

# City of Mississauga Department Comments

Date Finalized: 2024-02-07	File(s): A53.24
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2024-02-15 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 a new house proposing:

1. A building height of 9.39m (approx. 30.81ft) whereas By-law 0225-2007, as amended, permits a maximum building height of 9.00m (approx. 29.53ft) in this instance;
2. An eaves height from average grade of 7.12m (approx. 23.36ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance;
3. A lot coverage of 37.975% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% in this instance;
4. A left yard setback of 1.61m (approx. 5.28ft) whereas By-law 0225-2007, as amended, requires a minimum left yard setback of 1.81m (approx. 5.94ft) in this instance;
5. A right side yard setback of 1.40m (approx. 4.60ft) whereas By-law 0225-2007, as amended, requires a minimum right side yard setback of 1.81m (approx. 5.94ft) in this instance;
6. A gross floor area infill of 363.00sq m (approx. 3907.30sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 269.63sq m (approx. 2902.27sq ft) in this instance;
7. A balcony (above the garage) area of 11.13sq m (approx. 119.80sq ft) whereas By-law 0225-2007, as amended, permits a maximum area of 10.00sq m (approx. 107.64sq ft) in this instance;
8. A right side eaves setback of 0.95m (approx. 3.12ft) whereas By-law 0225-2007, as amended, requires a minimum eaves setback of 1.36m (approx. 4.46ft) in this instance; and,
9. A left side eaves setback of 1.12m (approx. 3.67ft) whereas By-law 0225-2007, as amended, requires a minimum eaves setback of 1.36m (approx. 4.46ft) in this instance.

## Background

**Property Address:** 3098 Bonaventure Drive

### Mississauga Official Plan

Character Area: Malton Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

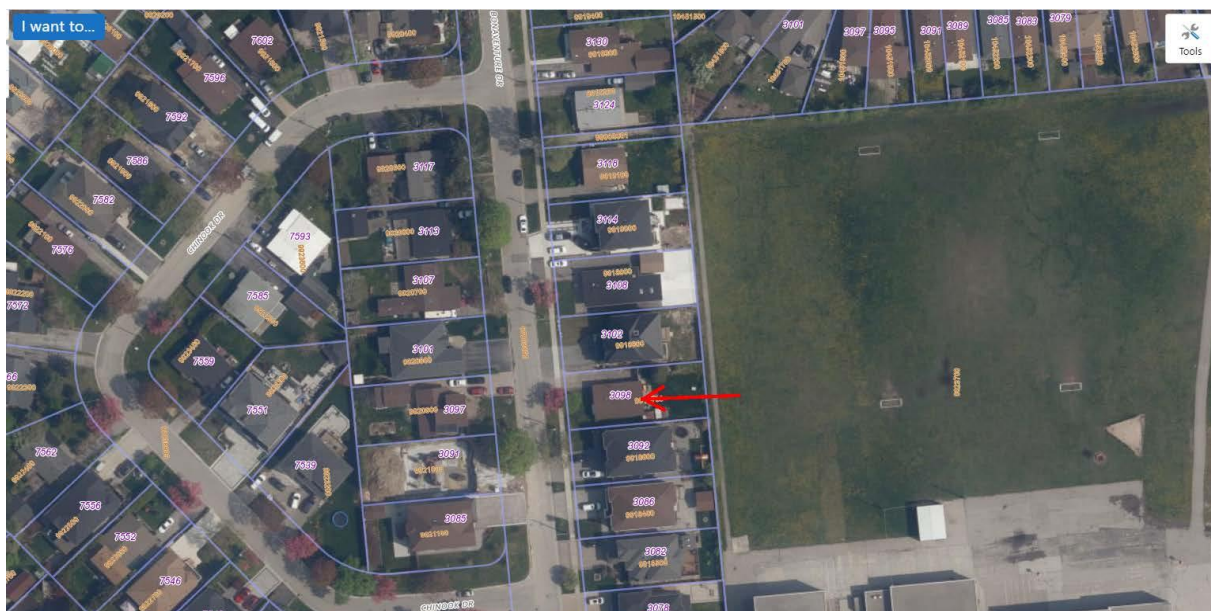
**Zoning:** R3-69- Residential

**Other Applications:** Building Permit application BP 9NEW 23-9939

### Site and Area Context

The subject property is located north-east of the Airport Road and Thamesgate Drive intersection in the Malton Neighbourhood. It currently contains a single storey detached dwelling with minimal vegetation and landscaping elements in the front and rear yards. The surrounding neighbourhood consists of older single storey 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 building height, eave height, lot coverage, gross floor area, balcony area and setbacks to dwelling and eaves.



## 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 are as follows:

The subject property is designated Residential Low Density II on Schedule 10 of the Mississauga Official Plan (MOP), which permits detached, semi-detached, duplex, triplex, street townhouse and other forms of low-rise dwellings with individual frontages.

Planning staff have identified concerns with Variances #3 and #6 pertaining to the gross floor area and lot coverage. Currently, the applicant is proposing a lot coverage of 37.95%, out of which, the dwelling itself represents a lot coverage of 34%, which is well over the maximum permissible 30%. Further, staff have concerns with the proposed gross floor area. While larger dwellings are not out of character within the surrounding area, staff are of the opinion that the gross floor area currently proposed is excessive.

Arising from public input expressed through the 'My Malton' Community Visioning exercise undertaken in 2015, the City completed the Malton Infill Housing Study in 2016. This resulted in Council's adoption of new zoning regulations, principally aimed at regulating the massing of dwellings in a manner that is sensitive to the surrounding context. Although Bonaventure Drive contains a lot of newer two storey dwellings, the intent of the policies are to limit the overall massing of these dwellings and maintain compatibility between the existing, planned and proposed character of the neighbourhood.

Staff are concerned that increasing the dwelling's gross floor area in combination with the increase in lot coverage will cause significant massing issues that will directly impact neighbouring properties.

Staff also note that the Toronto and Region Conservation Authority has raised concerns about the subject property being almost entirely within TRCA's Regulated Area of the Mimico Creek Watershed. The TRCA staff advise that the application be deferred to allow the applicant to work with staff to address their concerns and submit the required information. The requested assessment may impact the proposed addition and required variances. The planning staff relies on TRCA for their expertise on such matters, and therefore recommend that the application be deferred.

Staff recommend that the proposal be deferred for redesign in order to address the concerns raised above by Planning staff and allow the applicant an opportunity to work with the TRCA staff.

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 new dwelling will be addressed through the Building Permit Process.







Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

## **Appendix 2 – Zoning Comments**

The Building Department is processing Building Permit application BP 9NEW 23-9939. Based on review of the information available in this 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 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: Andrew Wemekamp, Zoning Examiner.

## **Appendix 3 – Region of Peel**

**Minor Variance: A-24-053M - 3098 Bonaventure Drive**

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](mailto: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](mailto: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](mailto:siteplanservicing@peelregion.ca).

Planning: Ayooluwa Ayoola (905) 791-7800 x8787

**Comments:**

- 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

**Appendix 4 – Toronto Region Conservation Authority (TRCA)****Application Specific Comments**

Based on our latest preliminary 2D modeling results, it appears that the front yard of the existing dwelling is almost entirely within the Regulatory flood plain. In addition, it appears that a portion of the rear yard of the subject property is located within the Regulatory flood plain. The rear yard maximum Water Surface Elevation (WSE) and velocity are 171.99masl and 0.0085 m/s at the subject property respectively. The front yard maximum WSE and velocity are 172.079masl and 0.001 m/s at the subject property respectively.

Based on our review, it appears that the existing house is located outside of the Regulatory flood plain and the proposed replacement dwelling is located further from the flood hazard in the front yard relative to the current structure.

The applicant is to address the following items:

1. The site plan submitted, proposes a replacement dwelling located less than 10m from the Regulatory flood plain in the rear yard. According to TRCA's Living City Policy, specifically Section 8.4.8, new development within TRCA's Regulated Area shall be setback 10 metres from the Regulatory flood plain or no closer than what is existing.
  - a. A site plan drawing must be provided identifying the Regulatory flood plain elevations across the lot
  - b. A 10m set back from the regulatory flood plain elevation of 171.99 or no further than existing location to demonstrate compliance to policy.

To purchase our flood modelling for use in your plans, please contact Jody Scott with TRCA's Water Resources Engineering Department who can help you further: [jody.scott@trca.ca](mailto:jody.scott@trca.ca)

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

Comments Prepared by: Marina Janakovic, Planner I