

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2024-12-04	File(s): A47.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:12/12/2024 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure 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 house proposing:

1. A lot coverage of 32.16% (186.74sq m) whereas the By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% (174.19sq m) in this instance;
2. A gross floor area of 370.39sq m (approx. 3986.85sq ft) whereas the By-law 0225-2007, as amended, permits a maximum gross floor area of 266.13sq m (approx. 2864.60sq ft) in this instance;
3. A building height of 9.45m (approx. 31.00ft) whereas the By-law 0225-2007, as amended, permits a maximum building height of 9.00m (approx. 29.53ft) in this instance;
4. An eaves height of 7.16m (approx. 23.49ft) whereas the By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance; and,
5. A rectangular garage area of 5.84m x 5.38m (approx. 19.16ft x 17.65ft) whereas the By-law 0225-2007, as amended, requires a minimum rectangular garage area of 6.00m x 5.79m (approx. 19.69ft x 19.00ft) in this instance.

Background

Property Address: 7586 Chinook Drive

Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

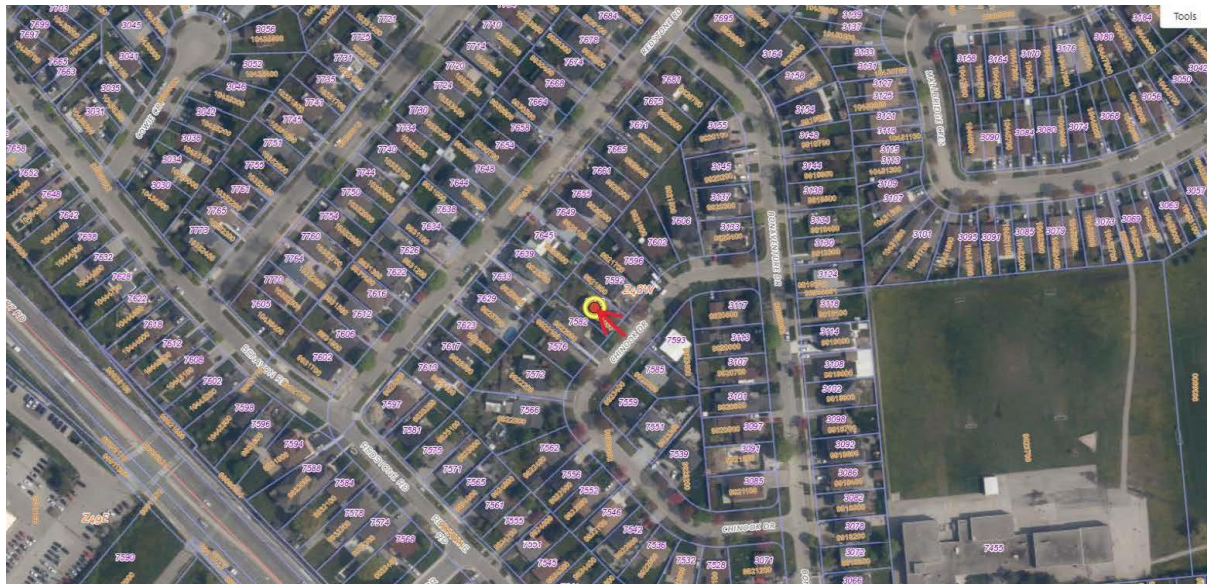
Zoning: R3-69- Residential

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 Character Area. It is an interior lot containing a one-storey detached dwelling with limited landscaping and vegetative elements on the subject property. The surrounding area context is exclusively residential, including post-war, single storey detached dwellings mixed within new two-storey detached dwellings.

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



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 designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan, which permits detached, semi-detached, and duplex dwellings. 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. The proposed detached dwelling respects the designated land use and maintains the general intent and purpose of the MOP.

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 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. Staff note both of the abutting properties are new dwellings. 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.

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. Staff note the average grade is 0.10m (0.32ft) below the finished grade of the dwelling, thereby making the proposed dwelling appear shorter than requested. 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 request a reduction to the minimum rectangular garage area. The intent of this provision is to ensure the garage can accommodate the parking of atypical vehicles entirely within the garage. Despite the proposed reduced area, the garage will maintain the ability to provide parking for vehicles of average length.

Based on the preceding information, staff are satisfied 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?

Staff are of the opinion that the variances, both individually and cumulatively, are minor in nature and represent appropriate 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

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 the construction works affiliated with the current layout of the proposed asphalt driveway on Chinook Dr., as well as the new 38mm Copper Type 'K' Water Service will result in the removal of a City owned tree.

Modifications to the layout of the proposed asphalt driveway and/or the location of the new water servicing could potentially result in a less impactful outcome to this tree, such as injury instead of removal. Additional information about this tree is noted below:

- Silver Maple: 111cm DBH, good-fair condition, minimum Tree Protection Zone (TPZ) 6.6m, located southwest of the proposed 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-24-047M / 7586 Chinook Drive

Development Engineering: Wendy Jawdek (wendy.jawdek@peelregion.ca)(905) 791-7800 x6019

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.
- 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
- 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.

Note: Petrele Francois (petrele.francois@peelregion.ca)(905) 791-7800 x3356

- Please be advised that part of the subject lands is located within a floodplain area of the Toronto and Region Conservation Authority (TRCA). We request that City staff consider comments from the TRCA and incorporate their conditions of approval appropriately.

Comments Prepared by: Petrele Francois, Junior Planner

Appendix 5- Conservation Authority 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 November 13, 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 Planning 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 is to allow the construction of a new house proposing:

1. A lot coverage of 32.16% (186.74sq m) whereas the By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% (174.19sq m) in this instance;
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TRCA staff understand that the requested variances are required to facilitate the replacement of a one- storey dwelling with a two-storey single-family dwelling with crawl space.

Background

On October 28, 2024, TRCA staff issued a permit to facilitate the development of a 180 sq. m. (1937 sq. ft.) replacement dwelling. It was demonstrated that the replacement home meets TRCA's policies for replacements under Section 8.5.1.4 and is dry passive flood proofed above the Regulatory flood level plus applicable freeboard. Here, the applicant provided a structural engineering letter confirming the replacement dwelling can withstand the depth and velocities associated with the Regulatory Flood Plain and have confirmed the ground floor and crawlspace are dry passive floodproofed. As such, no impacts to the storage or conveyance of flood waters are anticipated.

CA Act and O. Reg. 41/24

The majority of the lot is within the flood hazard of the Mimico Creek watershed and is subject to O. Reg. 41/24 and the CA Act. As such, TRCA Permits will be required prior to any future works commencing within the TRCA Regulated Area.

Recommendation

As currently submitted, TRCA staff are of the opinion that the Minor Variance Application assigned City File No. **A47.24** is consistent with Provincial policy. Specifically, Section 5 (Natural Hazards) of the PPS. Additionally, it is staff's position that these applications are in conformity with TRCA's LCP policies. As such, TRCA has **no objection** to the approval of the application.

Fee

TRCA staff thank the applicant for their prompt payment of the required planning review fee of \$660.00 received on November 15, 2024.

We thank you for the opportunity to comment. We trust these comments are of assistance. Should you have any additional questions or comments, please contact the undersigned.

Comments Prepared by: Marina Janakovic, Planner I