

City of Mississauga Department Comments

Date Finalized: 2023-11-15	File(s): A443.23
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2023-11-23 1:00:00 PM

Consolidated Recommendation

The City recommends the application be deferred for redesign.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a new house proposing:

1. A lot coverage of 41.70% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% in this instance;
2. A gross floor area (infill residential) of 217.97sq m (approx. 2346.21sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 174.31sq m (approx. 1876.26sq ft) in this instance;
3. A front yard setback of 4.70m (approx. 15.42ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.50m (approx. 24.61ft) in this instance;
4. A front yard setback to the eaves overhang of 4.29m (approx. 14.07ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback to the eaves overhang of 7.05m (approx. 23.13ft) in this instance;
5. A front yard setback to the porch (stairs) of 3.33m (approx. 10.93ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback to the porch (stairs) of 5.90m (approx. 19.36ft) in this instance;
6. An interior northeasterly side yard setback to the second storey of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback to the second storey of 1.81m (approx. 5.94ft) in this instance;
7. An interior northeasterly side yard setback to the eaves overhang of 0.81m (approx. 2.66ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback to the eaves overhang of 1.36m (approx. 4.46ft) in this instance; and,
8. An eaves overhang height of 6.79m (approx. 22.28ft) whereas By-law 0225-2007, as amended, permits a maximum eaves overhang height of 6.40m (approx. 21.00ft) in this instance.

Background

Property Address: 3147 Merritt Ave

Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

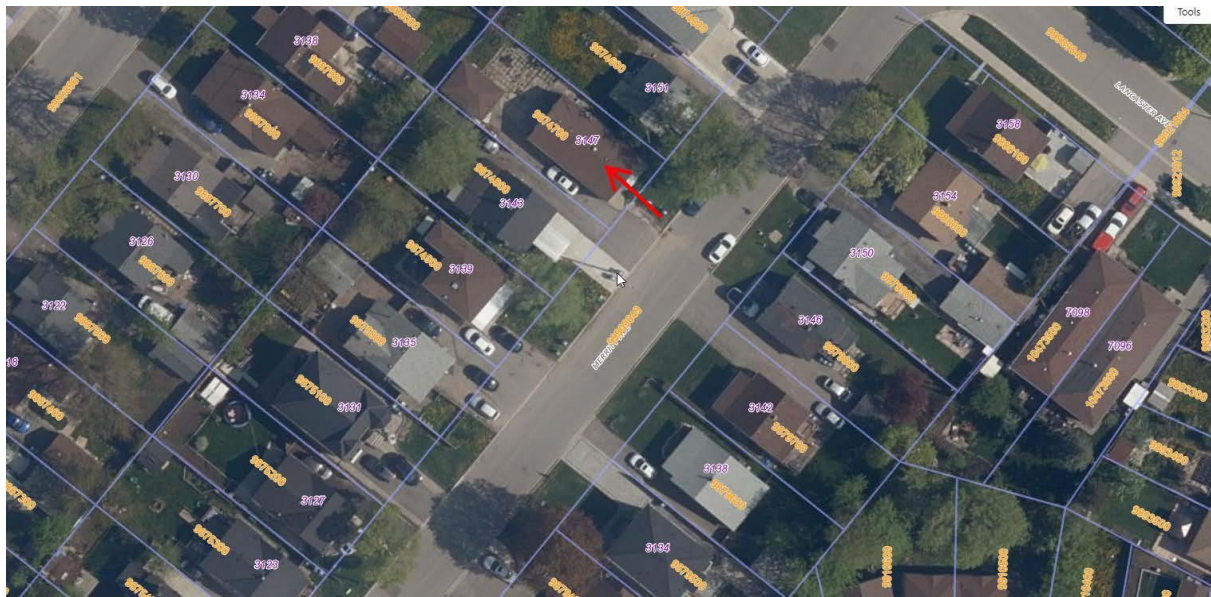
Zoning: R4-1- Residential

Other Applications: BP 9NEW 23-7984

Site and Area Context

The property is located north-east of the Derry Road East and Airport Road intersection in the Malton neighbourhood. The property currently contains a single storey detached dwelling and detached garage with minimal vegetation in both the front and rear yards. The subject property has a lot area of +/- 371.55m² (3,999.33ft²) and a lot frontage of +/- 12.19m (40ft). The built form of the surrounding neighbourhood consists of detached and semi-detached dwellings on similarly sized lots.

The applicant is proposing a new dwelling requiring variances for lot coverage, gross floor area, front and side yard setbacks, eave setbacks 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:

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 an increase in lot coverage that is not consistent with the neighbourhood and does not maintain the intent of the infill regulations. These variances will create a dwelling with significant massing and cumulative 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: 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 proposed new dwelling will be addressed through the Building Permit Process (BP9 NEW 23-7984).

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application BP 9NEW 23-7984. Based on review of the information available in this application, we advise that the variances, as requested, are correct.

Please note that comments reflect those provided through the above application. These comments may no longer be valid should there be changes contained within this Committee of Adjustment application that have not been submitted and reviewed through the application noted above. The applicant must submit any changes and/or updates to information and/or drawings separately through the above application in order to receive updated comments.

Comments Prepared by: Brooke Herczeg, Zoning Examiner

Appendix 3 – TRCA

Re: Minor Variance Application and City File No. A443.23

3147 Merritt Avenue

City of Mississauga, Region of Peel

Owner: Gobinder Khatra, Ranjit Khatra, Chiranjeew Khatra and Maninder Kaur

Agent: Cy Wong & Associates Inc. c/o Daniel Wong

This letter acknowledges receipt of the subject application, received on October 23, 2023. Toronto and Region Conservation Authority (TRCA) staff have reviewed the application and the circulated materials listed in Appendix A to this letter 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 A443.23 is to allow the construction of a new house proposing:

1. A lot coverage of 41.70% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% in this instance;
2. A gross floor area (infill residential) of 217.97sq m (approx. 2346.21sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 174.31sq m (approx. 1876.26sq ft) in this instance;
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It is our understanding that the requested variances are required to facilitate the replacement of an existing (102.79 sq.m. GFA) one storey dwelling in the same location with a (217.97 sq.m. GFA) two storey dwelling with a second unit dwelling. The proposed works also include the development of a covered front yard and rear yard porch, side yard driveway and front yard paving.

Recommendation

TRCA's staff have no objection to support the approval of Minor Variance Application assigned City File No. **A443.23** subject to the following condition:

1. That the applicant submits to revise their permit application and pay associated fees for the modified proposal.

A TRCA permit pursuant to Ontario Regulation 166/06 may be required for any future works on the subject property.

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 almost entirely within TRCA's Regulated Area of the Mimico Creek Watershed. Specifically, the subject land is located adjacent to the Regulatory Flood Plain associated with a tributary of the Mimico Creek. The presence of the Regulatory Flood Plain spill area is off, but near the front of the property. 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 Regulated Areas of the property.

Application Background

On September 7, 2023, TRCA issued permit no. C-231045 (TRCA file no. CFN 69240) to construct a 112.14 sq.m. (1207.1 sq.ft.) two storey replacement dwelling with a covered front yard and rear yard porch, side yard driveway and front yard paving. This permit did not approve a second unit dwelling or the increased GFA of 217.97 sq.m.

Application Specific Comments

Based on our review, the proposed development will be located within TRCA's regulated portion of the site and has received prior permission from the TRCA through permit no. C-231045 (TRCA file no. CFN 69240). Both the existing house and the proposed replacement dwelling are located outside of the Regulatory Flood Plain. As such, TRCA staff have no concerns with the current minor variances as requested.

Please advise the applicant to submit a TRCA Revision Permit Application form for the modified proposal to what was approved.

Fee

TRCA staff thank the applicant for their prompt payment of the required planning review fee of \$660.00 received on November 1, 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

Appendix 4 – Region of Peel**Minor Variance: A-23-443M / 3147 Merritt Ave**

Planning: Ayooluwa Ayoola (905) 791-7800 x8787

Comments:

- The subject land is in the regulated area of the Credit Valley Conservation Authority (CVC). We rely on the environmental expertise of the CVC for the review of development applications located within or adjacent to the regulated area in Peel and the impact of natural hazards on proposed development. We therefore request that the City staff consider comments from the CVC and incorporate their requirements appropriately. Final approval of this application requires all environmental concerns to be addressed to the satisfaction of the CVC.
- The subject land is located within the Credit Valley Conservation Authority (CVC) Flood Plain. The Regional Official Plan (ROP) designates floodplains as a natural hazard under Policy **2.16.11**. Within this designation, ROP policies seek to ensure that development and site alterations do not create new or aggravate existing flood plain management problems along flood susceptible riverine environments. We rely on the environmental expertise of the **CVC** for the review of development applications located within or adjacent to natural hazards in Peel. We, therefore, request that City staff consider comments from the **CVC** and incorporate their conditions of approval appropriately.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner