

City of Mississauga Department Comments

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| Date Finalized: 2024-08-22 | File(s): A315.24 |
| To: Committee of Adjustment | Ward: 5 |
| From: Committee of Adjustment Coordinator | Meeting date:2024-08-29 1:00:00 PM |

Consolidated Recommendation

The City has no objections to the application.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a new house proposing:

1. A right side yard setback to the second floor of 1.30m (approx. 4.27ft) whereas By-law 0225-2007, as amended, requires a minimum right side yard setback to the second floor of 1.81m (approx. 5.94ft) in this instance;
2. A lot coverage of 33.44% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% in this instance;
3. An eave height of 6.81m (approx. 22.34ft) whereas By-law 0225-2007, as amended, permits a maximum eave height of 6.40m (approx. 21.00ft) in this instance;
4. A highest ridge height of 9.09m (approx. 29.82ft) whereas By-law 0225-2007, as amended, permits a maximum highest ridge height of 9.00m (approx. 29.53ft) in this instance; and,
5. A gross floor area (infill residential) of 340.45sq m (approx. 3664.60sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area (infill residential) of 262.34sq m (approx. 2823.83sq ft) in this instance.

Background

Property Address: 3394 Dwiggin Ave

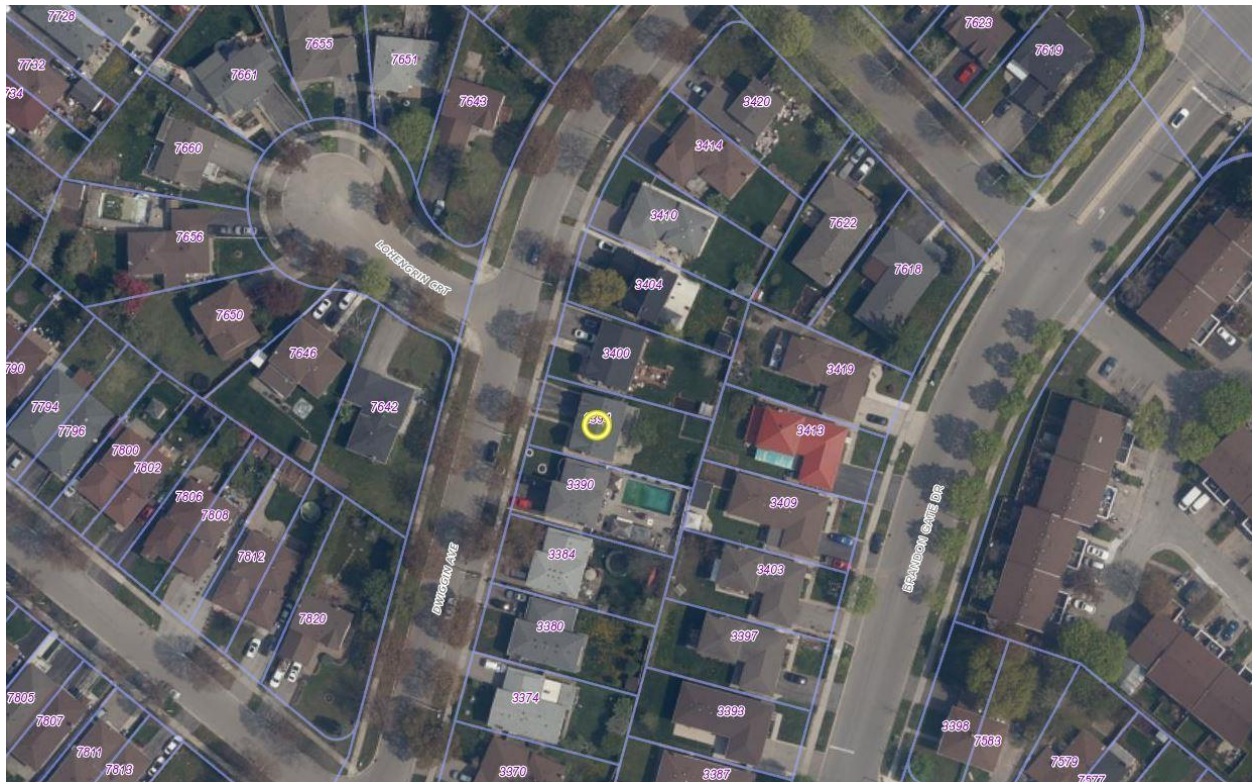
Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007**Zoning: R3-69-Residential****Other Applications: BP 24-1418****Site and Area Context**

The subject property is located north-west of the Goreway Drive and Brandon Gate intersection in the Malton Neighbourhood Character Area. It is an interior lot with a single storey detached dwelling and attached garage. Limited landscaping and vegetation elements are present on the subject property. The property has an approximate lot frontage of +/- 15.26m (50.06ft) and a lot area of +/- 561.05m² (6,039.09ft²). The surrounding area context is residential, consisting of detached and semi-detached dwellings and an institutional use (Ascension of Our Lord Secondary School).

The applicant is proposing to construct a new dwelling requiring variances for second storey side yard setback, lot coverage, dwelling and eave height 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:

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. Staff are satisfied that the proposal appropriately balances the existing and planned characters of the surrounding area context and are of the opinion that the application maintains the general intent and purpose of the official plan.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

Variance 1 requests a reduced side yard setback to the second storey. The intent of the side yard regulations in the by-law is to ensure that an adequate buffer exists between the 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 requirements of 1.2m (3.93ft), and that 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.

Variance 2 requests an increase in lot coverage. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot which would impact the streetscape as well as abutting properties. Staff are satisfied that the proposal does not represent an overdevelopment of the subject property and is in line with both original and newer dwellings in the surrounding context.

Variances 3 and 4 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. The design of the proposed dwelling utilizes a roofline and front wall that is staggered thereby limiting the impact of the visual massing. Staff note the average grade is 0.14m (0.45ft) below the finished grade of the dwelling, thereby making the proposed dwelling height appear to have a height of 8.94m (29.33ft) which is below the maximum 9m (29.52ft) height regulation of the by-law. Staff are of the opinion that the impacts of the requested dwelling and eave height are negligible and represent a minor deviation from what the by-law envisions. The proposal maintains a human scale and does not exacerbate the visual massing of the dwelling.

Variance 5 requests 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 the existing and planned character of a neighbourhood is preserved. While the proposal represents an increase to the permissions of the by-law, staff are satisfied that the proposal appropriately balances the existing built form and character of the neighbourhood with the planned character envisioned by the Malton Infill Housing Study. Staff are of the opinion that the proposed design limits its impacts to both abutting properties and the streetscape. Additionally, similar GFA figures are found with new dwellings in the immediate neighbourhood.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

The proposed dwelling maintains the existing and planned context of the surrounding area and does not pose a negative impact to the neighbourhood by maintaining the planned character of the neighbourhood. Staff are of the opinion that the application represents orderly development of the lands and is minor in nature.

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 application 24-1418. 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 variances or determine whether additional variances 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 – Parks, Forestry & Environment

The Forestry Section of the Community Services Department has reviewed 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

Appendix 4 – Region of Peel

Minor Variance Application: A-23-315M / 3394 Dwiggin Avenue

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

Comments:

- 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
- 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.
- 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.

- 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.

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Comments Prepared by: Petrele Francois, Junior Planner

Appendix 5 – CN

Thank you for consulting CN on the application mentioned in subject. It is noted that the subject site is within 300 meters of CN's Main Line. 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 300m 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 300 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.

We also recommend that the following mitigation measures be included in the design and construction of the new dwelling:

- Forced air ventilation systems with central air conditioning,
- Acoustically upgraded windows meeting the minimum requirements of the Building Code and providing a maximum 35 dBA indoor limit for bedrooms and 40 dBA for living rooms,

We request that CN rail and the proximity@cn.ca email be circulated on any and all public notices and notice of decisions with respect to this and future land use planning applications with respect to the subject site.

Thank you and do not hesitate to contact me with any questions.

Comments Prepared by: Alexandre Thibault, Urban Planner Associate