

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2024-11-06	File(s): A515.24
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. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

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 34.85% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% in this instance;
2. An eave height of 6.86m (approx. 22.51ft) whereas By-law 0225-2007, as amended, permits a maximum eave height of 6.40m (approx. 21.00ft) in this instance; and,
3. A gross floor area (infill residential) of 333.43sq m (approx. 3589.04sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area (infill residential) of 261.95sq m (approx. 2819.63sq ft) in this instance.

Background

Property Address: 7720 Netherwood Rd

Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Residential Low Density II

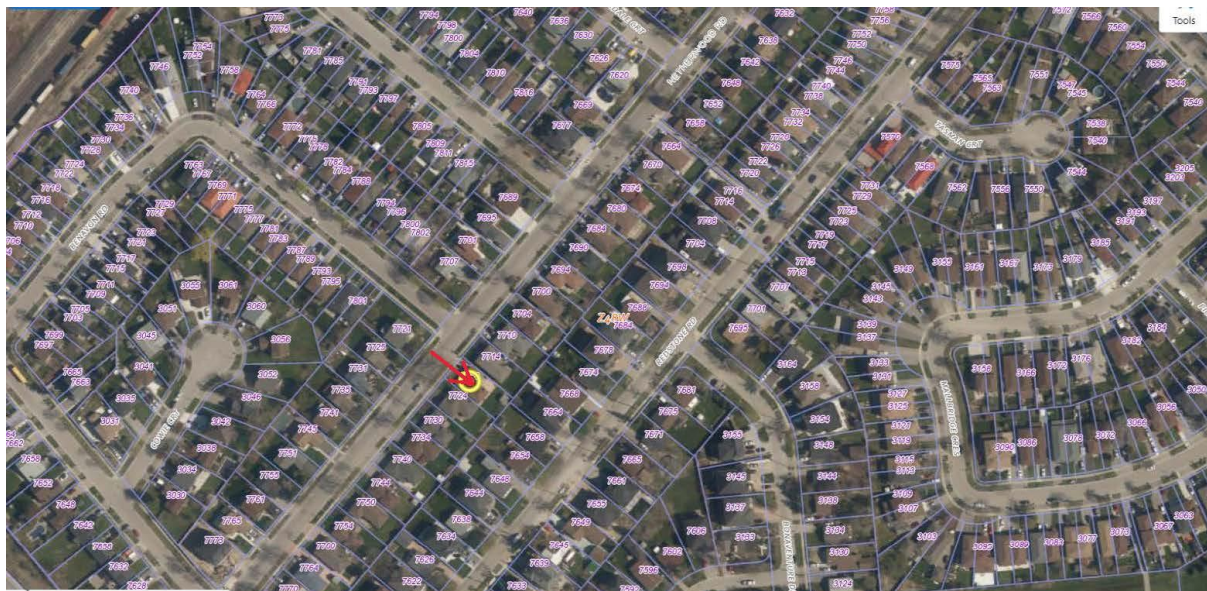
Zoning By-law 0225-2007

Zoning: R3-69 - Residential

Site and Area Context

The subject property is located north-east of the Airport Road and Thamesgate Drive intersection in the Malton Neighbourhood Character Area. It is an interior parcel with a lot area of +/- 559.74m² (5,996.6ft²) and a frontage of +/- 15.31m (50.22ft). Limited vegetative elements exist in both the front and rear yard. The surrounding area context consists of both detached and semi-detached dwellings, as well as industrial uses to the west of Airport Road.

The applicant is proposing a new dwelling requiring variances for lot coverage, eaves 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. The proposed dwelling conforms to the designation and staff are of the opinion that the proposed built form appropriately balances the planned character of the area and the existing built form of the surrounding context. Staff are satisfied 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 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.

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 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 revised proposal appropriately balances the existing built form and character of the neighbourhood with the planned character envisioned by the Malton Infill Housing Study.

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

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

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 Permit Application, written consent must be obtained by both parties.

An 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/>.

Additionally, Forestry notes that if there are any construction works affiliated with the concrete driveway on Netherwood Rd., these works may impact a City owned tree, possibly resulting in tree injury. Care should be taken to protect the below noted tree as best as possible:

- Norway Maple: 55cm DBH, good condition, minimum Tree Protection Zone (TPZ) 3.6m, located southwest of the driveway, City owned tree.

If necessary, Tree Protection Hoarding for City trees shall be installed as per By-law 0020-2022. Any public tree injuries and/or removals need to apply for Tree Application Permits as noted in Item 1. As per this By-law, no person shall perform any work within a TPZ without a valid permit.

For privately owned trees to be protected, and where necessary, Tree Protection Hoarding shall be installed as per By-law 0021-2022. Any private tree injuries and/or removals (for trees 15cm DBH or greater) need to apply for Tree Application Permits as noted in Item 2.

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.

Comments Prepared by: Jamie Meston, Landscape Technician

Appendix 4 – Region of Peel Comments

Minor Variance Application: A-24-515M / 7720 Netherwood Road

Development Engineering: Brian Melnyk (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.
- 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.

Comments Prepared by: Petrele Francois, Junior Planner

Appendix 5 – TRCA Comments

This letter will acknowledge receipt of the City's circulation of the above noted Minor Variance Application received by Toronto and Region Conservation Authority (TRCA) on October 18, 2024. A list of materials reviewed by TRCA is included in Appendix "A".

TRCA staff have reviewed the application in accordance with the Conservation Authorities Act (CA Act) and its associated regulations, which require TRCA to provide programs and services related to the risk of natural hazards within its jurisdiction. Whether acting on behalf of the Ministry of Natural Resources (MNR) or as a public body under the Planning Act, Conservation Authorities (CAs) must help ensure that decisions under the Planning Act are consistent with the natural hazards policies of the Provincial Policy Statement (PPS) and conform to any natural hazard policies in a Provincial Plan.

In addition, TRCA staff have also reviewed these applications in accordance with TRCA's permitting responsibilities under Section 28.1 of the CA Act. Where development activities are proposed within a TRCA Regulated Area (i.e., river or valley, wetlands, hazardous lands, etc.), a permit is required from TRCA. TRCA must ensure that where a proposal is within an area regulated by TRCA, that the proposal conforms with the appropriate policies of Section 8 of TRCA's Living City Policies (LCP), which evaluate a proposal's ability to meet the tests of the CA Act and regulation.

Purpose of the Application

TRCA staff understand that the purpose of Minor Variance Application A515/24 is to request the following variances under By-law 0225-2007:

- Permit a maximum lot coverage of 34.85%, where a maximum lot coverage of 30.00% is required;
- Permit a maximum eaves height of 8.86 metres, where a maximum height of 8.40 metres is required; and,
- Permit a gross floor area (infill residential) of 333.43 square metres, where a maximum gross floor area (infill residential) of 261.95 square metres is required.

It is our understanding that the requested variances are required to facilitate the replacement of a one storey single family dwelling with a gross floor area (GFA) of **150.0 square metres**, with a two-storey single family dwelling with a GFA of **329.03 square metres**.

Background

The subject property is located within TRCA's Regulated Area of the Mimico Creek Watershed. Specifically, the subject land is located within the Regulatory Flood Plain associated with a tributary of the Mimico Creek. As such, a TRCA permit pursuant to Ontario Regulation 41/24 and pursuant to Section 28 of the Conservation Authorities Act will be required for any development or site alteration within the Regulated Area on the property.

O. Reg. 41/24 and CA Act

The proposed development is fully within TRCA's Regulated Area owing to the presence of the Regulatory Floodplain across the entirety of the lot. As such, a permit under Ontario Regulation 41/24 will be required prior to any works beginning on the property.

Application Specific Comments

Based on our review, it appears that both the existing house and the proposed replacement dwelling are located within the Regulatory Flood Plain. It is our understanding that the subject property contains an existing single-family dwelling with a GFA of **150.0 square metres**, while the applicant is proposing a two-storey single family dwelling with a GFA of **329.03 square metres**.

In accordance with Section 8.5.1 Valley and Stream Corridors of the TRCA's Living City Policy, TRCA does not support an increase in the size and footprint of a replacement or reconstruction of an existing building or structure within the flood hazards where the addition is more than 50% of the original habitable ground floor area. Additionally, TRCA requires that the addition does not include a basement, if one did not previously, and that replacements of an existing basement be no larger than the original. At this time, it has not been demonstrated that the addition is less than 50% of the original habitable ground floor area and that an existing basement is present through the submitted documents. Additionally, please note that TRCA requires that the proposed replacement dwelling be properly flood proofed according to TRCA policies and standards, including any potential basement windows.

Therefore, it is premature to comment on the appropriateness of the proposed ground floor area and basement as part of this development. Please note that increasing the number of dwelling units in a building within the flood hazard is not permitted.

Given the above, TRCA has concerns with the size of the replacement dwelling and floodproofing of the proposed works in this minor variance application, as submitted. TRCA

requests that the applicant contacts the undersigned in order to initiate discussions regarding TRCA's concerns and revise the proposal accordingly.

Please advise the applicant to submit a TRCA permit application for the proposed replacement dwelling (Application for Development, Interference with Wetlands & Alterations to Shorelines and Watercourses – Ontario Regulation 41/24) and the associated review fee of **\$995** (Works on Private Residential Property – Standard).

Fees

By copy of this letter, the applicant is advised that the TRCA has implemented a fee schedule for our planning application review services. This application is subject to a \$660.00 (Minor Variance – Residential - Minor) review fee. The applicant is responsible for fee payment and should forward the application fee to this office as soon as possible.

Recommendation

On the basis of the comments noted above, TRCA staff recommend **deferral** of Minor Variance Application A515/24 in order to provide an opportunity for the applicant to revise the proposed replacement dwelling and address TRCA's staff concerns. Should the Committee not grant deferral of the application at the November 14, 2024 hearing, TRCA staff recommend denial of the application at this time. The following condition is a requirement for proceeding with Minor Variance Application A515/24 and receiving this letter:

1. That the applicant provides the required \$660.00 planning review fee payable to the Toronto and Region Conservation Authority.

We trust these comments are of assistance. Should you have any questions, please contact me at 437- 880-1925 or at cameron.mcdonald@trca.ca.

Comments Prepared by: Cameron McDonald, Planner I