

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2025-01-09	File(s): A355.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:1/16/2025 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 gross floor area of 365.72sq m (approx. 3936.61sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 306.61sq m (approx. 3300.35sq ft) in this instance;
2. A garage area per one car of 16.80sq m (approx. 180.84sq ft) whereas By-law 0225-2007, as amended, permits a maximum garage area per one car of 16.50sq m (approx. 177.61sq ft) in this instance;
3. An exterior side yard setback to the porch of 6.01m (approx. 19.72ft) whereas By-law 0225-2007, as amended, permits a maximum exterior side yard setback of 5.40m (approx. 17.72ft) in this instance;
4. An exterior side yard setback to the dwelling of 7.36m (approx. 24.15ft) whereas By-law 0225-2007, as amended, permits a maximum exterior side yard setback to the dwelling of 5.50m (approx. 18.05ft) in this instance;
5. A front yard setback of 7.05m (approx. 23.13ft) whereas By-law 0225-2007, as amended, permits a maximum front yard setback of 6.00m (approx. 19.69ft) in this instance;
6. A lot coverage of 42.00% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 32.00% in this instance;
7. A dwelling height of 9.55m (approx. 31.33ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling height of 9.00m (approx. 29.53ft) in this instance; and,
8. An eave height of 7.27m (approx. 23.85ft) whereas By-law 0225-2007, as amended, permits a maximum eave height of 6.40m (approx. 21.00ft) in this instance.

Background

Property Address: 3412 Etude Drive

Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

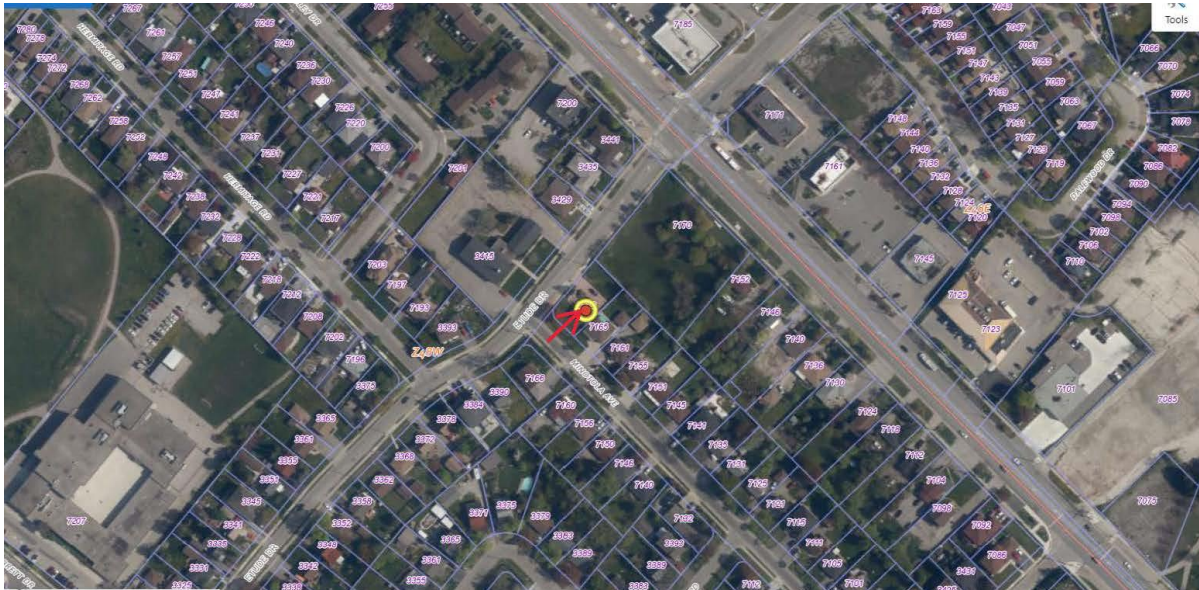
Zoning: R3-69- Residential

Other Applications: BP 9NEW 24-2449

Site and Area Context

The subject property is located on the south side of Etude Drive, west of the Goreway Drive and Etude Drive intersection in the Malton Neighbourhood Character Area. It has a lot area of +/- 776.46m² (8,357.74ft²), and currently contains a single storey detached home with limited landscaping and vegetative elements on the subject property. The surrounding area context is predominantly residential, consisting of a mix of detached and semi-detached dwellings. Additionally, a place of religious assembly, Malton Baptist Church, is located across Etude Drive to the north, and various mainstreet commercial buildings are located along Goreway Drive.

The applicant is proposing to construct a new dwelling requiring variances for gross floor area, garage dimensions, exterior side and front yard setbacks, lot coverage, dwelling and eave height.



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:

Planning staff note the Committee of Adjustment deferred the application on August 22nd, 2024 due to the proposal requiring a redesign to reduce the proposed gross floor area. The applicant worked with staff to reduce the gross floor area to an acceptable figure.

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).

While Planning staff note no concerns with the proposal's built form, staff are recommending deferral in order for the applicant to identify the correct variances. Zoning staff have also indicated that the drawings submitted through the building permit process differ from what has been submitted through the Committee of Adjustment application, thus noting additional information is required to verify the accuracy of the requested variances or determine whether additional variances will be required.

While Planning staff are not in a position to interpret the zoning by-law, staff note variances 2-6 are incorrect.

Variance 2, as proposed, notes a dimension for garage area per one car. Staff note the zoning by-law does not calculate garage area per one car, but rather through regulations such as total floor area, minimum rectangular area measured from the inside face of walls and minimum unobstructed area for parking.

Variances 3-5, as proposed, note maximum front and exterior side yard setbacks. In this instance, staff note the zoning by-law only regulates minimum front and exterior side yard setbacks for the subject property's zoning. Additionally, variance 4 notes a proposed exterior side yard setback of 7.36m (24.14ft) to the dwelling. Staff note the exterior side yard setback near the front façade of the dwelling measures 5.15m (16.89ft) as depicted on the revised drawings. Staff suggest the applicant contact Zoning staff to determine the correct variances.

Variance 6, as proposed, notes a proposed lot coverage of 42% whereas 32% is the requirement. Staff note the site specific R3-69 zone in Zoning By-law 0225-2007 permits a maximum lot coverage of 30%, and not 32%. Furthermore, staff note the proposed lot coverage of 42% is attributed to the proposed detached additional residential unit (ARU) on the subject property. Section 4.1.1.9 of Zoning By-law 0225-2007 states the overall maximum lot coverage of a lot shall be permitted to increase by up to an additional 10%, of which 10% is solely calculated towards a detached ARU. In reviewing the drawings submitted, staff note the lot coverage for the primary dwelling (26.69%) and associated elements such as the porch and deck (3.01%), as well as the detached ARU (5.8%), totals 35.5%. Since the lot coverage of the proposed detached ARU only totals 5.8%, a variance conducive to Section 4.1.1.9 may not be required. Staff suggest the applicant contact Zoning staff to determine the correct variances.

Staff note an additional variance for the gross floor area of the proposed detached ARU is also required. Table 4.1.1.14 – Detached Additional Residential Unit in Zoning By-law 0225-2007 specifies built form requirements for detached ARUs. Line 4.2 in Table 4.1.1.14 notes for lot areas greater than 550m², the maximum floor area for a detached ARU is permitted to be 10% of the lot area, up to a maximum of 100m². In this instance, the subject property's total lot area is 783.05m², which would permit a total gross floor area of 78.305m² for the detached ARU. As per the site plan submitted, the total gross floor area for the proposed detached ARU totals 90.54m².

Based on the preceding information, Planning staff are of the opinion that the application should be deferred to allow the applicant an opportunity to contact Zoning staff to determine the correct variances and identify whether additional variances are required.

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 processing Building Permit application BP 9NEW 24-2449. Based on review of the information available in this application, it appears that changes have been made to the proposed two storey detached dwelling and the drawings no longer reflect those submitted as part of the building permit application. As such, we advise that more information is required in order to verify the accuracy of the requested variances or determine whether additional variances will be required.

Please note that comments reflect those provided through the above application. These comments may no longer be valid should there be changes contained within this Committee of Adjustment application that have not been submitted and reviewed through the application noted above. The applicant must submit any changes and/or updates to information and/or drawings separately through the above application in order to receive updated comments.

Comments Prepared by: Andrea Dear MCIP, RPP, Supervisor, Zoning

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.

Comments Prepared by: Jamie Meston, Landscape Technician

Appendix 4 – Region of Peel Comments

Please note that our previous comments still apply.

Comments Prepared by: Petrele Francois, Junior Planner