

# City of Mississauga Department Comments

Date Finalized: 2024-05-22	File(s): A53.24
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2024-05-30 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application, as amended. 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 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 33.2% 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 1.66m (approx. 5.45ft) 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 346.02sq m (approx. 3724.56sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 269.63sq m (approx. 2902.30sq 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 1.20m (approx. 3.94ft) whereas By-law 0225-2007, as amended, requires a minimum side eaves setback of 1.36m (approx. 4.46ft) in this instance;
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; and,
10. A garage projection of 2.44m (approx. 8.01ft) whereas By-law 0225-2007, as amended, permits a maximum garage projection of 2.00m (approx. 6.56ft) 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

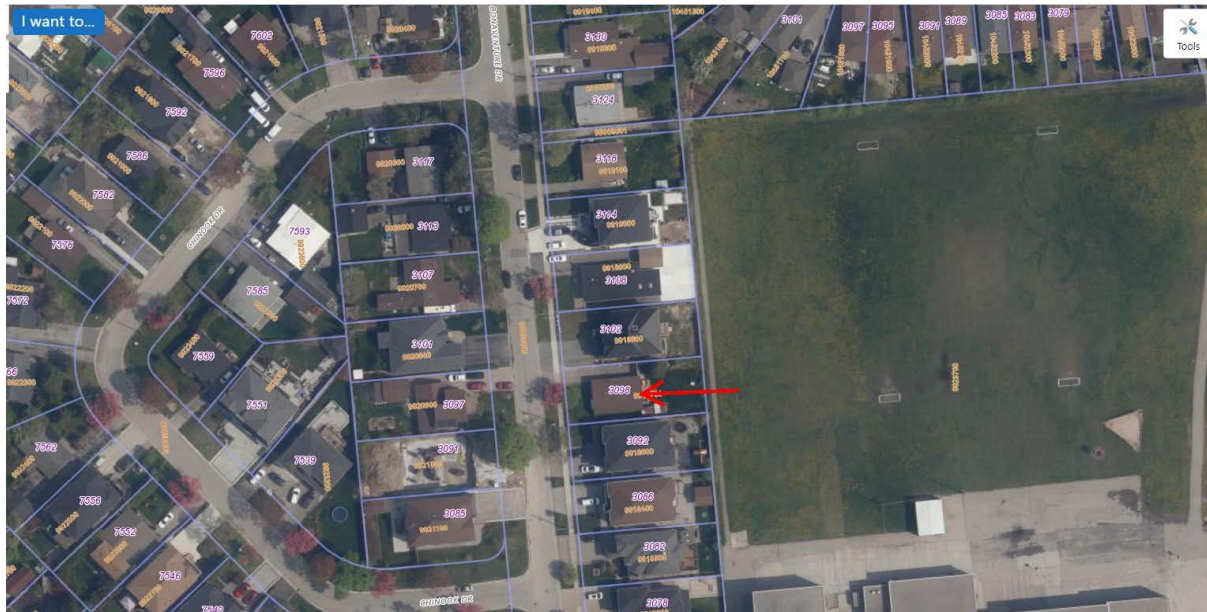
**Zoning:** R3-69- Residential

**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 requesting variances for building height, eave height, lot coverage, gross floor area, balcony area, garage projection and setbacks to the 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 of the four tests to this minor variance request are as follows:

Staff note that this application was deferred on February 15, 2024, to address staff concerns regarding the gross floor area (GFA) and lot coverage. Further, Toronto and Region Conservation Authority (TRCA) had raised concerns about the subject property being almost entirely within TRCA's Regulated Area of the Mimico Creek Watershed. The applicant worked with City and TRCA staff to reduce the proposed GFA and lot coverage. At this time, the applicant has obtained approval from TRCA.

### Does the proposal maintain the general intent and purpose of the Official Plan?

The subject property is designated Residential Low Density II on Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, duplex, triplex, street townhouse and other forms of low-rise dwellings with individual frontages. Section 9 of 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.

Planning staff are of the opinion that the proposed built form of the detached dwelling is appropriate for the subject property given surrounding conditions and will not negatively impact

the streetscape. Further, staff are satisfied that the proposal respects the designated and surrounding land uses.

Planning staff are of the opinion that the general intent and purpose of the official plan are maintained.

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

Variances #1 and #2 request an increase in the dwelling and eave height respectively. The intent of restricting height to the highest ridge and eaves is to lessen the visual massing of 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. Staff are satisfied that the proposed increases in height are appropriate for the subject property and note that for portions of the property the average grade is below the finished grade by 0.26m (0.85ft), reducing the appearance of the overall height of the structure. Further, staff are of the opinion that incorporation of architectural features like varying materials and windows in the dwelling design further mitigates any massing impacts.

Variance #3 requests an increase in the lot coverage while variance #6 requests an increase in the GFA. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot which would impact the streetscape as well as abutting properties. The intent in restricting gross floor area is to maintain compatibility between existing and new dwellings and ensuring that the existing and planned character of a neighbourhood is preserved. Staff note that the applicant has reduced the lot coverage from 37.95% from to 33.2%. The dwelling itself represents a lot coverage of approximately 32.59%. In addition to the lot coverage of the dwelling, the dwelling design also includes a front porch which add an additional 0.6% of the coverage to the total site lot coverage.

The gross floor area request represents an increase that is in line with new two-storey detached dwellings on Bonaventure Drive and will not create a significant massing impact. Staff are therefore satisfied that the lot coverage and gross floor area represents an appropriate balance between the existing and planned character of the area in this instance.

Variances #4, #5, #8 and #9 pertain to side yard setbacks measured to the second storey and eaves. The intent of the side yard regulations in the by-law is to ensure that an adequate buffer exists between the massing of primary structures on adjoining properties. Staff note the reduction in the side yard setback is measured to the second storey and the eaves. The first storey meets the minimum side yard setback requirement, and the applicant is proposing to align the second storey on top of the first storey. Staff are satisfied that the proposed setbacks are consistent with the setbacks found in the immediate area and provide an adequate buffer.

Variance #7 requests an increase in the balcony area. The intent of the zoning regulation is to ensure balconies do not present any privacy or overlook related concerns. Staff are satisfied that the increase in the area represent a minor deviation from the permissible by-regulations and that the balcony will not pose any privacy or overlook concerns to any residential properties.

Variance #10 pertains to garage projection. The intent of the zoning by-law is to maintain a consistent streetscape, while ensuring the garage is not the dominant feature of the dwelling. Staff note that the dwelling has been designed in a manor to project out the covered front porch

in a effort to balance the garage projection. Staff are satisfied that the projected porch minimizes the impact of the garage projection, ensuring the garage is not the dominant feature of the dwelling.

Given the above, staff are satisfied that the requested variances maintain the general intent and purpose of the zoning by-law.

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

Staff are satisfied that the proposal represents the appropriate development of the subject lands. It is staff's opinion that the proposal poses no massing concerns on abutting properties. Planning staff are satisfied that the impacts of the variances, both individually and cumulatively, are minor in nature. Furthermore, staff are of the opinion that the application proposes appropriate development of the subject property.

Comments Prepared by: Shivani Chopra, Planning Associate

## 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

### 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 – Parks, Forestry & Environment**

The Forestry Section of the Community Services Department has no objections to the above noted minor variance application and advises as follows:

1. No public trees shall be injured or removed. If public tree removal is required, a permit must be issued as per By-law 0020-2022.
2. No private trees shall be injured or removed. If a private tree with a diameter of 15 centimetres or greater on private property is to be injured or destroyed, a permit must be issued as per By-law 0021-2022.
3. Please note if a tree is identified as a shared tree with the adjacent property owner, and the applicant intends to apply for a Tree Removal Permit, written consent must be obtained by both parties.

A Tree Removal Application to Permit the Injury or Destruction of Trees on Public and Private Property can be found at <https://www.mississauga.ca/publication/application-to-permit-the-injury-or-destruction-of-trees-on-public-and-private-property/>.

Should further information be required, please contact Rita Di Michele, By-law Inspector, Community Services Department at 905-615-3200 ext. 5872 or via email [rita.dimichele@mississauga.ca](mailto:rita.dimichele@mississauga.ca).

Comments Prepared by: Rita Di Michele, By-law Inspector

### **Appendix 4 – CN**

Thank you for consulting CN on the application mentioned in subject. It is noted that the subject site is within 1000 meters of CN railyard operations . CN has concerns of developing/densifying residential uses in proximity to railway operations. 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. CN encourages the municipality to pursue the implementation of the following criteria as conditions of an eventual project approval:

- 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 1000m of the railway right-of-way:

*“Warning: Canadian National Railway Company or its assigns or successors in interest has or have a right-of-way within 1000 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.”*

- The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.

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

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

## **Appendix 5 – TRCA**

This letter acknowledges receipt of the second circulation for the subject minor variance application, received on May 3, 2024. Toronto and Region Conservation Authority (TRCA) staff have reviewed this application and the circulated materials listed in Appendix A to this letter in accordance with the Conservation Authorities Act, which requires TRCA to provide programs and services related to the risk of natural hazards within its jurisdiction. With respect to Planning Act matters, conservation authorities have a role to 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.

In addition, TRCA staff have also reviewed this application in accordance with Ontario Regulation 41/24. Where development activity is proposed, within a regulated area, a permit is required to ensure that it conforms to the applicable tests for implementation of the regulation.

The subject property is almost entirely within TRCA's Regulated Area of the Mimico Creek Watershed due to the two Regulatory flood plain spill areas on the property (front and rear yard). Based on our review, the proposed development will be located within TRCA's regulated portion of the site. As such, a TRCA permit pursuant to Ontario Regulation 41/24 is required from this Authority prior to the proposed development, site alteration or other development taking place on the property.

### **Purpose of the Application**

TRCA staff understand that the purpose of Minor Variance Application assigned City File No. A53.24 is 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;
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- 21.00ft) in this instance;
3. A lot coverage of 33.2% 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;
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  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; and,
  10. A garage projection of 2.44m (approx. 8.01ft) whereas By-law 0225-2007, as amended, permits a maximum garage projection of 2.00m (approx. 6.56ft) in this instance.

It is our understanding that the requested variances are required to facilitate the replacement of a single family dwelling with a gross floor area of 101 sq.m., with a two storey dwelling with a gross floor area of 363 sq.m. The proposed works also include the development of a below grade entrance, ground floor side entrance, covered front porch, rear yard deck, front yard driveway paving, and minor grading. A grading plan was not submitted as part of this application.

### **Background**

Through the first circulation TRCA provided comments on February 2, 2024, and recommended deferral to provide an opportunity for the applicant to address TRCA concerns with the location of the replacement dwelling.

### **Application Specific Comments**

Based on our latest preliminary 2D modeling results, it appears that the front yard is almost entirely within the Regulatory flood plain. The front yard maximum water surface elevation (WSE) and velocity are 172.099masl and 0.001 m/s respectively.

A portion of the rear yard is located within the Regulatory flood plain. The rear yard maximum WSE and velocity are 171.99masl and 0.0085 m/s respectively.

Upon further review of the existing ground elevations provided on Drawing no. ASP-1, the proposed replacement dwelling is located further from the flood hazard in the front yard relative to the current structure.

Given the location of the floodplain at the front yard, it is not possible to achieve the 10m buffer as the building is presently proposed. Given the floodplain constraints, TRCA is open to being flexible and allow the proposed footprint.

**Ontario Regulation 41/24**

A TRCA permit application is to be submitted for the proposed replacement dwelling (Application for Development, Interference with Wetlands & Alterations to Shorelines and Watercourses – Ontario Regulation 41/24) and the associated review fee of \$995.00 (Works on Private Residential Property – Standard) will be required.

Through the TRCA permit process please provide the following items:

1. Architectural elevations for all sides of the proposed building which show a vertical buffer of 0.3m above the flood elevation for a total elevation of 172.399masl, and
2. A grading plan to confirm appropriate site alteration.

**Recommendation**

TRCA's staff have **no objection** to support the approval of Minor Variance Application assigned City File No. **A53.24**.

A TRCA permit pursuant to Ontario Regulation 41/24 may be required for any future works on the subject property.

**Fee**

TRCA staff thank the applicant for their prompt payment of the required planning review fee of \$660.00 received on January 5, 2024 during the first circulation process.

Comments Prepared by: Marina Janakovic, Planner I

**Appendix 6 – Region of Peel**

We have no comments or objections to the following application: A-24-053M.

Comments Prepared by: Petrele Francois, Junior Planner