

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2025-02-06	File(s): A482.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2/13/2025 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 33.55% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% in this instance;
2. An eaves height of 6.71m (approx. 22.02ft) 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 229.53sq. m (approx. 2470.66sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area (residential infill) of 174.34sq. m (approx. 1876.60sq ft) in this instance; and,
4. 2 parking spaces for a 2-unit dwelling whereas By-law 0225-2007, as amended, requires a minimum of 3 parking spaces for a 2-unit dwelling 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

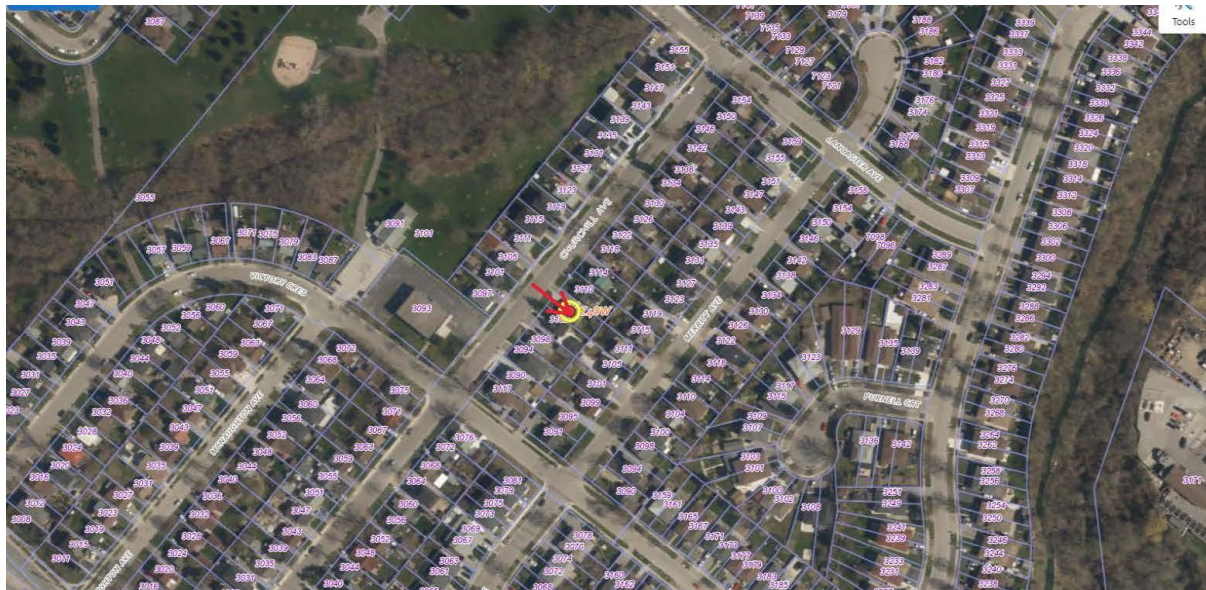
Zoning: R4-1 - Residential

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 Character Area. It is an interior lot containing a one-storey detached dwelling and a one-storey detached garage in the rear yard. Limited landscaping and vegetative elements are present throughout the site. The surrounding area is exclusively residential, consisting of detached and semi-detached dwellings on varied sized lots.

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

Planning staff note the applicant requested deferral of the application on November 14th, 2024, to ensure the correct variances were identified. In the previous report, staff noted the applicant calculated the required gross floor area based on the R3-69 site-specific zone regulations, rather than the subject property's R4-1 zoning.

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. Staff note the presence of larger infill dwellings along this particular portion of Churchill Avenue. Staff are therefore satisfied that the proposal is in line with the existing dwellings in the neighbourhood and the planned character of the surrounding community. Staff are of the opinion that the proposal maintains the general intent and purpose of the official plan.

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 note the proposed dwelling represents a lot coverage of approximately 32.58%, while the remaining 0.97% of the proposed lot coverage pertains to the front porch. 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 pertains to an increase for eave height. The intent of 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 overall height and eaves of the dwelling within human scale. Staff are of the opinion that the impacts of the requested 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 3 requests an increase in gross floor area. The intent in restricting gross floor area is to maintain compatibility between existing and new dwellings while ensuring the existing and planned character of a neighbourhood is preserved. Staff are satisfied that the proposal appropriately balances the existing built form and character of the neighbourhood with the planned character envisioned by the Malton Infill Housing Study.

Variance 4 pertains to a reduction in parking for the residential subject property. Municipal Parking staff reviewed the variance and have provided the following comments:

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 for a 2-unit dwelling whereas By-law 0225-2007, as amended, requires a minimum of 3 parking spaces in this instance.

This site is subject to the provisions of Bill 185, Cutting Red Tape to Build More Homes Act, 2024. As a result, a review of zoning by-law minimum parking requirements is not required in this instance.

Planning staff further note the subject property is located within the Malton GO Major Transit Station Area, and are in agreement with Municipal Parking staff's position on the parking variance not being required.

Based on the preceding information, staff are satisfied the proposal maintains the general intent and purpose of the zoning by-law.

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:

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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

- 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