

City of Mississauga Department Comments

Date Finalized: 2023-02-22	File(s): A702.22 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-03-02 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 driveway width of 6.97m (approx. 22.86ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance;
2. An infill residential gross floor area of 285.90sq m (approx. 3077.40sq ft) whereas By-law 0225-2007, as amended, permits a maximum infill residential gross floor area of 265.96sq m (approx. 2862.77sq ft) in this instance;
3. A height to the highest ridge of 9.45m (approx. 31ft) whereas By-law 0225-2007, as amended, permits a maximum height to the highest ridge of 9.00m (approx. 29.53ft) in this instance and,
4. An eaves height of 7.54m (approx. 24.73ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance.

Background

Property Address: 11 Scarboro St

Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3-69 - Residential

Other Applications: BP 9NEW 22-2437

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 detached dwelling with limited landscaping and vegetation in both the front and rear yards. The property has a frontage of +/- 14.9m (48.9ft) and a lot area of 581.27m² (6,256.74ft²). 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 driveway width, gross floor area, height to the highest ridge 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:

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. The proposed dwelling maintains the permitted residential use and is designed in a way that respects both the existing site conditions and the surrounding context. Planning 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 increased driveway width. The intent of limiting the driveway width is to permit a driveway large enough to suitably accommodate the required number parking spaces for a dwelling, with the remainder of lands in the front yard being soft landscaping. Planning staff have worked with the applicant to reduce the driveway to a width of 6.97m (22.87ft), which staff feel is an appropriate width to allow for the required parking while maintaining an appropriately sized soft landscaped area in the front yard.

Variance 2 requests an increased 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 proposal is minor in nature and balances the existing built form and character of the neighbourhood with the planned character envisioned by the Malton Infill Housing Study.

Variances 3 and 4 request an increase in height to the highest ridge and an increase in height to the eaves. The intent of restricting height to the highest ridge and eaves is to lessen the visual massing of dwelling, while lowering the overall pitch of the roof and bringing the edge of the roof closer to the ground. This keeps the overall height of the dwelling within human scale. Planning staff have worked with the applicant between the time of submission and the hearing to reduce both the overall and eave heights to a level that is supportable by staff and appropriate given the surrounding context and existing site conditions (9.45m/31ft and 7.54m/24.74ft, respectively). The highest ridge height variance is only necessary for a small portion of the roof near the centre of the structure and is minor in nature. While the eave variance may seem large on paper, staff note that the Average Grade of the property is below grade at the rear of the structure, limiting the impacts of the height to dwellings to the rear. At the front of the structure Average Grade more closely resembles the actual grade level, however the front of the dwelling has multiple eaves at varying heights and is not designed in a way that emphasizes the height of the structure.

Given the above it is the opinion of Planning staff 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 Building Permit under file BP 9NEW 22-2437. Based on review of the information currently available in this permit application, variance # 2, as requested is correct.

Furthermore, 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: Brandon Eidner, Zoning Examiner

Appendix 3 – Toronto and Region Conservation Authority

Re: Minor Variance Application and City File No. A702.22
11 Scarborough Street,
City of Mississauga, Region of Peel
Owner: Maksud Shaikh and Zarina Shaaikh
Agent: Mechways Inc. c/o Valiuddin Mohammed

This letter acknowledges receipt of the revised subject application, received on February 15, 2023. Toronto and Region Conservation Authority (TRCA) staff have reviewed the application to this letter in accordance with Ontario Regulation 686/21 and Ontario Regulation 166/06.

The following comments are issued in accordance with Section 21.1(1) of the *Conservation Authorities Act*, which requires TRCA to provide programs and services related to natural hazards within its jurisdiction. The standards and requirements of such mandatory programs and services are listed under Ontario Regulation 686/21. Specifically, the regulation requires that TRCA must, acting on behalf of the Ministry of Natural Resources and Forestry (MNRF) or in its capacity as a public body under the *Planning Act*, ensure that decisions under the *Planning Act* are consistent with the natural hazard policies of the Provincial Policy Statement (PPS). In accordance with Ontario Regulation 686/21 and Ontario Regulation 596/22, TRCA's review does not include non-mandatory comments pertaining to natural heritage matters, for example, outside of our core planning mandate and regulatory authority.

In addition, TRCA must also ensure that where development and/or site alteration is proposed within an area regulated by the Authority under Ontario Regulation 166/06, that it conforms to the applicable tests and associated policies (within Section 8 of TRCA's The Living City Policies) for implementation of the regulation.

Purpose of the Application

The purpose of Minor Variance Application assigned City File No. A 702.22 is to allow the construction of a two-storey replacement dwelling proposing:

1. A driveway width of 6.97m (approx. 22.86ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance;
2. An infill residential gross floor area of 285.90sq m (approx. 3077.40sq ft) whereas By-law 0225-2007, as amended, permits a maximum infill residential gross floor area of 265.96sq m (approx. 2862.77sq ft) in this instance;
3. A height to the highest ridge of 9.45m (approx. 31ft) whereas By-law 0225-2007, as amended, permits a maximum height to the highest ridge of 9.00m (approx. 29.53ft) in this instance and, 4. An eaves height of 7.54m (approx. 24.73ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance. It is our understanding that the requested variances are required to facilitate the replacement of an existing house and a driveway at the subject property with a two-storey house including an unfinished basement. The proposed works also include the development of front porch, rear yard deck, and a driveway.

Recommendation

TRCA's staff have **no objection** to support the approval of Variance Application assigned City File No. A702.22.

Site Context**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 adjacent to the Regulatory Flood Plain and sufficiently setback from the Regulatory Flood Plain associated with a tributary of the Mimico Creek. As such, a TRCA permit pursuant to Ontario Regulation 166/06 was required for the development within the Regulated Area on the property.

Application Background

On October 8, 2021, TRCA issued Permit No. C-211181 (TRCA File No. CFN 65783) in order to facilitate the development of a 252.26 sq.m. two-storey replacement dwelling, a front porch, a rear deck and a driveway. On December 7, 2022, TRCA issued a Permit Revision for the increased size of the proposed two-storey replacement dwelling (to 285.61 sq.m.), an increased driveway width to 7.34m, and the deck moved to a different location within the rear yard.

Application Specific Comments

Based on our review, it appears that both the existing house and the proposed replacement dwelling are located outside of the Regulatory Flood Plain and has sufficient vertical and horizontal buffers from the Regulatory Flood Plain.

Given the above, TRCA has no concerns with the size of the replacement dwelling and the proposed works in this minor variance application, as submitted.

Fee

TRCA staff thank the applicant for their prompt payment of the required TRCA planning review fee of \$660.00 and their payment of the TRCA Permit Revision Fee of \$133.75.

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

Appendix 4 – Region of Peel**Minor Variance Application: A-702/22, 11 Scarborough Street**

Development Planning: Patrycia Menko (905) 791-7800 x3114

Comment:

- Please be advised that the subject property is located within the limits of the regulated area of the Toronto and Region Conservation Authority (TRCA). Regional Planning staff, therefore, request that the Committee and City staff consider comments from the TRCA and incorporate their conditions of approval appropriately.

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

Appendix 5 – Metrolinx

11 Scarborough St

Metrolinx is in receipt of the minor variance application for 11 Scarborough St to facilitate the construction of a new 2-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 with questions and to initiate the registration process.

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