

# City of Mississauga Department Comments

Date Finalized: 2024-10-03	File(s): A572.21 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-10-10 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 dwelling proposing:

1. A gross floor area of 303.33sq m (approx. 3265.04sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 258.88sq m (approx. 2786.58sq ft) in this instance; and,
2. A driveway setback of 0.30m (approx. 0.98ft) whereas By-law 0225-2007, as amended, requires a minimum driveway setback of 0.60m (approx. 1.97ft) in this instance.

## Background

**Property Address:** 5 Scarboro Street

### Mississauga Official Plan

Character Area: Malton Neighbourhood  
Designation: Residential Low Density I

### Zoning By-law 0225-2007

**Zoning:** R3-69 - Residential

**Other Applications:** PREAPP 22-618

## Site and Area Context

The subject property is located north-west of the Derry Road East and Airport Road intersection in Old Malton Village. It currently contains a single storey detached dwelling with limited landscaping and vegetation in both the front and rear yards. The property has a frontage of +/- 14.03m (46.03ft) and a lot area of 544.4m<sup>2</sup> (5,859.9ft<sup>2</sup>). The surrounding context consists of a mix of uses including detached dwellings to the west, commercial uses along Airport Road to the east, and low rise apartments across the street.

The applicant is proposing to construct a new dwelling on the subject property requiring variances for gross floor area and driveway 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:

Staff note the application was deferred by the Committee on December 8<sup>th</sup>, 2022 due to the Toronto and Region Conservation Authority's (TRCA) concerns.

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. Planning staff are satisfied that the built form is appropriate for the subject property given surrounding conditions and will not negatively impact the streetscape. Staff are therefore of the opinion that the application maintains the general intent and purpose of the zoning by-law.

Variance 1 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 by-law. It is appropriately sized and situated on the subject property, minimizing any potential massing impacts to the streetscape and abutting properties.

Variance 2 requests a reduced setback from the driveway to the western side lot line. The intent of the driveway setback regulation is to ensure appropriate drainage can be maintained and a visual separation of properties is provided. Staff are satisfied that a visual separation of properties is adequately provided. Furthermore, Transportation and Work's staff have raised no drainage concerns.

Planning staff are satisfied that the impacts of the variances, both individually and cumulatively, meets the general intent and purpose of the official plan and zoning by-law, are minor in nature and result in orderly development of the subject property.

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 currently processing a Preliminary Zoning Review application under file PREAPP 22-618. Based on review of the information currently available in this permit 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 permit application submitted on 05/23/2022 and should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the application file noted above, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments.

Comments Prepared by: Jeanine Benitez, 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 Technician, Forestry Section, Community Services Department at 905-615-3200 ext. 4264 or via email [jamie.meston@mississauga.ca](mailto:jamie.meston@mississauga.ca).

Comments Prepared by: Jamie Meston, Landscape Technician

### Appendix 4 – Metrolinx

Metrolinx is in receipt of the Minor Variance application for 5 Scarboro Street to allow the construction of a new dwelling proposing:

1. A gross floor area of 303.33sq m (approx. 3265.04sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 258.88sq m (approx. 2786.58sq ft) in this instance; and,
2. A driveway setback of 0.30m (approx. 0.98ft) whereas By-law 0225-2007, as amended, requires a minimum driveway setback of 0.60m (approx. 1.97ft) in this instance.

As circulated on September 12th, 2024, and to be heard at Public Hearing on October 10th, 2024, at 1:00PM. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of the Metrolinx Weston Subdivision which carries Metrolinx's Kitchener GO Train service.

**GO/HEAVY-RAIL – CONDITIONS OF APPROVAL**

- As per section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, the Owner shall grant Metrolinx an environmental easement for operational emissions. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property. A copy of the form of easement is included for the Owner's information. The applicant may contact [jenna.auger@metrolinx.com](mailto:jenna.auger@metrolinx.com) and [farah.faroque@metrolinx.com](mailto:farah.faroque@metrolinx.com) with questions and to initiate the registration process. (It should be noted that the registration process can take up to 6 weeks).
- The Proponent shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each unit:
  - **Warning:** The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

Should you have any questions or concerns, please contact [jenna.auger@metrolinx.com](mailto:jenna.auger@metrolinx.com).

Comments Prepared by: Jenna Auger, Third Party Project Review

**Appendix 5 – Region of Peel**

Please apply nay previous comments.

Comments Prepared by: Petrele Francois, Junior Planner