

# City of Mississauga Department Comments

Date Finalized: 2024-07-03	File(s): A237.24 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-07-11 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 gross floor area of 239.44sq m (approx. 2577.33sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 174.31sq m (approx. 1876.27sq ft) in this instance;
2. A peak height of 9.50m (approx. 31.17ft) whereas By-law 0225-2007, as amended, permits a maximum peak height of 9.00m (approx. 29.53ft) in this instance;
3. An eave height of 7.03m (approx. 23.07ft) whereas By-law 0225-2007, as amended, permits a maximum eave height of 6.40m (approx. 21.00ft) in this instance;
4. A side yard setback to the eaves of 1.08m (approx. 3.54ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback to the eaves of 1.36m (approx. 4.46ft) in this instance;
5. A front side yard setback (for each additional storey) of 1.43m (approx. 4.69ft) whereas By-law 0225-2007, as amended, requires a minimum front side yard setback (for each additional storey) of 1.81m (approx. 5.94ft) in this instance; and,
6. An interior side yard setback (for each additional storey) of 1.43m (approx. 4.69ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback (for each additional storey) of 1.81m (approx. 5.94ft) in this instance.

## Background

**Property Address:** 3035 Mcnaughton Ave

**Mississauga Official Plan**

Character Area: Malton Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

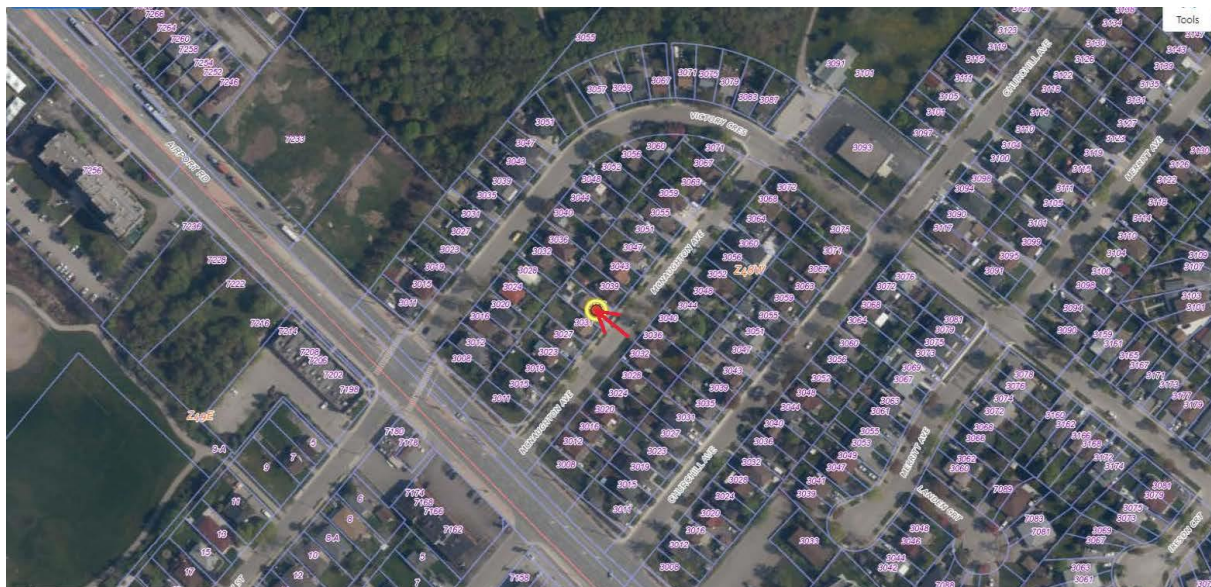
**Zoning:** R4-1- Residential

**Other Applications:** BP 23-10128

### Site and Area Context

The subject property is located north-east of the Airport Road and Derry Road East intersection. It is an interior parcel, with a lot area of approximately +/- 371.55m<sup>2</sup> (3,999.33ft<sup>2</sup>) and a lot frontage of approximately +/- 12.19m (40ft). The property currently houses a single storey detached dwelling with minimal vegetation and landscaping elements within the front and rear yards. Contextually, the surrounding neighbourhood consists of a mix of newer, two-storey detached dwellings and post-war, single storey detached homes. Within the immediate area properties possess lot frontages of +/- 12.1m (39.7ft), with minimal vegetation scattered throughout and minimal landscape elements within the front yards.

The applicant is proposing a new two storey dwelling that requires variances for gross floor area, height, eave height and side yard setbacks.



## 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 note a previous application (A300.22) to construct a new dwelling was approved by the Committee of Adjustment on December 15<sup>th</sup>, 2022. While going through the building permit process, zoning staff identified that the proposed gross floor area was calculated incorrectly, as the proposal did not include the proposed attached garage gross floor area.

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. The proposed dwelling represents a permitted use and possesses a built form that is in line with the planned character of the area. Staff are therefore satisfied 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?**

Variance 1 requests an increase in the gross floor area. 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. The gross floor area requests a moderate increase that is in line with new builds in the surrounding area and will not create a significant massing impact above the as of right permissions of the property. Staff further note the total gross floor area calculated by the applicant does not include the reduction of the open to below area on the second floor. The drawings submitted depict a total open to below area of 16.94m<sup>2</sup> (182.34ft<sup>2</sup>), thereby reducing the proposed gross floor area from 239.44m<sup>2</sup> (2,577.31ft<sup>2</sup>) to 222.50m<sup>2</sup> (2,394.97ft<sup>2</sup>). Staff are therefore satisfied that the gross floor area represents an appropriate balance between the existing and planned character of the area in this instance.

Variances 2 and 3 pertain to height and eave height. The intent of restricting height to the highest ridge and eaves 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. Staff are satisfied that the proposed increases in height are appropriate for the subject property. Furthermore, staff are of the opinion that the dwelling design incorporates architectural features that further mitigates any massing impacts.

Variances 4, 5 and 6 pertain to the side yard setback. Staff note variance 5 is not required, as only the interior side yard setback is a requirement in the zoning by-law and there is no such

regulation for a front side yard setback. 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 side yard setback variance is only for the second storey. The first storey meets the minimum side yard setback requirement of 1.2m (3.93ft), and the applicant is proposing to align the second storey with the first storey of the proposed dwelling. Staff are satisfied that the proposed setbacks are consistent with the setbacks found in the immediate area and provide an adequate buffer.

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?**

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: 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

### **Appendix 2 – Zoning Comments**

The Building Department is processing Building Permit 23-10128. 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: Sibila Lass Weldt, Zoning Examiner

### **Appendix 3 – Region of Peel**

We have no comments or objections.

Comments Prepared by:     Petrele Francois, Junior Planner