

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2020-12-02	File(s): A401/20 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-12-10

## Consolidated Recommendation

The City has no objection to the variances, as requested. The Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

## Application Details

The Applicants request the Committee to approve a minor variance to allow the construction of a new house on the subject property, proposing:

1. A lot coverage of 32.14% of the lot area; whereas, By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% of the lot area, in this instance;
2. A gross floor area of 345.27m<sup>2</sup> (approx. 3,716.46sq.ft); whereas, By-law 0225-2007, as amended, permits a maximum gross floor area of 262.01m<sup>2</sup> (approx. 2,820.25sq.ft), in this instance; and,
3. A height measured to the underside of the eaves of 6.6m (approx. 21.7ft); whereas, By-law 0225-2007, as amended, permits a maximum height measured to the underside of the eaves of 6.4m (approx. 21.0ft), in this instance.

## Background

**Property Address:** 3090 Ballad Drive

### Mississauga Official Plan

Character Area: Malton Neighbourhood  
Designation: Residential Low Density I

### Zoning By-law 0225-2007

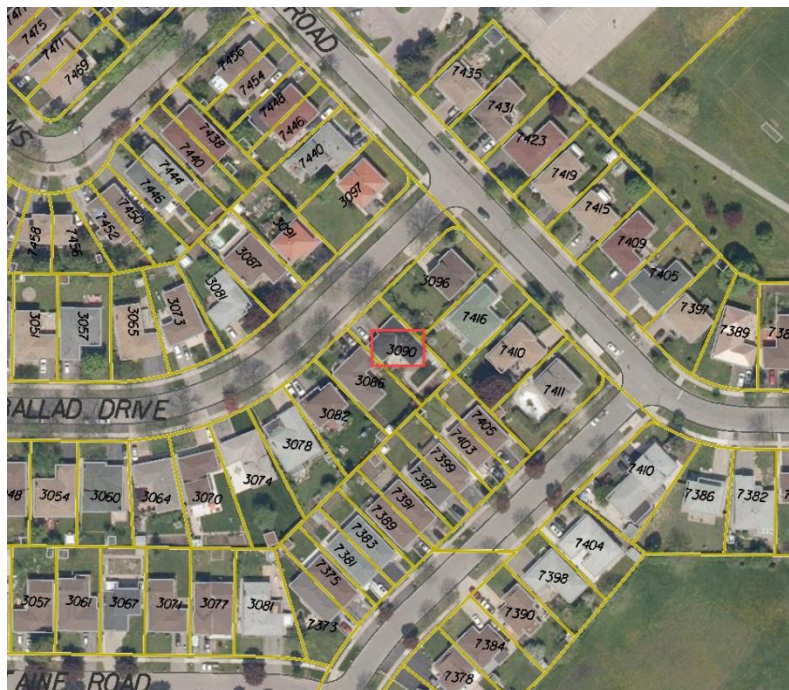
**Zoning:** R3-69 (Residential)

**Other Applications:**

None

**Site and Area Context**

The subject property is located north-east of the Airport Road and Morning Star Drive intersection and currently houses a two-storey, detached dwelling. Contextually, the area is comprised of a mixture of post-war, one and two storey detached residential structures, intermingled with newer construction in the form of larger replacement dwellings. The properties within the immediate area possess lot frontages of approximately +/-15.0m, with moderate vegetative / natural landscaped elements within the front yards. The subject property is an interior parcel, with a lot area of 560.06m<sup>2</sup> and a lot frontage of approximately 15.0m.

**Comments****Planning**

Section 45 of the *Planning Act* provides the Committee of Adjustment the authority to grant relief from the requirements stipulated by the municipal Zoning By-law, provided that such applications meet the requirements set out under Section 45(1) and/or 45(2) (a) or (b) of the *Planning Act*.

Staff comments concerning this minor variance request are as follows:

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

The site is located within the Malton Neighbourhood Character Area, and designated Residential Low Density I by the Mississauga Official Plan (MOP). The Residential Low Density I designation permits detached dwellings; semi-detached dwellings; 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 subject lands are to be used for residential purposes. The proposed dwelling respects the designated residential land use, and, despite the variances, has regard for both the distribution of massing on the property as a whole, as well as the overall landscape of the character area. The application meets the purpose and general intent of the Official Plan.

**Does the proposal maintain the general intent and purpose of the Zoning By-law?**Variance 2 (Gross Floor Area)

As per Zoning By-law 0225-2007, the subject property is zoned R3-69 (Residential). Pursuant to Table 4.2.4.69(2) (R3 Exception Zones), this zone regulates a detached dwelling's maximum gross floor area. The general intent of this portion of the Zoning By-law, as it pertains to infill development, is to ensure that individual properties are not overly developed and that additional massing resultant of such construction will not negatively impact the character of the surrounding neighbourhood.

Despite requiring relief to permit the proposed increase in gross floor area; the detached dwelling remains appropriate in size and whose massing is well-hidden by several incorporated design features: primarily, the undulating front façade (the combined projecting garage area and the front bay windows contrasted against the recessed front entrance), the multiple roof sections, etc. – all of which result in an unobtrusive design from a streetscape perspective. Planning Staff are unable to determine any undue impact resulting from the requested relief. Variance 2, as requested, maintains the purpose and general intent of the Zoning By-law.

**Is the proposal desirable for the appropriate development of the subject lands and minor in nature?**

The proposed dwelling is in scale with the overall property as a whole, and, does not result in the over-massing of the site. Staff further note that while infill zoning regulations were enacted to restrict incompatible dwellings from being constructed within this community; the presence of larger replacement structures within the immediate contextual area, support the proposal of a larger structure, in this instance. The application results in both the orderly development of the lands, and whose impacts are minor in nature.

Variances 1 & 3 (Lot Coverage and Eave Height)

Through a detailed review, Staff is of the opinion that Variances 1 and 3, as requested, are appropriate to be handled through the minor variance process. Further, the aforementioned variances raise no concerns of a planning nature.

**Conclusion**

Based upon the preceding information, it is the opinion of Staff that the variances, as requested, meet the general intent and purpose of both the MOP and Zoning By-law; are minor in nature; and, are desirable for the orderly development of the lands. To this end, the Planning and Building Department has no objection to the variances, as requested; however, the Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Comments Prepared by: Roberto Vertolli, 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: David Martin, Supervisor Development Engineering

### Appendix 2 – Zoning Comments

The Building Department is not in receipt of any permit applications at this time. In the absence of any permit application, this Department is unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a full zoning review has not been completed.

Comments Prepared by: Brian Bonner, Zoning Examiner

### Appendix 5 – Region of Peel Comments

Development Engineering: Camila Marczuk (905) 791-7800 x8230

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 call our Site Servicing Technicians at 905.791.7800 x7973 or by email at [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca)

Comments Prepared by: Diana Guida, Junior Planner

### Appendix 7 - Ministry of Transportation of Ontario

The above property-project is within the MTO PCA. Should there be planned structural changes, then a MTO Building Permit will be required. The changes to the driveway length are not a concern to the MTO.

Comments Prepared by: Corey Caple, Corridor Management Officer