

# City of Mississauga

Memorandum:

## City Department and Agency Comments

Date Finalized: 2024-11-06	File(s): A496.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:11/14/2024 1:00:00 PM

### Consolidated Recommendation

The City has no objections to the application, subject to the amendment.

### Application Details

The applicant requests the Committee to approve a minor variance to allow an new house and accessory structure proposing:

1. A gross floor area (residential infill) of 371.30sq m (approx. 3996.67sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area (residential infill) of 311.33sq m (approx. 3351.16sq ft) in this instance;
2. An eaves height of 6.70m (approx. 22.02ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance;

### Amendments

The Building Division is processing Building Permit application 24-2772. Based on review of the information available in this application, we advise that following additional variance amendment is required:

3. A proposed lot coverage of 33.91% (approx. 273.58m<sup>2</sup>) whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30% (approx. 224.0m<sup>2</sup>) in this instance.

### Background

**Property Address: 97 Hull St**

**Mississauga Official Plan**

Character Area: Malton Neighbourhood  
Designation: Residential Low Density I

### Zoning By-law 0225-2007

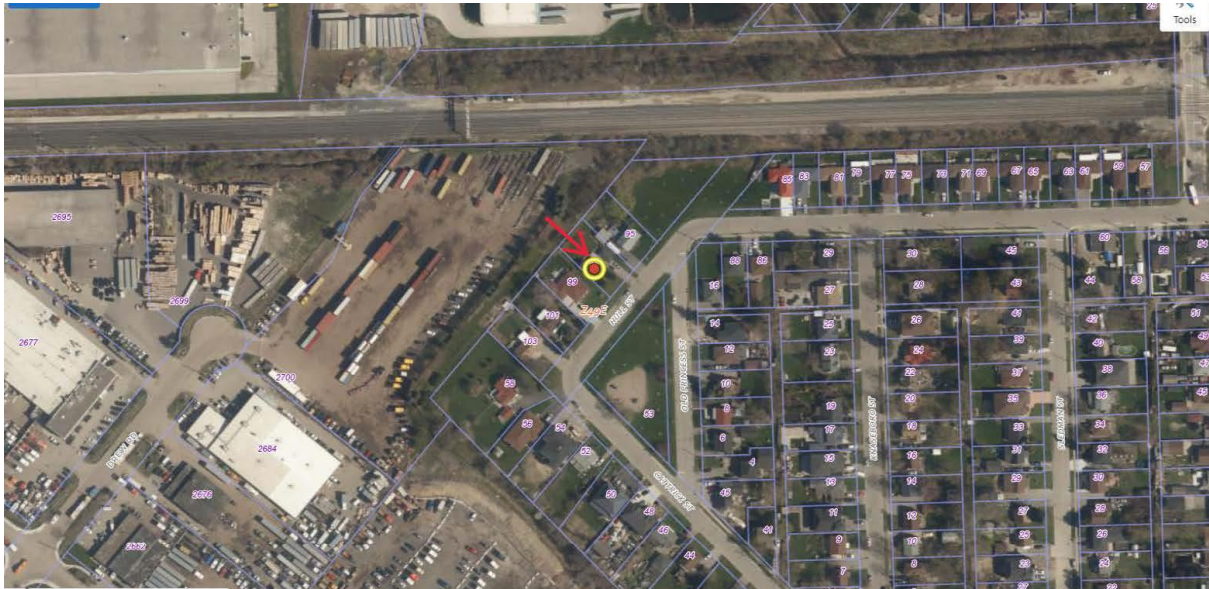
**Zoning: R3-69 - Residential**

**Other Applications: Building Permit 24-2772**

### 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 is an interior lot that contains a one-storey detached dwelling with a detached garage in the rear yard. Limited landscaping and vegetative elements are present throughout the subject property. The surrounding context consists of detached dwellings and industrial uses. Additionally, there are vacant lands abutting the rear of the property containing the outdoor storage of trailers.

The applicant is proposing to construct a new dwelling requiring variances for gross floor area, eaves height and lot coverage.



## 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 with the surrounding context and is appropriate given site conditions. 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?**

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 and ensuring that the existing and planned character of a neighbourhood is preserved. While the proposal represents an increase to the permissions of the by-law and is generally larger than staff support in Malton, the subject property is slightly larger than the average for the area and is able to accommodate a larger house. Furthermore, staff note the lack of dwellings to the rear of the property limit any impact from the proposed dwelling. The design of the proposed dwelling also includes a staggered front façade which minimizes the impact of the visual massing, while maintaining appropriate front and rear setbacks. 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.

Variance 2 relates to the height of eaves. The intent in restricting height to the eaves is to lessen the visual massing of the dwelling by bringing the edge of the roof closer to the ground. This keeps the height of the dwelling within human scale. The proposal requests a minor increase in eave height that does not have a significant impact on the massing of the dwelling. Furthermore, staff also note that the application does not include an overall height variance, which keeps the overall massing within scale.

Variance 3 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.

Given the above, staff are satisfied that the proposal 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 new dwelling will be addressed through the Building Permit Process.

Comments Prepared by: Tony Iacobucci, Development Engineering







## Appendix 2 – Zoning Comments

The Building Division is processing Building Permit application 24-2772. Based on review of the information available in this application, we advise that following additional variance amendment is required:

3. A proposed lot coverage of 33.91% (approx. 273.58m<sup>2</sup>) whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30% (approx. 224.0m<sup>2</sup>) in this instance.

Our comments may no longer be valid should there be changes in the Committee of Adjustment application that have yet to be submitted and reviewed through the Building Division application. To receive updated comments, the applicant must submit any changes to information or drawings separately through the above application.

Comments Prepared by: Andrea Patsalides, Zoning Examiner

## Appendix 3 – Parks, Forestry & Environment

### Forestry Comments

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-24-496M / 97 Hull Street**

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

## Appendix 5 – Metrolinx

Metrolinx is in receipt of the Minor Variance application for 97 Hull St to construct a new dwelling and accessory structure as circulated on October 18th, 2024, and to be heard at Public Hearing on November 14th, 2024, at 1:00 PM. 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 Metrolinx's Adjacent Development Guidelines, derailment protection in the form of a safety barrier (e.g. Crash wall, earthen berm, etc.) is required for residential/commercial/institutional/industrial uses immediately adjacent to the rail corridor. For infill development, safety barriers are often infeasible. In these instances, the Proponent will be required to enter into an Infill Adjacent Development Agreement with Metrolinx. The Proponent may contact Farah.Faroque@metrolinx.com with any questions and for a copy of the Infill Adjacent Development Agreement.

- 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 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 dwelling unit within 300 metres of the Railway Corridor:

**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 [Farah.Faroque@metrolinx.com](mailto:Farah.Faroque@metrolinx.com).

Comments Prepared by: Farah Faroque, Project Analyst, Third Party Project Review