

City of Mississauga Department Comments

Date Finalized: 2024-07-10	File(s): A489.23
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2024-07-18 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 lot coverage of 38.65% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% in this instance;
2. A right side yard setback of 1.20m (approx. 3.94ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.81m (approx. 5.94ft) in this instance;
3. An eaves height of 7.00m (approx. 22.97ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance; and,
4. A gross floor area of 229.08sq m (approx. 2465.80sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 174.09sq m (approx. 1873.89sq ft) in this instance; and,
5. A rear yard setback of 4.86m (approx. 15.95ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.50m (approx. 24.61ft) in this instance.

Recommended Conditions and Terms

Should the Committee see merit in the applicant's request, Planning staff recommend:

1. Construction related to this variance shall be in general conformance with the site plan and elevation drawings approved by the Committee.

Background

Property Address: 3151 Merritt Ave

Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

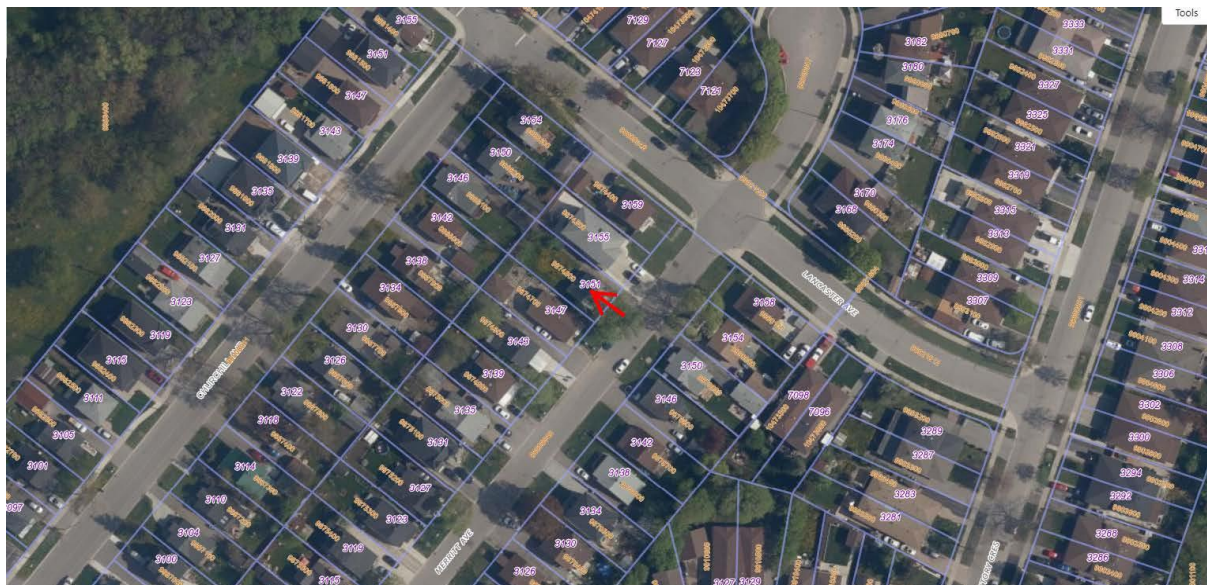
Zoning: R4-1- Residential

Other Applications: None

Site and Area Context

The property is located north-east of the Derry Road East and Airport Road intersection in the Malton neighbourhood. The property currently contains a single storey detached dwelling and detached garage with minimal vegetation in both the front and rear yards. The subject property has a lot area of +/- 371.20m² (3,995.56ft²) and a lot frontage of +/- 12.19m (40ft). The built form of the surrounding neighbourhood consists of detached and semi-detached dwellings on similarly sized lots.

The applicant is proposing a new dwelling requiring variances for lot coverage, gross floor area, side and rear yard setbacks and eave height



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 there is only one new variance that has been added to the application from the previous Committee of Adjustment hearing on January 11th, 2024. Please note the comments from the previous report still apply and as such, staff are supportive of the proposed variances.

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.

Variance 5 pertains to a reduced rear yard setback. The intent of the rear yard provisions in the by-law is to ensure that there is a sufficient buffer between primary structures on abutting lots as well as an appropriate rear yard amenity area for the dwelling. The proposal represents the construction of a new dwelling, however the rear yard setback is triggered due to a one-storey dining nook that projects further into the rear yard. Staff note the rear yard setback to the dwelling without the projected dining nook would be 6.43m (21.09ft), which is considered negligible and in line with the planned character of the area. Staff are satisfied that the reduced rear yard setback will not cause any massing impacts to the abutting properties due to projection of the dwelling in the rear yard being limited to one-storey. Further, staff are satisfied that an appropriate buffer is maintained and that the rear yard amenity area is sufficient for the proposed development.

Given the above, Planning staff are of the opinion that the proposal meets the general intent and purpose of the official plan and zoning by-law. Additionally, the proposed development will have only minor impacts on the surrounding properties and the streetscape, and that the redevelopment of the dwelling represents appropriate development of the subject lands. The requests are appropriate for the site and do not negatively impact the planned character of the neighbourhood.

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

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, 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

Please apply previous comments.

Comments Prepared by: Petrele Francois, Junior Planner

Appendix 5 – TRCA

This letter acknowledges receipt of the second circulation for the subject application, received on June 18, 2024 and revised notice on June 19, 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, a small portion (within the rear yard) of the subject land is located within the Regulatory Flood Plain associated with a tributary of the Mimico Creek. In addition, the presence of the Regulatory Flood Plain spill area is noted adjacent to the front of the property

but off-lot. 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

The purpose of Minor Variance Application assigned City File No. A489.23 is to allow the construction of a new house proposing:

1. *A lot coverage of 38.65% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% in this instance;*
2. *A right side yard setback of 1.20m (approx. 3.94ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.81m (approx. 5.94ft) in this instance;*
3. *An eaves height of 7.00m (approx. 22.97ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance; and,*
4. *A gross floor area of 229.08sq m (approx. 2465.80sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 174.09sq m (approx. 1873.89sq ft) in this instance; and,*
5. *A rear yard setback of 4.86m (approx. 15.95ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.50m (approx. 24.61ft) in this instance. [2nd submission change]*

It is our understanding that the requested variances are required to facilitate the replacement of an existing (67.64 sq. m. Gross Floor Area) detached house with a larger (229.08 sq. M. GFA) detached house. The proposed works also include the development of a rear yard below grade entrance, two bedrooms in the basement, front yard driveway, side yard walkway, *minor grading* and front covered porch.

Background

On January 9, 2024, TRCA provided comments on the first circulation of Minor Variance **A489.23** to facilitate the replacement of an existing (67.64 sq.m. Gross Floor Area) detached house with a larger (229.08 sq.m GFA) detached house. The proposed works also include the development of a rear yard below grade entrance, two bedrooms in the basement, front yard driveway, side yard walkway, and front covered porch. Here TRCA staff recommend deferral to provide an opportunity for the applicant to revise the replacement dwelling and address TRCA's staff concerns through the permitting process.

On June 25, 2024, the applicant obtained a TRCA permit (PER-DPP-2024-00088) pursuant to Ontario Regulation 41/24 for the proposed works. The new larger dwelling is no closer than the existing one to the Regulatory flood plain in the front of the lot. As such, there will be no impact on the storage or conveyance of floodwaters.

Application Specific Comments

Based on our latest preliminary 2D modeling results, a small portion of the rear yard of the subject property is located within the Regulatory Flood Plain. The rear yard maximum Water Surface Elevation is 168.12masl at the subject property.

Based on the spot elevations provided during the permitting application process, the floodplain is located roughly perpendicular to the north-eastern corner, and as such the proposed works are not located within the Regulatory flood plain. Further, the new larger replacement dwelling is no closer to the floodplain in the front yard than the existing house.

Given the location of the floodplain in the rear 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 which is less than a 10m setback from the flood line. Architectural elevations for all sides of the building, which show a vertical buffer of 0.3m above the flood elevation for a total elevation of 168.42masl, were provided to support the proposed building.

Recommendation

TRCA's staff have **no objection** to the approval of Minor Variance Application assigned City File No. **A489.23 at 3151 Merritt Avenue**.

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 1st circulation of this minor variance application.

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