

# City of Mississauga Department Comments

Date Finalized: 2024-11-06	File(s): A482.24 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-11-14 1:00:00 PM

## Consolidated Recommendation

The City recommends the application be deferred to identify the correct variances.

## 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 37.68% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% in this instance;
2. An eaves height of 6.86m (approx. 22.51ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance;
3. A gross floor area (residential infill) of 260.24sq m (approx. 2801.22sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area (residential infill) of 224.34sq m (approx. 2414.80sq ft) in this instance;
4. A side yard setback of 0.91m (approx. 2.99ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance;
5. 2 parking spaces whereas By-law 0225-2007, as amended, requires 3 parking spaces in this instance.

## Background

**Property Address:** 3104 Churchill Ave

### Mississauga Official Plan

Character Area: Malton Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

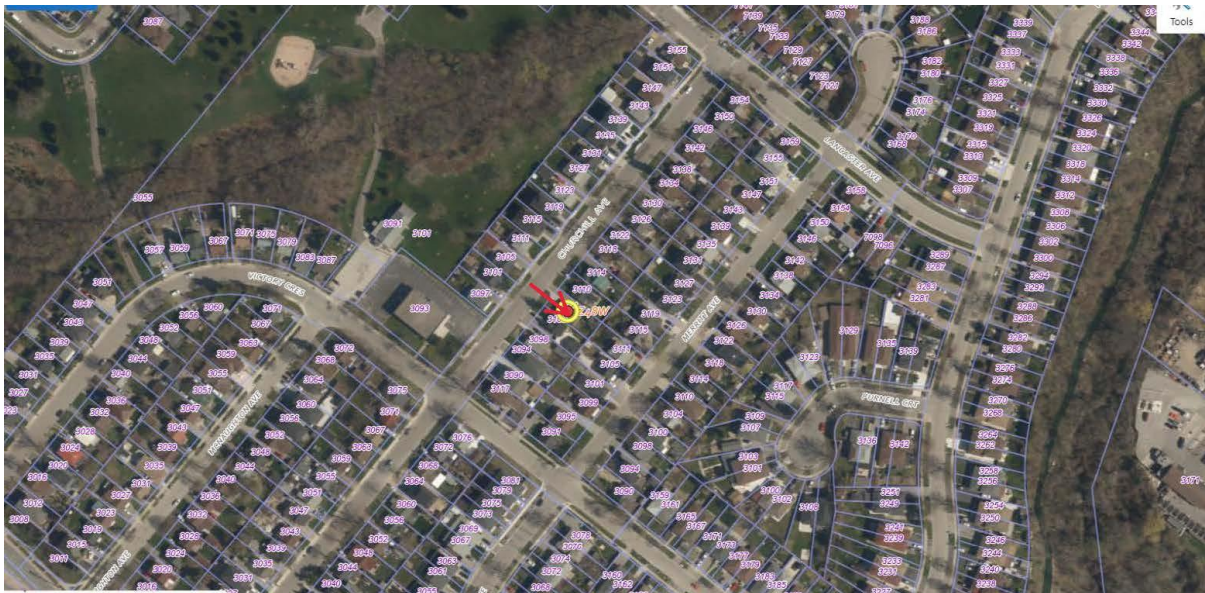
**Zoning:** R4-1 - Residential

**Other Applications:** None

### Site and Area Context

The subject property is located north-east of the Airport Road and Derry Road East intersection in the Malton Neighbourhood. The site has a lot frontage of approximately +/- 12.19m (40ft) and a lot area of approximately +/- 371.70m<sup>2</sup> (3,997.71ft<sup>2</sup>). This portion of Churchill Avenue contains only detached dwellings, however semi-detached dwellings are present in the broader neighbourhood. The dwellings are one and two storey detached dwellings that were built during the original development of the community. While the majority of dwellings date back to the original era of development, several new builds are present in neighbourhood. Limited vegetation and landscaping materials are present on the subject property.

The applicant is proposing to construct a new dwelling on the property requiring variances for lot coverage, eaves height, gross floor area, side yard setback and a parking deficiency.



## 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. 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 gross floor area 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.

Staff also note Municipal Parking have reviewed the parking variance request and note as follows:

With respect to Committee of Adjustment application 'A' 482/24, 3104 Churchill Avenue, the applicant is requesting to allow the construction of a new house proposing:

- 2 parking spaces whereas By-law 0225-2007, as amended, requires 3 parking spaces in this instance.

The Zoning Department advised that a Building Permit is required. In the absence of a Building Permit, Zoning is 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.

Through interpreting the City's Zoning By-law 0225-2007, Municipal Parking staff believe that a parking reduction variance may not be required in this proposal's case scenario, as 1 driveway space is permitted and 1 attached/detached garage is also permitted.

Although, please be advised, that Zoning shall validate the accuracy of the variances. As such, 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.

Furthermore, while Planning staff are not in a position to interpret the zoning by-law, staff note the applicant calculated the required gross floor area based on the R3-69 site specific zone permissions, rather than the subject property's R4-1 zoning. Staff are not supportive of the proposed gross floor area and due to this error, staff are recommending deferral to accurately identify the required gross floor 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 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: Crystal Abainza, 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 – Region of Peel Comments

#### Minor Variance Application: A-24-482M / 3104 Churchill Road

Development Engineering: Brian Melnyk ([brian.melnyk@peelregion.ca](mailto:brian.melnyk@peelregion.ca))(905) 791-7800 x3602

#### Comments:

- 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 by email at [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca).
- 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](mailto:siteplanservicing@peelregion.ca).

Comments Prepared by: Petrele Francois, Junior Planner