

# City of Mississauga Department Comments

Date Finalized: 2022-11-16	File(s): A461.21 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-11-24 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 variance 1 due to recent changes to the zoning by-law regarding open to below areas.

## 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 312.185sq.m (approx. 3360.33sq.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

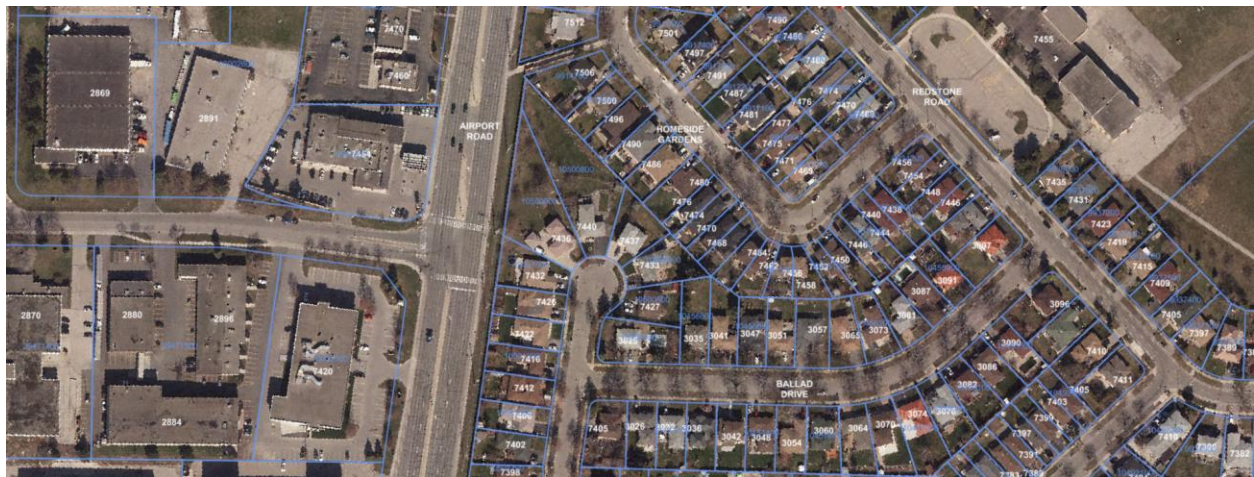
**Zoning:** R3-69 - Residential

**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 the Sills Road cul-de-sac with a lot frontage of +/- 15.16m (50ft) and a lot area of +/- 731.01m<sup>2</sup> (7,869ft<sup>2</sup>). While the Sills Road cul-de-sac 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.



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 property was previously before the Committee at the November 2, 2021 hearing date, and Planning staff had no objections to the proposal at that time. The application was deferred by the applicant in order to address concerns that had been raised by the Toronto Region Conservation Authority and have now returned with a revised proposal.

Variance 1 requests an increase in gross floor area. This variance represents a reduction from the November 2021 proposal. The intent in restricting gross floor area is to maintain compatibility between existing and new dwellings and ensuring that the existing and planned character of a neighbourhood is preserved. Staff remain satisfied that the gross floor area represents an appropriate balance between the existing and planned character of the area. Planning staff caution, however, that Zoning staff note that due to the changes in the calculation of gross floor area for new dwellings the variance may be incorrect. The applicant may wish to defer the application in order to ensure the accuracy of the requested variance.

Variances 2 & 3 relate to the overall and eave heights of the structure. The intent of restricting height to the highest ridge and eaves is to lessen the visual massing of dwelling. By lowering the overall pitch of the roof and bringing the edge of the roof closer to the ground it will keep the dwelling within human scale. While staff note that these requests are generally higher than would be supportable in the surrounding area, the increase in height from the previous application is due to TRCA requirements to raise the dwelling and all openings to livable space above the free board elevation. In this instance the free board elevation is 1.59m (approx. 5.22ft) above the property's average grade. When this additional height requirement is factored in staff are satisfied that the proposed dwelling's height is not excessive and represents an appropriate height given the circumstances. The dwelling is not designed in a way that emphasizes the dwelling's height and provides significant side yards to abutting properties.

Variance 4 relates to the interior size of the garage. The intent of this provision is to ensure that the garage can accommodate the parking of atypical vehicles entirely within the garage area. Staff note that the requested depth of the garage is larger than a legal parking space in the City and that, despite the proposed reduced area, the garage will maintain the ability to provide parking for vehicles of average length.

Given the above, Planning staff are of the opinion that the request: maintains the general intent and purpose of both the official plan and zoning by-law, is minor in nature, and is desirable for the appropriate development of the subject property. The applicant may wish to defer the application in order to ensure the accuracy of variance 1 due to recent changes to the zoning by-law surrounding open to below areas.

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 Aug 4, 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.



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## **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, variances # 2, 3 and 4, as requested are correct.

In addition, we note that an updated GFA calculation is required based on By-law 0208-2022 and more information is required to determine whether additional variances may 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- Region of Peel**

Please apply previous comments.

Comments Prepared by: Patrycia Menko, Junior Planner