

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

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| Date Finalized: 2021-02-17                | File(s): A46.21<br>Ward: 5 |
| To: Committee of Adjustment               |                            |
| From: Committee of Adjustment Coordinator | Meeting date:2021-02-25    |

## Consolidated Recommendation

The City recommends that the application be deferred to permit the Applicant the opportunity to redesign the dwelling.

## Application Details

The applicants request the Committee to approve a minor variance to allow the construction of a new home on the subject property proposing:

1. A gross floor area of 214.68sq.m (approx. 2,310.80sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 174.30sq.m (approx. 1,876.15sq.ft) in this instance;
2. A lot coverage of 40.3% of the lot area (149.75sq.m/approx. 1,611.90sq.ft) whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.0% of the lot area (111.45sq.m/approx. 1,199.64sq.ft) in this instance;
3. A height measured to the eaves of 7.06m (approx. 23.16ft) whereas By-law 0225-2007, as amended, permits a maximum height measured to the eaves of 6.40m (approx. 21.00ft) in this instance;
4. A driveway width of 2.43m (approx. 7.97ft) whereas By-law 0225-2007, as amended, requires a minimum driveway width of 2.60m (approx. 8.53ft) in this instance;
5. A driveway setback to the lot line of 0.00m whereas By-law 0225-2007, as amended, requires a minimum driveway setback of 0.60m (approx. 1.97ft) in this instance;
6. A front yard of 5.00m (approx. 16.40ft) whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m (approx. 24.61ft) in this instance;
7. A front yard measured to a porch of 4.23m (approx. 13.88ft) whereas By-law 0225-2007, as amended, requires a minimum front yard measured to a porch of 5.90m (approx. 19.36ft) in this instance; and
8. An easterly side yard of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81m (approx. 5.94ft) in this instance.

## Background

**Property Address:** 3146 Merritt Avenue

### Mississauga Official Plan

Character Area: Malton Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

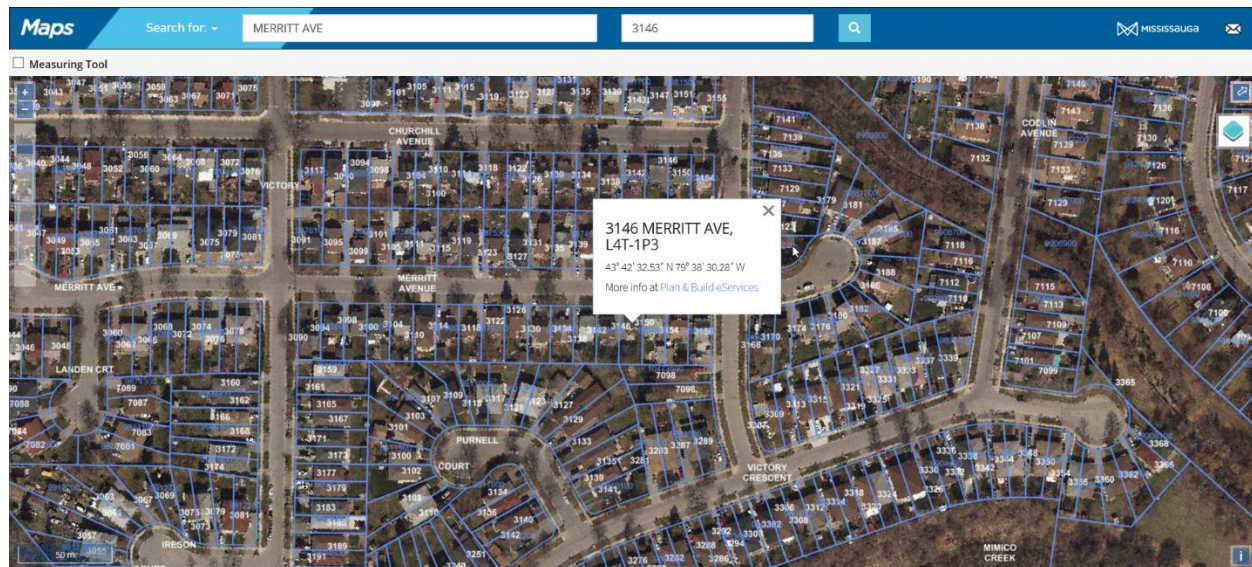
**Zoning:** R4-1 - Residential

**Other Applications:** Pre APP 20-3674

### Site and Area Context

The property is located north-east of the Derry Road E. and Airport Road intersection. The site currently houses a single storey detached dwelling with minimal vegetation and landscaping elements in the front and rear yards. The subject property is an interior parcel with a lot area of approximately +/- 371.50m<sup>2</sup> and a lot frontage of approximately +/- 12.19m. Contextually, the surrounding neighbourhood consists of post-war, single storey detached dwellings. These properties possess lot frontages of +/- 12.0m.

The applicant is proposing a new dwelling that requires variances for lot coverage, gross floor area, height of the eaves, driveway width, as well as driveway, front yard and side yard setbacks.



## 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 II in Schedule 10 of the Mississauga Official Plan, which permits detached, semi-detached, duplex and triplex 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; but does not have regard for the proportional distribution of massing on the property as a whole.

Arising from public input expressed through the 'My Malton' Community Visioning exercise undertaken in 2015, the City completed the Malton Infill Housing Study in 2016. This study resulted in the Council's adoption of new zoning regulations principally aimed at regulating the massing of dwellings in a manner that is sensitive to the surrounding neighbourhood. In the broader context of Victory Village, there are examples of larger replacement dwellings constructed under the previous zoning by-law that could influence the local character, however the immediate neighbourhood processes limited examples of infill.

The intent of the infill policies are to limit the overall massing of the proposed dwelling and maintain compatibility between the existing and planned character of the neighbourhood. The application proposes an increase in gross floor area that does not maintain the intent of the infill regulations. As such, staff recommends that the application be deferred for redesign to reduce the gross floor area.

## Conclusion

The City recommends that the application be deferred to permit the Applicant the opportunity to redesign.

Comments Prepared by: Brooke Herczeg RPP, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

From our site inspection of the property and from the grading information depicted on the Site Plan DWG No: A1 submitted with this application we note that the topography of the site is such that the rear yard is at a lower elevation than the front of the property and any runoff drainage from the rear yard would only be able to be self-contained within the rear yard. With the construction of the proposed garage in the rear yard, and the additional hard surface area which would be created by the driveway, we foresee drainage related concerns with the request as submitted.

The Site Plan DWG No: A1 submitted depicts a proposed trench drain, this trench drain would have to be connected somewhere. We cannot confirm any Building Permit Application or approvals from our Storm Drainage Section with regards to the proposed trench drain. We also note that if the proposal is being considered utilizing the trench drain concept, we could not support this application as submitted until it was confirmed where the trench drain was going to outlet. It should be noted that there is a 525MM diameter storm sewer on Merritt Avenue which is probably too shallow to permit the trench drain connection.

We also note that we do not support Variance # 5 requesting a minimum driveway setback to the lot line of 0.00m whereas a minimum driveway setback of 0.60m should be provided.

In view of the above noted concerns, we cannot support this request as submitted and would suggest that this application be deferred. Upon the receipt of a modified proposal or additional information to support the proposed trench drain, and the elimination of requested Variance #5, we can re-evaluate the request.



Comments Prepared by: Tony Iacobucci, Development Engineering technologist

**Appendix 2 – Zoning Comments**

The Building Department is currently processing preliminary zoning review application PREAPP 20-3674. The variances requested are correct based on the review of the site plan approval plans received by Zoning staff on 12/4/2020.

Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: Brian Bonner, Zoning Examiner

**Appendix 5 – Region of Peel Comments**

Regional Planning staff have reviewed the applications listed on the February 25th, 2021 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Applications: DEF-A-290/20, DEF-A-354/20, DEF-A-377/20.

Minor Variance Applications: A-46/21, A-47/21, A-49/21, A-50/21, A-52/21, A-53/21, A-61/21.

Comments Prepared by: Diana Guida, Junior Planner