

City of Mississauga Department Comments

Date Finalized: 2023-03-15	File(s): A768.22 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-03-23 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

The applicant requests the Committee to approve minor variances to allow the construction of a new dwelling proposing:

1. A maximum height of 10.84m (approx. 35.56ft) to the sloped roof whereas By-law 0225-2007, as amended, permits a maximum height of 9.00m (approx. 29.52ft) to the sloped roof in this instance;
2. A maximum height of 6.98m (approx. 22.90ft) to the eaves whereas By-law 0225-2007, as amended, permits a maximum height of 6.40m (approx. 20.99ft) to the eaves in this instance;
3. A dwelling unit depth of 29.30m (approx. 96.12ft) whereas By-law 0225-2007 as amended permits a dwelling unit depth of 20.00m (approx. 65.61ft) in this instance;
4. An interior side yard setback of 1.53m (approx. 5.01ft) whereas By-law 0225-2007, as amended, requires a side yard setback of 1.82m (approx. 5.97ft) in this instance;
5. A gross floor area of 519.43 sq.m (approx. 5591.09sq.ft) whereas By-law 0225-2007, as amended, permits a gross floor area of 381.45 sq.m (approx. 4105.89sq.ft) in this instance;
6. A garage projection of 12.39m (approx. 40.64ft) whereas By-law 0225-2007, as amended, permits a garage projection of 2.0m (approx. 6.56ft) in this instance;
7. A parking stall dimension of 5.2m length (approx. 17.06ft) whereas By-law 0225-2007, as amended, requires a parking stall dimension of 6.0m length (approx. 19.68ft) in this instance;
8. A driveway width of 8.02m (approx. 26.31ft) whereas By-law 0225-2007, as amended, permits a driveway width of 6.0m (approx. 19.68ft) in this instance; and,
9. A front yard with 40% softscape whereas By-law 0225-2007, as amended, permits 39% softscape in this instance.

Amendments

Based on review of the information currently available in this permit application, all variances are correct save variance number 9. The variance must be reworded as follows:

9. That a minimum softscaped area of 39.23% for the front yard be permitted, whereas By-law 0225-2007, as amended, requires 40% of the front yard to be softscaped area in this instance.

Background

Property Address: 7526 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:

Site and Area Context

The subject property is located south-east of the Airport Road and Thamesgate Drive intersection in Malton. It has a lot area of 1,160.44m² (12,490.9ft²), larger than the average residential lot size in the surrounding area. Currently it contains a single storey detached dwelling with some mature vegetative elements on the property. The surrounding area context is predominantly residential, consisting of a mix of detached and semi-detached dwelling. Employment and commercial uses are present across Airport Road, which abuts the property to the rear.

The applicant is proposing to construct a new dwelling requiring variances for height, eave height, dwelling unit depth, side yard setback, gross floor area, garage projection, parking space size, driveway width and front yard soft landscaped 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 II 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 height, depth, gross floor area and driveway width, all of which are not consistent with the neighbourhood 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 dwelling will be addressed by our Development Construction Section 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 22-4106. Based on review of the information currently available in this permit application, all variances are correct save variance number 9. The variance must be reworded as follows:

10. That a minimum softscaped area of 39.23% for the front yard be permitted, whereas By-law 0225-2007, as amended, requires 40% of the front yard to be softscaped area in this instance.

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: Zoning Examiner, Tage Crooks

Appendix 3 – Region of Peel

Minor Variance Application: A-768/22 – 7526 Redstone Drive

Development Engineering: 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.
- All unutilized water and sanitary services shall be abandoned in accordance with Region of Peel design specifications. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email atsiteplanservicing@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

Appendix 4- Toronto and Region Conservation Authority

Re: Minor Variance Application and City File No. A768.22

7526 Redstone Road

City of Mississauga, Region of Peel Lot 13, Concession 7

Owner: Harjinder Rishi

Agent: Lasonne Engineering Ltd. c/o Daniel Falzon

This letter acknowledges receipt of the subject application, received on February 14, 2023. Toronto and Region Conservation Authority (TRCA) staff have reviewed the application and the circulated materials 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 (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. A768.22 is to allow the construction of a replacement dwelling proposing:

1. A maximum height of 10.84m (approx. 35.56ft) to the sloped roof whereas By-law 0225-2007, as amended, permits a maximum height of 9.00m (approx. 29.52ft) to the sloped roof in this instance;
2. A maximum height of 6.98m (approx. 22.90ft) to the eaves whereas By-law 0225-2007, as amended, permits a maximum height of 6.40m (approx. 20.99ft) to the eaves in this instance;
3. A dwelling unit depth of 29.30m (approx. 96.12ft) whereas By-law 0225-2007 as amended permits a dwelling unit depth of 20.00m (approx. 65.61ft) in this instance;
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7. A parking stall dimension of 5.2m length (approx. 17.06ft) whereas By-law 0225-2007, as amended, requires a parking stall dimension of 6.0m length (approx. 19.68ft) in this instance;
8. A driveway width of 8.02m (approx. 26.31ft) whereas By-law 0225-2007, as amended, permits a driveway width of 6.0m (approx. 19.68ft) in this instance; and,
9. A front yard with 40% softscape whereas By-law 0225-2007, as amended, permits 39% softscape in this instance.

It is our understanding that the requested variances are required to facilitate the replacement of an existing one-story house with a gross floor area of 119.20 sq.m., with a two-story house with a gross floor area of 519.43 sq.m. which has a below grade entrance to the rear yard in the basement, as well as, direct access from the basement to the side yard door on the ground level. The proposed works also include the development of driveway paving and a covered rear yard deck.

Recommendation

TRCA staff recommend **deferral** of Minor Variance Application assigned City File no. A768.22 in order to provide an opportunity for the applicant to revise the proposed works and address TRCA's staff concerns. Should the Committee not grant deferral of the application at the March 23, 2023 hearing, TRCA staff recommend denial of the application at this time.

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 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. Please advise the applicant to submit a TRCA Permit Application Form for the proposed works and the associated permit review fee of \$995.00 (Works on Private Residential Property – Standard).

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 172.13m and 0.64 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 also includes a basement with two separate entrances. However, the existing habitable ground floor area and the proposed habitable ground floor area (excluding attached garage, front entrance porch, rear yard deck) is unclear.

In accordance with Section 8.5.1 Valley and Stream Corridors of the TRCA's The Living City Policies, 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 (or proposed works such as a separate entrance which support a second unit dwelling) within the flood hazard is not permitted.

Additionally, please note that TRCA requires that the proposed replacement dwelling be properly dry flood proofed to the flood elevation of 172.13 (plus 0.3 freeboard). To do this, the finished floor elevation needs to be at 172.13 or higher. No openings/windows are permitted below this elevation. Furnace, electrical panel, and other major equipment (water heating) must be located above the flood elevation. Topographic elevations of the finished floor and all firstfloor openings must be shown on site plan and elevation drawings.

Finally, A qualified engineer must provide a letter confirming the proposed replacement dwelling can withstand the Regulatory flood water depth and velocity, 172.02 masl, and 0.94 m/s respectively, as well as, stamp the drawings. Given the above, TRCA has concerns with the size of the replacement dwelling, below grade entrance 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.

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.

Fee

By copy of this letter, the applicant is advised that the TRCA has implemented a fee scheduled for our planning application review services. This application is subject to a \$660.00 (Variance – Residential – Minor) review fee. The applicant is responsible for fee payment and should forward the application fee to this office as soon as possible.

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.

We thank you for the opportunity to comment. Should you have any additional questions or comments, please do not hesitate to contact the undersigned.

Comments Prepared by: Marina Jenakovic, Planner 1