

# City of Mississauga Department Comments

Date Finalized: 2023-10-25	File(s): A397.23
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2023-11-02 1:00:00 PM

## Consolidated Recommendation

The City recommends that the application be deferred.

## Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of an addition proposing:

1. An interior side yard setback to the second storey of 0.91m (approx. 2.99ft) whereas By-law 0225-2007, as amended, requires an interior side yard setback to the second storey of 1.81m (approx. 5.94ft) in this instance; and,
2. A gross floor area of 368.30sq m (approx. 3964.35sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 292.40sq m (approx. 3147.37sq ft) in this instance.

## Background

**Property Address:** 3873 Brandon Gate Drive

### Mississauga Official Plan

Character Area: Malton Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

**Zoning:** R3-69- Residential

**Other Applications:** BP 9ALT 23-8496

### Site and Area Context

The subject property is located north-east of the Goreway Drive and Morning Star Drive intersection in Malton. It has a lot area of 711.09m<sup>2</sup> (7,654.10ft<sup>2</sup>) consistent with the lot sizes in the surrounding area. Currently it contains a one and a half storey detached dwelling with limited vegetative elements on the property. The surrounding area context is predominantly residential, consisting of a mix of detached and semi-detached dwellings with Northwood Park to the south.

The applicant is proposing to construct a new addition requiring variances for side yard setback to the second storey and gross floor 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 within the Malton Neighbourhood Character Area and is designated Residential Low Density II. The applicant is proposing to add two additional units to the existing dwelling in accordance with the provincial legislation associated with Bill 23.

The variances sought with this application are incorrect and planning staff is of the opinion that additional variances are required. Zoning staff have noted that further information is required to

verify the accuracy of the variances being proposed. Specifically, the applicant has calculated gross floor area (GFA) incorrectly as they have used the GFA-Residential calculation method rather than the GFA-Infill Residential method. Additionally, the interior side yard setback of 0.91m (2.98ft) has been measured from the eaves rather than the proposed addition. Lastly, zoning staff have noted variances concerning eave height and eave setback may be required.

As such, Planning staff are unable to evaluate the applicant's request and determine whether the application meets the tests outlined in the Planning Act. Therefore, staff recommend that the application be deferred to allow the applicant an opportunity to submit updated drawings and confer with zoning to determine whether additional variances will be required.

Comments Prepared by: Daniel Grdasic, 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 addition including a proposed second and third unit will be addressed by our Development Construction Section through the Building Permit Process, Reference BP 9ALT 23-8496.

It should be noted that this property has a rear to front drainage pattern, meaning that the rear yard is at a higher elevation and all the drainage was designed to be directed to the front. From our site inspection of this property, we observed that the owner has constructed a concrete walkway on the interior side abutting the existing garage which is impeding the drainage from the rear yard and causing the drainage to be directed to the abutting property first and then directed towards the front. We are bringing this to the applicant's attention as through the Building Permit Process at the time of Grading Review, this existing condition will have to be rectified and an adequate drainage swale will likely have to be constructed on the applicant's lands. This may create a problem as both a walkway and a drainage swale will not be able to be accommodated within the side yard.















Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

## **Appendix 2 – Zoning Comments**

The Building Department is currently processing a Building Permit under file BP 9ALT 23-8496. 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: Gary Gagnier; Zoning Examiner

**Appendix 3 – Region of Peel****Minor Variance: A23-397M / 3873 Brandon Gate Dr**Development Engineering: Wendy Jawdek (905)-791-7800 x6019**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 by email at [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca) or at (905) 791-7800 x7973.
- Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Site Servicing approvals may be required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections by email at [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca) or at (905) 791-7800 x7973.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner

**Appendix 4- CN Railway**

Thank you for consulting CN on the application mentioned in subject. It is noted that the subject site is within 300 meters to CN's Main Line. CN has concerns of developing/densifying residential uses abutting our railway right-of-way. Development of sensitive uses in proximity to railway operations cultivates an environment in which land use incompatibility issues are exacerbated. CN's guidelines reinforce the safety and well-being of any existing and future occupants of the area. Please refer to CN's guidelines for the development of sensitive uses in proximity to railways. These policies have been developed by the Railway Association of Canada and the Federation of Canadian Municipalities.

The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way:

"Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."

Thank you and do not hesitate to contact me with any questions.

Comments Prepared by: Alexandre Thibault, Urban Planner Intern (CN Proximity)