

City of Mississauga Department Comments

Date Finalized: 2023-06-14	File(s): A539.22
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2023-06-22 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, that additional variances are not required, and to address TRCA concerns.

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 369.22sq m (approx. 3974.25sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 272.37sq m (approx. 2931.77sq ft) in this instance;
2. Lot coverage of 30.38% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30% in this instance;
3. A building height of 9.26m (approx. 30.38ft) whereas By-law 0225-2007, as amended, permits a maximum building height of 9.00m (approx. 29.53ft) in this instance; and,
4. An eaves height from average grade of 6.87m (approx. 22.54ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height from average grade of 6.40m (approx. 21.00ft) in this instance.

Background

Property Address: 7623 Redstone Rd

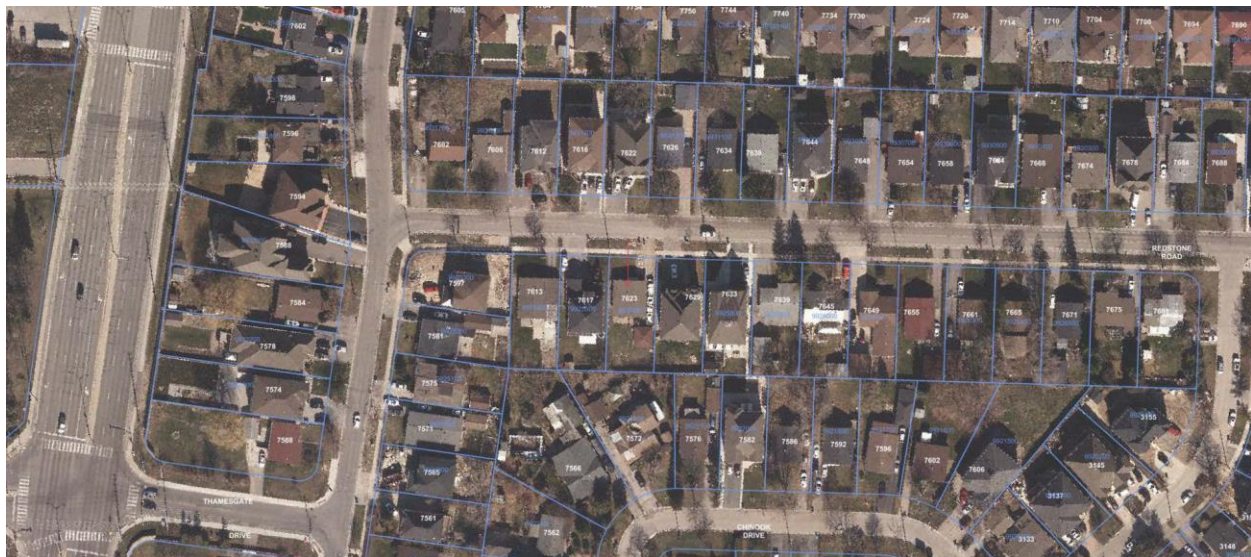
Mississauga Official Plan

Character Area: Malton NHD
Designation: Residential Low Density I

Zoning By-law 0225-2007**Zoning: R3-69 - Residential****Other Applications: None****Site and Area Context**

The subject property is located north-east of the Airport Road and Thamesgate Drive intersection in the Malton Neighbourhood character area. It has a lot area of +/- 611.56 m² (+/- 6582.77 ft²), a lot frontage of +/- 16.6m (+/- 52.69 ft), and currently contains a single storey detached dwelling with some 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, building height, 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 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. Furthermore, staff note that the lot is located between dwellings built before the Malton Infill Housing Study and the subsequent zoning regulations on both the adjoining sides and can support a larger gross floor area in this instance. Therefore, in staff's opinion, the proposed gross floor area appears to be in line with the surrounding context. While the proposal represents an increase to the permissions of the by-law, staff are satisfied that the proposal appropriately balances the existing built form and character of the neighbourhood with the planned character envisioned by the Malton Infill Housing Study.

Variance 2 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 of the opinion that the increase in lot coverage is minor in nature. 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 3 and 4 relate to the height of the building and the eaves respectively. The intent of restricting height is to lessen the visual massing of the dwelling thereby keeping the dwelling at a human scale. Due to the grading of the subject property the "Average Grade", which is the level from where height is measured, is below ground level around the entire dwelling. This further mitigates any potential impacts from the increased 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 the 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.

However, staff note that the Toronto and Region Conservation Authority has raised concerns about the entire property being located within the Regulatory Floodplain. The TRCA staff advise that the application be deferred to allow the applicant to work with staff to address their concerns and submit revised drawings. The planning staff relies on TRCA for their expertise on such matters, and therefore recommend that the application be deferred at this time.

Comments Prepared by: Shivani Chopra, Planner in Training

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 future Building Permit process.



Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

We note that a Building Permit is required. In the absence of a Building Permit we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed.

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

Comments Prepared by: Brooke Herczeg, Zoning Examiner

Appendix 3 – Region of Peel

Minor Variance Application: A-22-539M – 7623 Redstone Road

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 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

Appendix 4- TRCA

Re: Minor Variance Application and City File No. A539.22

7623 Redstone Road

City of Mississauga, Region of Peel

Owner: Paramjeet Gill

Agent: Kaushik Suthar

This letter acknowledges receipt of the subject application, received on May 17, 2023. Toronto and Region Conservation Authority (TRCA) staff have reviewed the application and the circulated materials in accordance with Ontario Regulation 686/21 and Ontario Regulation 166/06.

TRCA staff have reviewed the submission in accordance with Section 21.1(1) of the *Conservation Authorities Act*, which requires TRCA to provide programs and services related to the risk of 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) and conform to any natural hazard policies in a provincial plan.

We have also reviewed the application in accordance with Ontario Regulation 166/06. TRCA must 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.

Please also note that updates to the *Conservation Authorities Act* and Ontario Regulation 596/22, which came into effect on January 1, 2023, prevent TRCA from providing municipal programs and services related to reviewing and commenting on a proposal under the *Planning Act*, such as those services previously provided under plan review Memorandum of Understanding (MOU) with an upper or lower tier municipality. In conformity with Ontario Regulation 686/21 and Ontario Regulation 596/22, TRCA's review does not include comments pertaining to matters (e.g. natural heritage) outside of our core planning mandate and regulatory authority.

Purpose of the Application

The purpose of Minor Variance Application assigned City File No. A539.22 is to allow the construction of a new dwelling proposing:

1. A gross floor area of 369.22sq m (approx. 3974.25sq ft) whereas By-law 0225-2007, as amended, permits maximum gross floor area of 272.37sq m (approx. 2931.77sq ft) in this instance;
2. Lot coverage of 30.38% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30% in this instance;
3. A building height of 9.26m (approx. 30.38ft) whereas By-law 0225-2007, as amended, permits a maximum building height of 9.00m (approx. 29.53ft) in this instance; and,
4. An eaves height from average grade of 6.87m (approx. 22.54ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height from average grade of 6.40m (approx. 21.00ft) in this instance.

It is our understanding that the requested variances are required to facilitate replacement of a one-storey house with a gross floor area of 100.71 sq.m. with a two-storey house with a gross floor area of 369.22 sq.m. The proposed works also include the development of front yard walkway and driveway paving, and rear yard deck.

Recommendation

TRCA staff recommend deferral of Minor Variance Application assigned City File no. A539.22 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 June 22nd hearing TRCA staff recommend denial of the application at this time. A TRCA permit pursuant to Ontario Regulation 166/06 will be required for any future development on the subject property. Given the comments below, TRCA staff would not support the approval of the development proposed with this application as currently submitted.

Site Context

Ontario Regulation 166/06: Under the provisions of Section 28 of the Conservation Authorities Act, TRCA administers a Development, Interference with Wetlands and Alterations to Shorelines and Watercourses regulation (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 entirely within the Regulatory Floodplain associated with a tributary of the Mimico Creek. As such, a TRCA permit pursuant to Ontario Regulation 166/06 is required from this Authority prior to the proposed development, site alteration, or other development taking place on the property.

Based on our review, the proposed development is located entirely within TRCA's regulated area and will require prior permission from the TRCA. TRCA staff do not support the development proposal associated with this application as currently submitted. There are several comments below that must be addressed prior to TRCA providing staff support to both this application and the required TRCA permit application.

Application Specific Comments

Based on current TRCA flood modelling, it appears that the entire property is located within the Regulatory Floodplain. The Floodplain elevation and water velocity expected during a regulatory event (i.e., greater of the 100-year design storm or Hurricane Hazel storm) are 172.54m and 0.37 m/s at the subject property respectively. As such, the existing house and the proposed replacement dwelling are located within the Regulatory Floodplain.

The drawings submitted with this application appear to propose a replacement dwelling that includes a basement with three bedrooms. It also appears that openings are proposed below the floodplain elevation of 172.54m. The drawings do not demonstrate that the existing dwelling contains a basement. Also, the existing dwelling's habitable ground floor area and the proposed habitable ground floor area (excluding garage, porch, rear deck) in the replacement dwelling is unclear.

In accordance with TRCA's Living City Policies (LCP) utilized to implement Ontario Regulation 166/06, 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, plus an additional storey.

Additionally, TRCA's LCP does not support new basements if the existing dwelling does not contain a basement and if one exists, the basement can be replaced but no larger than the original. Any replacement dwelling with an addition that meets the above criteria must also be meet the dry-passive floodproofing requirements of TRCA, including having no openings below the floodplain elevation. Please also note that increasing the number of dwelling units in a building within the flood hazard is not permitted.

At this time, it has not been demonstrated that TRCA's policies concerning replacement dwellings have been achieved. In order to demonstrate that the proposal could meet TRCA's permitting policies, the drawings must be revised to show the following:

1. Drawings showing the existing habitable ground floor areas and statistics.
2. Drawings showing the existing basement and statistics.
3. Drawings and statistics for the basement, proposed habitable ground floor area, and proposed additional storey that demonstrate that the proposed basement is no larger than the existing and that the proposed ground floor area is no larger than 50% of the original ground floor area.
4. Drawings that show that there are no openings below the regulatory floodplain elevation of 172.54. Note that a structural engineer will need to certify that the replacement dwelling can withstand flood velocities and depths during a regulatory storm event,

which may involve reinforcement to basement foundations or other changes to the proposal.

Given the above, TRCA has concerns with the proposed works as currently submitted. TRCA requests that the applicant contacts the undersigned to resolve 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

TRCA staff thank the applicant for their prompt payment of the required planning review fee of \$660.00 received on May 23, 2023.

We thank you for the opportunity to comment. Should you have any additional questions or comments, please contact the undersigned.

Comments Prepared by: Marina Janakovic, Planner 1