

City of Mississauga Department Comments

Date Finalized: 2024-08-16	File(s): A355.24
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2024-08-22 1:00:00 PM

Consolidated Recommendation

The City recommends the application be deferred for redesign.

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 490.88sq m (approx. 5283.83sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 306.61sq m (approx. 3300.35sq ft) in this instance;
2. A garage dimension of 5.84m x 2.86m (approx. 19.16ft x 9.38ft) whereas By-law 0225-2007, as amended, requires a minimum garage dimension of 6.00m x 2.75m (approx. 19.69ft x 9.02ft) in this instance;
3. An exterior side yard setback to the porch of 2.40m (approx. 7.87ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback to the porch of 5.40m (approx. 17.72ft) in this instance;
4. An exterior side yard setback of 2.62m (approx. 8.60ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 6.00m (approx. 19.69ft) in this instance;
5. A front yard setback of 5.95m (approx. 19.52ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 6.00m (approx. 19.69ft) in this instance;
6. A lot coverage of 33.40% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% in this instance;
7. A highest ridge height for a sloped roof of 9.55m (approx. 31.33ft) whereas By-law 0225-2007, as amended, permits a maximum highest ridge height for a sloped roof of 9.00m (approx. 29.53ft) in this instance; and,
8. A height of eaves from average grade of 7.27m (approx. 23.85ft) whereas By-law 0225-2007, as amended, permits a maximum height of eaves from average grade of 6.40m (approx. 21.00ft) in this instance.

Background

Property Address: 3412 Etude Drive

Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

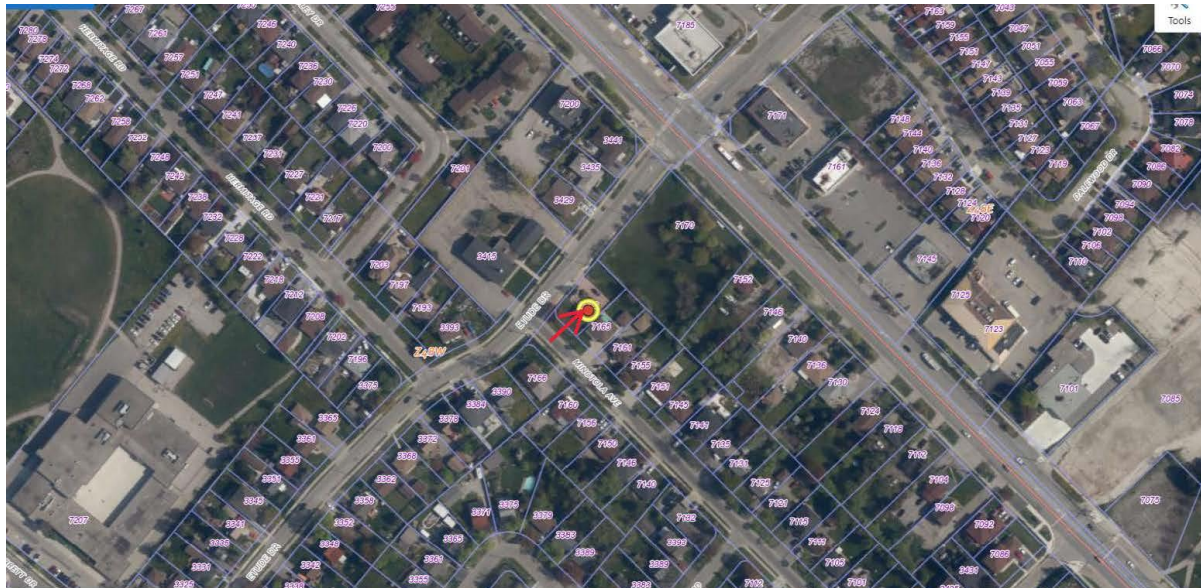
Zoning: R3-69- Residential

Other Applications: BP 9NEW 24-2449

Site and Area Context

The subject property is located on the south side of Etude Drive, west of the Goreway Drive and Etude Drive intersection in the Malton Neighbourhood Character Area. It has a lot area of +/- 776.46m² (8,357.74ft²), and currently contains a single storey detached home with limited landscaping and vegetative elements on the subject property. The surrounding area context is predominantly residential, consisting of a mix of detached and semi-detached dwellings. Additionally, a place of religious assembly, Malton Baptist Church, is located across Etude Drive to the north, and various mainstreet commercial buildings are located along Goreway Drive.

The applicant is proposing to construct a new dwelling requiring variances for gross floor area, garage dimensions, exterior side and front yard setbacks, lot coverage, dwelling 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:

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. 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.

Arising from public input expressed through the 'My Malton' Community Visioning exercise undertaken in 2015, the City completed the Malton Infill Housing Study. This study resulted in Council's adoption of zoning regulations principally aimed at regulating the massing of dwellings in a manner that is sensitive to the surrounding context. The intent of the policies are to limit the overall massing of these dwellings and maintain compatibility between the existing and planned character of the neighbourhood. The applicant proposes increases in lot coverage, gross floor area and reduced setbacks, all of which are not consistent with the neighbourhood and do not maintain the intent of the infill regulations. These variances will create a dwelling with significant massing and impacts that will negatively influence the neighbourhood's character. As such, staff are of the opinion that the design is not compatible with the existing and planned development of the neighbourhood and recommend that the application be deferred for redesign.

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.

It should be noted that the existing access to this property is currently from Etude Drive and the proposed access for the new dwelling will be from Minotola Avenue. The applicant is advised that an address change may be required to reflect a Minotola Avenue address.





Comments Prepared by: Tony Iacobucci, Development Engineering

Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application BP 9NEW 24-2449. 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: Brooke Herczeg, 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 injury or 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

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Appendix 4 – Region of Peel

Minor Variance Application: A-24-355M / 3412 Etude 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.

Comments Prepared by: Petrele Francois, Junior Planner