

City of Mississauga Department Comments

Date Finalized: 2024-03-28	File(s): A481.22
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2024-04-04 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 dwelling proposing:

1. A gross floor area of 342.02 sq m (approx. 3681.50 sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 266.07 sq m (approx. 2863.98 sq ft) in this instance;
2. A building height of 9.05 m (approx. 29.69 ft) whereas By-law 0225-2007, as amended, permits a maximum building height of 9.00 m (approx. 29.53 ft) in this instance;
3. A height of eaves from average grade of 6.67m (approx. 21.88 ft) whereas By-law 0225-2007, as amended, permits a maximum height of eaves from average grade of 6.40m (approx. 21.31 ft) in this instance; and,
4. A garage area of 5.84m x 5.38m (approx. 19.16ft x 17.65ft) whereas By-law 0225-2007, as amended, permits a maximum garage area of 2.75m x 6.0m (approx. 9.02ft x 19.69ft) in this instance.

Amendments

Planning staff note the following amendment is required:

1. A gross floor area of 324.02 sq m (approx. 3,487.72 sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 266.07 sq m (approx. 2863.98 sq ft) in this instance.

Background

Property Address: 30 Harrow St

Mississauga Official Plan

Character Area: **Malton Neighbourhood**
Designation: **Residential Low Density I**

Zoning By-law 0225-2007

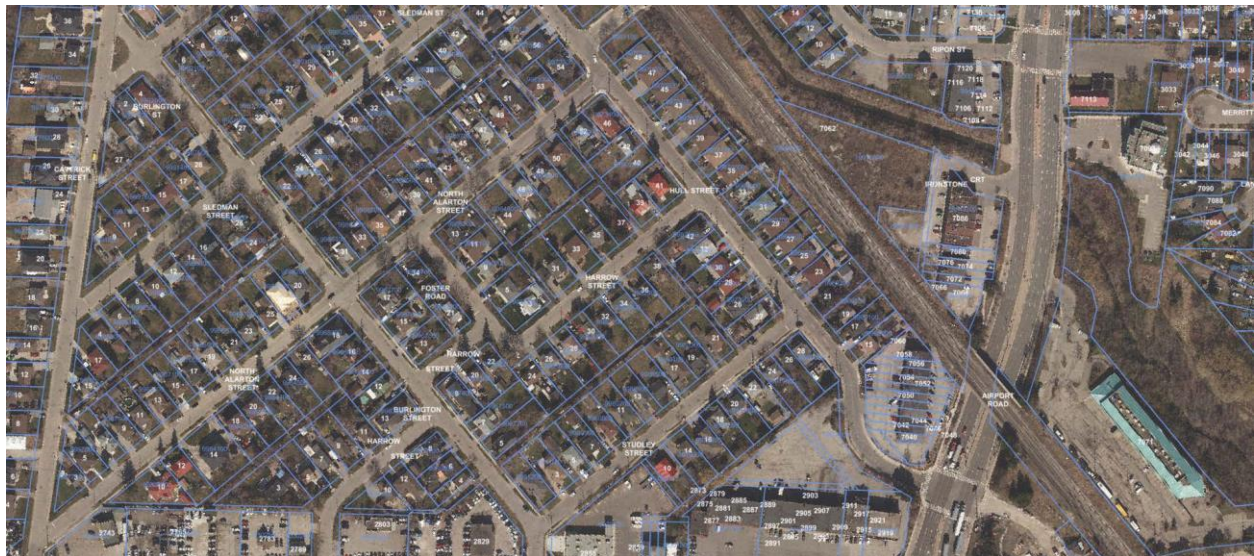
Zoning: R3-69 - Residential

Other Applications:

Site and Area Context

The subject property is located north-west of the Derry Road East and Airport Road intersection in Old Malton Village. It currently contains a single storey detached dwelling with limited landscaping and vegetation in both the front and rear yards. The property has a lot frontage of +/- 15.18m (49.8ft) which is characteristic of lots in the area. The surrounding context is predominantly residential, consisting of detached dwellings on similarly sized lots. Commercial uses are present along Derry Road West and Airport Road.

The applicant is proposing a new dwelling requiring variances for gross floor area, overall height, eave height, and garage 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:

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. 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.

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

Variance 1 pertains to gross floor area. Staff note an error on the notice, as the proposed gross floor area should read 324.02m² (3,487.72ft²) as per the application form and drawings submitted. 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 study 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 the surrounding area contains a lot of newer two storey dwellings, the intent of the regulations are to limit the overall massing of these dwellings, in order to maintain compatibility between the existing and planned character of the neighbourhood. The application originally came to the Committee of Adjustment on February 2nd, 2023 with a larger proposal. Committee members were concerned with the size of the dwelling and deferred the application for redesign. The subsequent design has reduced the gross floor area by 45.2m² (484.37ft²). Staff are of the opinion that the new design is in line with the Malton Infill Housing Study of 2016; and is compatible with both the existing and infill development of the neighbourhood. As such, the applicant meets the general intent and purpose of the by-law.

Variance 2 requests an increase in overall dwelling height, and variance 3 requests an increase in height to the eaves. The intent of restricting dwelling and eaves height is to lessen the visual massing of the dwelling, by lowering the overall pitch of the roof and bringing the edge of the roof closer to the ground. This keeps the overall height of the dwelling within human scale. The proposed dwelling height is 9.06m, whereas 9m is permitted and the proposed eaves height is 6.67m, whereas 6.40m is permitted. Staff are satisfied that the dwelling and eave height impacts are negligible and is a minor deviation from what the by-law envisions. The proposal maintains a human scale and does not exacerbate the visual massing of the dwelling.

Variance 4 relates to the interior parking space size within the garage. The intent of this provision is to ensure that the garage can accommodate the parking of atypical vehicles entirely

within the garage area. Staff note that the requested length of the garage is slightly less than a legal parking space in the City and that, despite the proposed reduced area, the garage will maintain the ability to provide parking for vehicles of average length.

Given the above, staff are therefore satisfied that the general intent and purpose of the zoning by-law are maintained.

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 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.

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

Please apply previous comments.

Comments Prepared by: Ayooluwa Ayoola, Planner

Appendix 4 – Metrolinx

30 Harrow St - A481.22 - Deferred

Metrolinx is in receipt of the Minor Variance application for 30 Harrow St to facilitate the construction of a new 2-storey dwelling. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of the Metrolinx Weston Subdivision which carries Metrolinx's Kitchener GO Train service.

Conditions of Approval:

- As per section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, the Owner shall grant Metrolinx an environmental easement for operational emissions. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property. A copy of the form of easement is included for the Owner's information. The applicant may contact Farah.Faroque@metrolinx.com with questions and to initiate the registration process. (It should be noted that the registration process can take up to 6 weeks).
- The Proponent shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the Railway Corridor:
 - **Warning:** The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.