Living City Policy, TRCA does not support an increase in the size and footprint of a replacement or reconstruction of an existing building or structure within the flood hazards where the addition is more than 50% of the original habitable ground floor area. Additionally, TRCA requires that the addition does not include a basement, if one did not previously, and that replacements of an existing basement be no larger than the original. At this time, it has not been demonstrated that an existing basement is present through the submitted documents. Therefore, it is premature to comment on the appropriateness of a basement as part of this development. Please note that increasing the number of dwelling units in a building within the flood hazard is not permitted.

Additionally, please note that TRCA requires that the proposed replacement dwelling be properly flood proofed according to TRCA policies and standards, including any potential basement windows. Given the above, TRCA has concerns with the size of the replacement dwelling and floodproofing of the proposed works in this minor variance application, as submitted. TRCA requests that the applicant contacts the undersigned in order to initiate discussions regarding TRCA's concerns.

Please advise the applicant to submit a TRCA permit application for the proposed replacement dwelling (Application for Development, Interference with Wetlands & Alterations to Shorelines and Watercourses – Ontario Regulation 166/06) and the associated review fee of \$995 (Works on Private Residential Property – Standard).

Should the applicant disagree with this preliminary flood plain analysis, the applicant may hire a consultant to determine the flooding extent of the spill using two-dimensional hydraulic model, otherwise the applicant is required to apply the preliminary result of TRCA's flood modelling.

Recommendation

On the basis of the comments noted below, TRCA staff recommend deferral of Minor Variance Application A 710.22 in order to provide an opportunity for the applicant to revise the proposed replacement dwelling and address TRCA's staff concerns. Should the Committee not grant deferral of the application at the February 9, 2023 hearing, TRCA staff recommend denial of the application at this time.

Fees

TRCA staff thank the applicant for their prompt payment 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