

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2025-03-27	File(s): A69.25
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:4/3/2025 1:00:00 PM

Consolidated Recommendation

The City recommends no objection to the application, subject to the amendment. 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 dwelling proposing:

1. A height to the underside of eaves of 7.65m (approx. 25.10ft) whereas By-law 0225-2007, as amended, permits a maximum height to the underside of eaves of 6.40m (approx. 21.00ft) in this instance;
2. A height to the highest ridge of 9.61m (approx. 31.53ft) whereas By-law 0225-2007, as amended, permits a maximum height to the highest ridge of 9.50m (approx. 31.17ft) in this instance;
3. A gross floor area – infill residential of 336.00sq m (approx. 3,616.67sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area – infill residential of 266.00sq m (approx. 2,863.20sq ft) in this instance; and
4. A walkway width of 1.86m (approx. 6.10ft) whereas By-law 0225-2007, as amended, permits a maximum walkway width of 1.50m (approx. 4.92ft) in this instance.

Amendments

While Planning staff are not in a position to interpret the zoning by-law, staff advise that the following variance should be amended as follows:

2. A height to the highest ridge of 9.61m (approx. 31.53ft) whereas By-law 0225-2007, as amended, permits a maximum height to the highest ridge of 9.00m (approx. 29.52ft) in this instance

Background

Property Address: 3138 Bonaventure Dr

Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

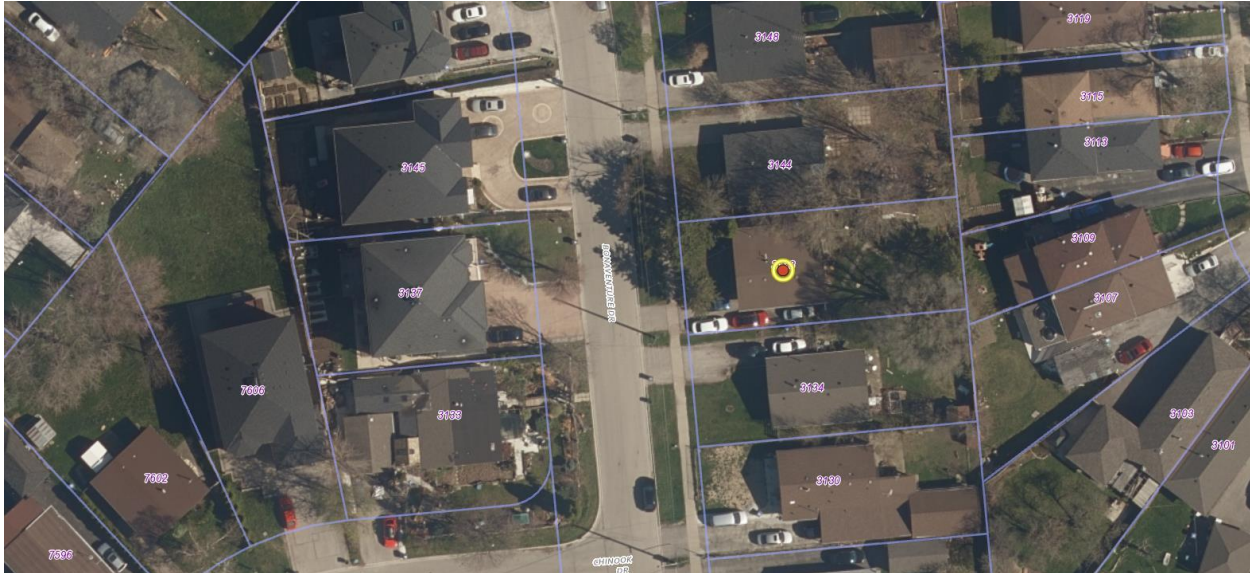
Zoning: R3-69-Residential

Other Applications: None

Site and Area Context

The subject property is located north-east of the Airport Road and Thamesgate Drive intersection in the Malton Neighbourhood Character Area. It has a lot area of approximately +/- 581m² (6,254ft²), a lot frontage of +/- 15.24m (50ft), and currently contains a single storey detached dwelling with limited vegetation in both the front and rear yards. The surrounding neighbourhood consists of a mix of detached dwellings on similarly sized lots and semi-detached dwellings on smaller lots.

The applicant is proposing the construction of a new dwelling requiring variances for dwelling and eave height, gross floor area and a walkway width attachment.



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 a previous application (A67.22) was approved at the Committee of Adjustment hearing on July 11th, 2024. The application was solely approved for a total gross floor area of 332.64m² (3,580.82ft²).

Does the proposal maintain the general intent and purpose of the Official Plan?

The site is located within the Malton Neighbourhood and is designated Residential Low Density II by the Mississauga Official Plan (MOP). The Residential Low Density II designation permits detached, semi-detached and duplex dwellings. This designation permits detached, semi-detached, duplex, triplexes, street townhouses and other forms of low-rise dwellings with individual frontages. 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. It's staff's opinion that the proposed detached dwelling respects the designation, surrounding land uses and the planned character of the area. Further, the proposal is consistent with newer two storey dwellings in the immediate area. Staff are satisfied that the variance maintains the general intent and purpose of the official plan.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

Variations 1 and 2 pertain to an increase for the sloped roof and eaves height. The intent of restricting height to the highest ridge and eaves is to lessen the visual massing of the dwelling. This keeps the overall height of the dwelling within human scale. Staff note the average grade is 0.25m (0.82ft) 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 proposed dwelling and eave height are negligible and represent a minor deviation from what the by-law envisions. The proposed increases are appropriate for the subject property and are reflective of the neighbourhood. Staff are satisfied that the proposal maintains an appropriate human scale and does not exacerbate the visual massing of the dwelling.

Variance 3 requests an increase to 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 the proposed gross floor area would result in an increase of 3.36m² (36.16ft²) from the original application that was approved at the Committee of Adjustment hearing on July 11th, 2024. Staff are of the opinion that the increase in gross floor area represents a negligible increase from the previous decision and remains inline with the original decision. Additionally, staff are satisfied that the design of the proposed dwelling remains sympathetic to both the planned character of the area and existing dwelling.

Variance 4 relates to an increase in width to the proposed walkway attachment. The intent of this portion of the by-law is to provide a convenient and dedicated pathway to accommodate pedestrians as well as to define an entryway to the dwelling. The proposed walkway size is not large enough to accommodate a vehicle for parking purposes. Staff are satisfied that the walkway attachment is appropriately sized for the property and will not permit parking on the walkway.

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?

Planning staff are of the opinion that the proposal represents appropriate development of the subject property. Furthermore, staff are satisfied that the impacts to the abutting property and the streetscape will be minor in nature.

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: Emily Majeed, Planner-in-Training

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.

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/>.

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-25-069M / 3138 Bonaventure Drive

Development Engineering: Brian Melnyk (brian.melnyk@peelregion.ca)(905) 791-7800 x3602

Comments:

- 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. Regional Site Servicing Connection approvals may be required prior to the local municipality issuing full building permit. 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 servicingconnections@peelregion.ca.
- 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 at (905) 791-7800 x7973 or by email at servicingconnections@peelregion.ca.

Comments Prepared by: Petrele Francois, Junior Planner

Appendix 5- Toronto and Region Conservation Authority Comments

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 dwelling proposing:

1. A height to the underside of eaves of 7.65m (approx. 25.10ft) whereas By-law 0225-2007, as amended, permits a maximum height to the underside of eaves of 6.40m (approx. 21.00ft) in this instance;
2. A height to the highest ridge of 9.61m (approx. 31.53ft) whereas By-law 0225-2007, as amended, permits a maximum height to the highest ridge of 9.50m (approx. 31.17ft) in this instance;
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4. A walkway width of 1.86m (approx. 6.10ft) whereas By-law 0225-2007, as amended, permits a maximum walkway width of 1.50m (approx. 4.92ft) in this instance.

TRCA staff understand there is an existing dwelling on site. It is our understanding that the requested variances are required to facilitate the replacement dwelling.

Background

TRCA staff provided an email clearance of the application 3138 Bonaventure Drive (A67.22/ PAR-DPP-2024-00099), on the 3:30pm agenda at the July 11, 2024 Committee of Adjustment meeting for the proposed new dwelling. Please note, TRCA is interested in future driveway widening and should be contacted prior to construction.

CA Act and O. Reg. 41/24

Given the above noted natural features and natural hazards, a very small portion of the subject lands are located within TRCA's Regulated Area of the Mimico Creek Watershed and are subject to O. Reg. 41/24 and the CA Act. Based on our review of the proposed development associated, the proposed development is located outside of the regulation portion of the subject lands. As such, TRCA Permits will not be required from TRCA prior to any works commencing.

However, TRCA is interested in future works and should be contacted prior to development or site alteration commencing.

Application Specific Comments

TRCA staff understand that the proposed house is setback sufficiently from the front yard which places the replacement dwelling outside of TRCA's Regulated Area. Also, TRCA staff understand that the front driveway is proposed to remain, and no other works are within the front yard. As such a TRCA permit is not required for the above noted works. However, TRCA is interested in future site alteration and development and should be contacted prior to commencing the works.

Recommendation

As currently submitted, TRCA staff are of the opinion that the Minor Variance Application assigned City File No. **A69.25** 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 subject to the following condition:

1. That the applicant provides the required \$660.00 planning review fee.

Fee

This application is subject to a \$660.00 – Minor Variance review fee. The applicant is responsible for fee payment and should forward the application fee to this office as soon as possible.

Comments Prepared by: Marina Janakovic, Planner I