

City of Mississauga Department Comments

Date Finalized: 2024-07-10	File(s): A202.24 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-07-18 1:00:00 PM

Consolidated Recommendation

The City recommends the application be deferred to address TRCA concerns.

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 30.69% (192.50sq m) whereas By-law 0225-2007, as amended permits a maximum lot coverage of 30% (188.12sq m) in this instance; and,
2. A gross floor area of 327.30sq m (approx. 3523.03sq ft) whereas By-law 0225-2007, as amended permits a maximum gross floor area of 275.41sq m (approx. 2964.49sq ft) in this instance.

Background

Property Address: 3091 Bonaventure Drive

Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

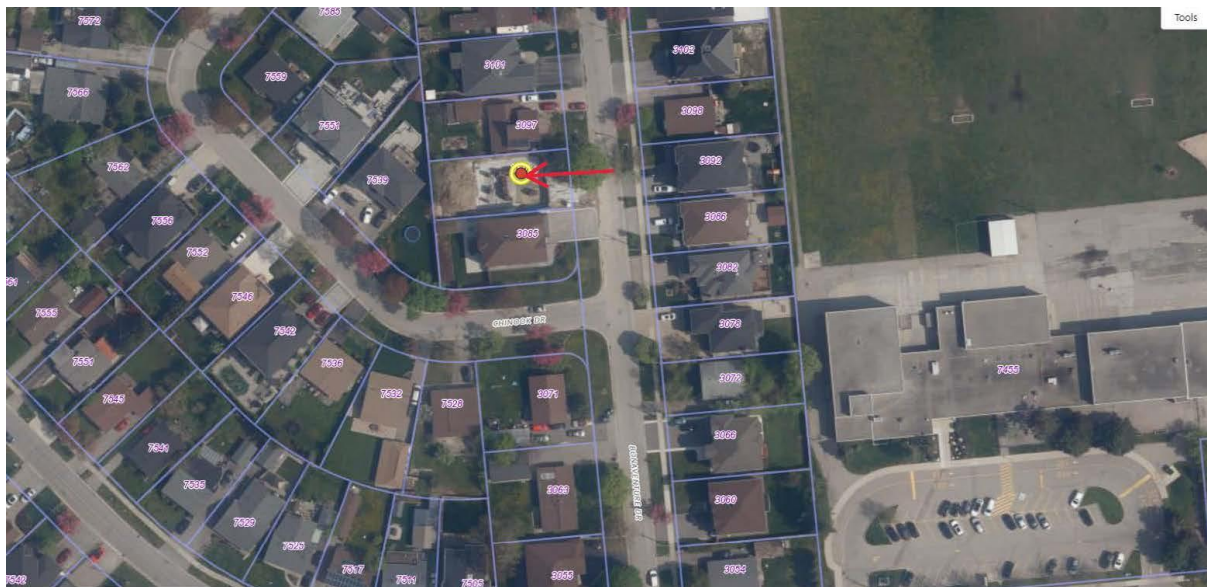
Zoning: R3-69-Residential

Other Applications: BP 9ALT 23-9789

Site and Area Context

The subject property is located north-east of the Airport Road and Thamesgate Drive intersection in the Malton Neighbourhood. It has a lot area of +/- 627.08m² (6,749.83ft²), a lot frontage of +/- 16.46m (54ft), and 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 to construct a new two-storey dwelling requiring variances for lot coverage and gross floor 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:

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 (MOP).

The application proposes increases in the lot coverage and gross floor area. Staff note a previous application (A188.21) for the construction of a new dwelling was approved by the Committee of Adjustment on September 9th, 2021. Included within the approval was a gross floor area variance of 332.20m² (3,575.89ft²), which is a larger area than what the applicant is

seeking for this application. Staff note that the requested gross floor area variance of 327.30m² (3,523.03m²) is not required due to the previous approval for the subject property.

While staff do not have any concerns with the proposed lot coverage variance, staff note that the Toronto and Region Conservation Authority has raised concerns about portions of the subject property being located within the Regulatory Floodplain. TRCA staff advise the application be deferred to allow the applicant the opportunity to work with staff to address their concerns. Planning staff relies on the TRCA for their expertise on such matters, and therefore recommend that the application be deferred at this time.

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 Division is processing a Building Permit application BP 9ALT 23-9789. Based on the review of the information available in this application, the requested variances are correct.

Our comments may no longer be valid should there be changes in the Committee of Adjustment application that have yet to be submitted and reviewed through the Building Division application. To receive updated comments, the applicant must submit any changes to information or drawings separately through the above application.

Comments Prepared by: Maria Fernandez, 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 Jamie Meston, Landscape Architect Assistant, Forestry Section, Community Services Department at 905-615-3200 ext. 4264 or via email jamie.meston@mississauga.ca.

Comments Prepared by: Jamie Meston, Landscape Architect Assistant

Appendix 4 – Region of Peel

Minor Variance: A-24-202M / 3091 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.
- 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: Petrele Francois (905) 791-7800 x3356

Comments:

- The subject land is located in the regulated and floodplain area of the Toronto & Region Conservation Authority (TRCA). 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 TRCA for the review of development applications located within or adjacent the regulated area in Peel. We, therefore, request that City staff consider comments from the TRCA and incorporate their conditions of approval appropriately. Final approval of this application requires all environmental concerns to be addressed to the satisfaction of the TRCA.

Comments Prepared by: Petrele Francois, Junior Planner

Appendix 5- CN Rail

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. The [Guidelines for New Development in Proximity to Railway Operations](#) reinforce the safety and well-being of any existing and future occupants of the area. Please refer to these guidelines for the development of sensitive uses in proximity to railway operations. 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 Planner Associate

Appendix 6 – TRCA

This letter acknowledges receipt of the subject minor variance application, received on June 18, 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 located within TRCA's Regulated Area of the Mimico Creek Watershed. Specifically, the subject land is located downstream of a flood spill area of the Regulatory Flood Plain associated with a tributary of the Mimico Creek. As such, a TRCA permit pursuant to Ontario Regulation 41/24 is required from this Authority prior to any development and/or site alteration taking place on the property.

Purpose of the Application

TRCA staff understand that the purpose of Minor Variance Application is to allow the construction of a new house proposing:

1. A lot coverage of 30.69% (192.50sq m) whereas By-law 0225-2007, as amended permits a maximum lot coverage of 30% (188.12sq m) in this instance; and,
2. A gross floor area of 327.30sq m (approx. 3523.03sq ft) whereas By-law 0225-2007, as amended permits a maximum gross floor area of 275.41sq m (approx. 2964.49sq ft) in this instance.

TRCA staff understand there is an existing Single Family Detached Dwelling on site. It is our understanding that the requested variances are required to facilitate the replacement of a one-story dwelling with a gross floor area of 148.30 sq.m. with a two-story dwelling with a gross floor area of 327.30 sq.m. The proposed works also include the development of a below-grade entrance, front covered porch, basement elevator, rear yard deck, front yard patio paving, driveway paving, and attached garage.

Background

In August 2021, TRCA provided comments on the Minor Variance Application A188/21 to allow the development of a replacement dwelling. Here, TRCA provided conditional approval based on the policy and legislation at that time, which are subject to change. The application is being reviewed by the policies currently in effect.

Application Specific Comments

Based on our latest preliminary 2D modeling results, a small portion of the front yard and a large portion of the rear yard of the subject property is located within the Regulatory Flood Plain. The Water Surface Elevation at the rear is 172.095 masl and the WSE at the front is 172.079masl. Based on our review, it is unclear whether the existing house is within the Flood Plain.

The site plan submitted proposes the 2-storey single-family dwelling within the Regulatory Flood Plain. 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 to determine if the existing house is within or outside of the Regulatory Flood Plain.
- b) If TRCA staff determine that the existing house is outside of the flood plain, then a 10m setback from the Regulatory floodplain elevation of 172.095masl (rear yard) and 172.079masl (front yard) or, the replacement dwelling cannot go any further than the existing house footprint from the flood hazard.

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 Please note that TRCA requires that the proposed replacement dwelling be properly flood proofed according to TRCA policies and standards, including any potential basement windows and doors opening to habitable space. Given the above, TRCA has concerns with the size and location of the replacement dwelling and floodproofing of the proposed works in this minor variance application, as submitted. TRCA requests that the applicant contacts the undersigned to initiate discussions regarding TRCA's concerns.

Please advise the applicant to submit a TRCA permit application for the proposed replacement dwelling (Application for Development, Interference with Wetlands & Alterations to Shorelines and Watercourses – Ontario Regulation 166/06) and the associated review fee of \$995.00 (Works on Private Residential Property – Standard).

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.

Recommendation

TRCA staff recommend **deferral** of Minor Variance Application assigned City File no. **A202.24** in order to provide an opportunity for the applicant to revise the proposed works and address TRCA's staff concerns. Should the Committee not grant deferral of the application at the July 18, 2024 Committee of Adjustment meeting, TRCA staff recommend denial of the application at this time.

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

Fees

By copy of this letter, the applicant is advised that the TRCA has implemented a fee schedule for our planning application review services. This application is subject to a fee of \$660 (Variance Residential– Minor). The applicant is responsible for fee payment and should forward the application fee to this office as soon as possible. In addition, a minor variance application review fee of \$610.00 (file no. CFN 64118.07/ A 188/21) from 2021 remains outstanding. This is required before TRCA permit issuance.

We thank you for the opportunity to comment. We trust these comments are of assistance. Should you have any additional questions or comments, please contact the undersigned.

Comments Prepared by: Marina Janakovic, Planner I