

City of Mississauga Department Comments

Date Finalized: 2024-01-04	File(s): A489.23
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2024-01-11 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure that all required variances have been accurately identified.

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 38.65% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% in this instance;
2. A right side yard setback of 1.20m (approx. 3.94ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.81m (approx. 5.94ft) in this instance;
3. An eaves height of 7.00m (approx. 22.97ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance; and,
4. A gross floor area of 229.08sq m (approx. 2465.80sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 174.09sq m (approx. 1873.89sq ft) in this instance.

Background

Property Address: 3151 Merritt Ave

Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Residential Low Density II

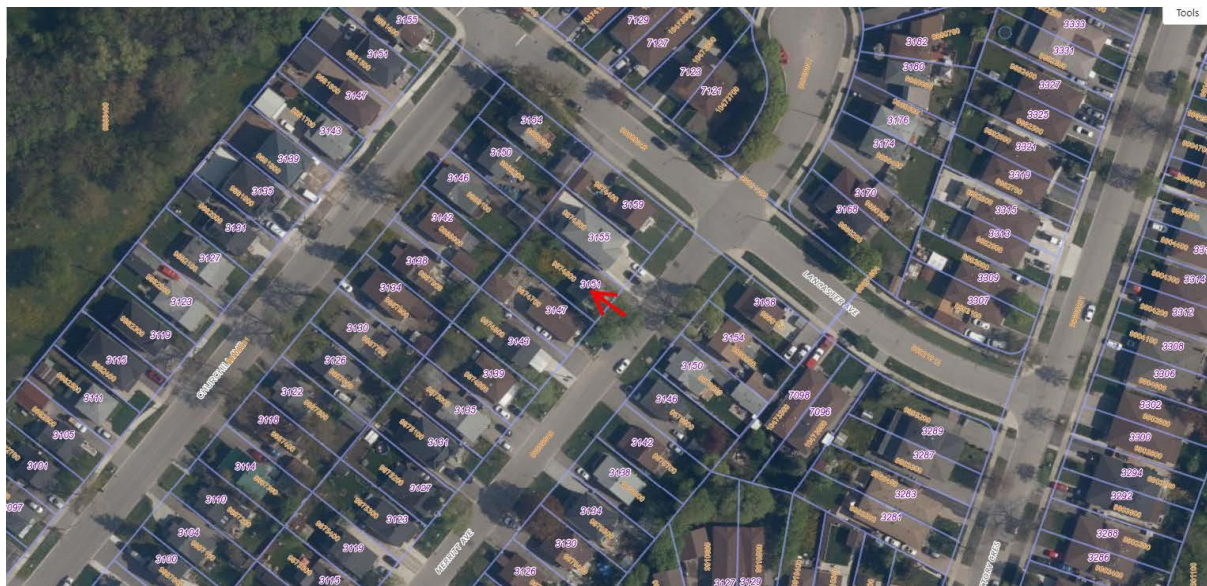
Zoning By-law 0225-2007

Zoning: R4-1- Residential

Other Applications: None**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 +/- 371.20m² (3,995.56ft²) 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, side yard setback 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 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. Staff are of the opinion that the proposal represents compatible development that is in line with the planned character of the area and meets the general intent and purpose of the official plan.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

Variances 1 & 4 are for an increased gross floor area and lot coverage. The intention of these provisions is to ensure that new development is compatible with the surrounding built form and prevent the overdevelopment of the lot. The proposed variances are minor in nature and do not represent significant increases that impact the planned character of the area. It is the opinion of staff that the proposed dwelling is appropriately sized for the subject property.

Variance 2 pertains to a reduce side yard setback. The general intent of this portion of the by-law is to ensure an adequate buffer exists between the massing of structures on adjoining properties as well as ensuring access to the rear yard and drainage patterns are preserved. Staff note the requested side yard setback represents a reduction on only one side of the dwelling (north side), and staff are satisfied that an appropriate buffer is maintained between the proposed dwelling and the adjoining property. Further, access to the rear yard is maintained on the opposite of the dwelling due to the increased setback. Lastly, Transportation and Works staff have not raised any drainage related concerns.

Variance 3 relates to the height of the eaves. The intent of restricting eave height is to lessen the visual massing of the dwelling thereby keeping the dwelling at a human scale. The proposal requests a minor increase in eave height that does not have a significant impact on the massing of the dwelling. Furthermore staff note that an overall height variance has not been requested, which helps keep the massing within an appropriate scale.

Given the above, staff are of the opinion that the variances meet the general intent and purpose of the zoning by-law.

While planning staff are not in a position to interpret the by-law, staff note a rear yard setback variance may also be required, as the proposed rear yard setback is 4.86m (15.94ft) on the drawings submitted. Staff note that a dwelling in the R4-1 zone requires a 7.5m rear yard setback.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

Planning staff are of the opinion that the proposed development has only minor impacts on surrounding properties and the streetscape, and that the redevelopment of the dwelling represents appropriate development of the subject lands. The requests are appropriate for the lot and do not negatively impact the planned character of the neighbourhood.

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.



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: Minan Song, Planner in Training

Appendix 3- Region of Peel

Minor Variance: A-23-489M / 3151 Merritt Ave

Development Engineering: Brian Melnyk (905)-791-7800 x3602

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.

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