

City of Mississauga Department Comments

Date Finalized: 2024-07-17	File(s): A322.24
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2024-07-25 1:00:00 PM

Consolidated Recommendation

The City recommends no objection 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 building height of 9.63m (approx. 31.60ft) 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 of 6.80m (approx. 22.31ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance;
3. An interior side yard setback of 1.20m (approx. 3.94ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81m (approx. 5.94ft) in this instance;
4. A gross floor area (infill) of 373.66sq m (approx. 4022.08sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area (infill) of 316.16sq m (approx. 3403.15sq ft) in this instance; and,
5. A combined side yard setback of 2.40m (approx. 7.87ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard setback of 3.80m (approx. 12.47ft) in this instance.

Background

Property Address: 3261 Michaud Ave

Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

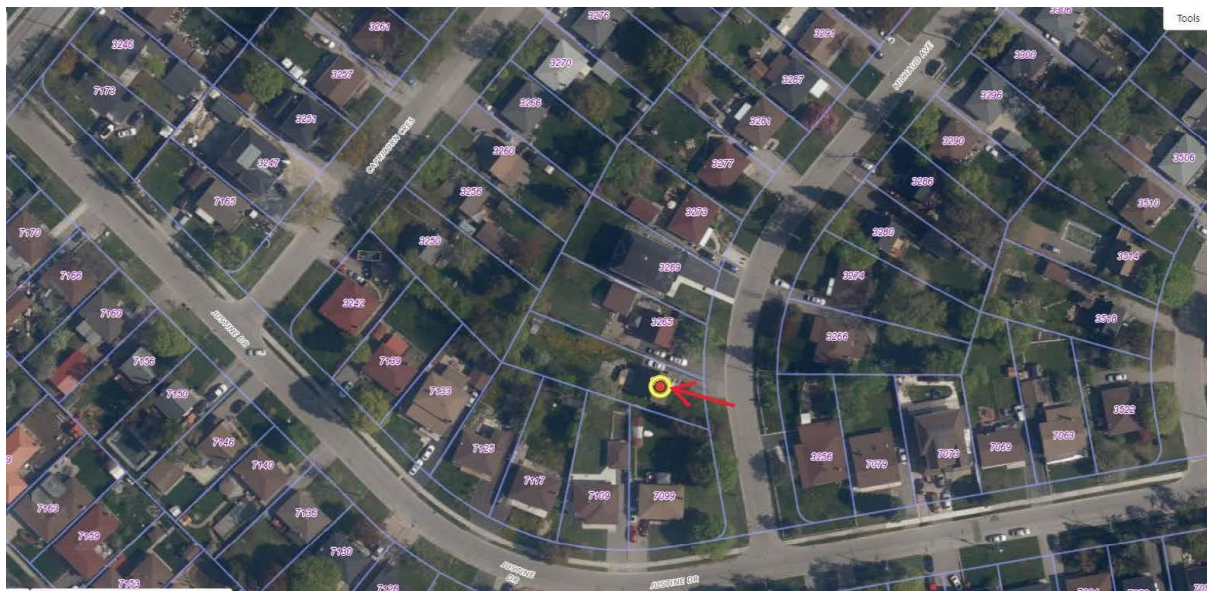
Zoning: R3-69-Residential

Other Applications: None

Site and Area Context

The subject property is located in the Malton Neighbourhood Character Area, north-west of the Derry Road East and Goreway Drive intersection. The subject property contains a single storey detached dwelling with no garage. Limited vegetation and landscaping elements are present on the subject property. The surrounding area is predominantly residential, consisting of detached dwellings.

The applicant is proposing to demolish the existing dwelling to facilitate the construction of a new two-storey dwelling requiring variances for height, eaves height, interior side yard setback, gross floor area and combined side yard setback.



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 (MOP). 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. Staff are satisfied that the proposal is compatible and appropriate for the surrounding context. Staff are therefore 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 & 2 pertain to the height of the proposed dwelling and eaves. The intent in 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. Staff note the average grade is 0.19m (0.62ft) below the finished grade of the dwelling, thereby making the proposed dwelling height appear shorter than requested. Staff are of the opinion that the impacts of the requested eave and dwelling are negligible and represents a minor deviation from what the by-law envisions. The proposal maintains an appropriate human scale and does not exacerbate the visual massing of the dwelling.

Variances 3 & 5 pertain to side yard setbacks. While Planning staff are not in a position to interpret the zoning by-law, staff note the combined side yard setback variance is not required for the subject property. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between the massing of primary structures on adjoining properties, access to the rear yard ultimately remains unencumbered and that appropriate drainage patterns are maintained. Staff note the first storey of the dwelling requires a 1.2m (3.93ft) setback on both side of the dwelling with the second storey requiring a 1.81m (5.90ft) setback. The plans for the dwelling propose to build the second storey directly over the first storey, thereby having the same side yard setbacks as the first storey, which is consistent with other two-storey detached dwellings found in the immediate area. As such, it is staff's opinion that the requested variances are a minor deviation from the by-law and do not pose any concerns. Staff are satisfied that the proposed side yard provide an adequate buffer, appropriate drainage can be maintained and access to the rear yard remains unencumbered.

Variance 4 relates to an increase in gross floor area. The intent in restricting gross floor area is to maintain compatibility between existing and new dwellings in order to ensure that the existing and planned character of a neighbourhood is preserved. Staff initially had concerns with the gross floor area proposed but worked with the applicant to reduce the overall gross floor area to more appropriately reflect the neighbourhood. 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 are therefore satisfied

that the gross floor area represents an appropriate balance between the existing and planned character of the area in this instance.

Given the above, Planning staff are of the opinion that the application maintains 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?

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 dwelling will be addressed through the future Building Permit process.







Comments Prepared by: Mike Russo, 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

Minor Variance: A-24-322M / 3261 Michaud Avenue

Development Engineering: Wendy Jawdek (905) 791-7800 x6019

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.
- Installation of and alterations to property line water valves and chambers and sanitary/storm sewer maintenance holes require inspection by Region of Peel inspectors to confirm if these works are completed in accordance with Region of Peel Design Criteria, Standards, and Specifications.
- Proposals to connect to an existing service lateral require approval from a Region of Peel inspector at construction stage.
- The applicant shall verify the location of the existing service connections to the subject site and the contractor shall locate all existing utilities in the field. Requests for underground locates can be made at <https://www.ontarioonecall.ca/portal/>. For location

of existing water and sanitary sewer infrastructure please contact Records by e-mail at PWServiceRequests@peelregion.ca

Comments Prepared by: Petrele Francois, Junior Planner

Appendix 5 – TRCA

The subject property at 3261 Michaud Avenue (minor variance application no. A322.24) is not within TRCA's Regulated Area.

Please note the surrounding area is impacted by the spill area however, the specific lot at 3261 Michaud Avenue is outside of this flood hazard.

As such the proposed works do not require a TRCA permit.

I'm sending this email to provide clearance for the proposed replacement dwelling with a basement walkout at 3261 Michaud Avenue.

I trust this is of assistance.

Comments Prepared by: Marina Janakovic, Planner I