

City of Mississauga Department Comments

Date Finalized: 2024-03-28	File(s): A143.24
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2024-04-04 3:30:00 PM

Consolidated Recommendation

The City has no objections to the application.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a new house proposing:

1. A front yard setback of 7.43 m (approx. 24.38 ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.50 m (approx. 24.61 ft) in this instance;
2. A gross floor area of 227.62 sq m (approx. 2450.10 sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 174.31 sq m (approx. 1876.27 sq ft) in this instance;
3. A height to the highest ridge of 9.04 m (approx. 29.66 ft) whereas By-law 0225-2007, as amended, permits a maximum height to the highest ridge of 9.00 m (approx. 29.53 ft) in this instance;
4. A height to the eaves of 7.48 m (approx. 24.54 ft) whereas By-law 0225-2007, as amended, permits a maximum height to the eaves of 6.40 m (approx. 21.00 ft) in this instance;
5. An interior side yard setback (west side) of 1.45 m (approx. 4.76 ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81 m (approx. 5.94 ft) in this instance;
6. A lot coverage of 34.47% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% in this instance; and,
7. An interior side yard setback (east side) of 1.49 m (approx. 4.89 ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81 m (approx. 5.94 ft) in this instance.

Amendments

The Building Department is processing Building Permit 24-316. Based on review of the information available in this application, we advise that following amendments are required:

Amend variance #4 to:

A height to the eaves of 6.76 m whereas By-law 0225-2007, as amended, permits a maximum height to the eaves of 6.40 m (approx. 21.00 ft) in this instance;

Add variance:

An interior side yard setback to the eaves of 1.04 m whereas By-law 0225-2007, as amended, requires a minimum interior side setback to the eaves of 1.36 m in this instance.

Background

Property Address: 3059 Churchill Ave

Mississauga Official Plan

Character Area: **Malton Neighbourhood**
Designation: **Residential Low Density II**

Zoning By-law 0225-2007

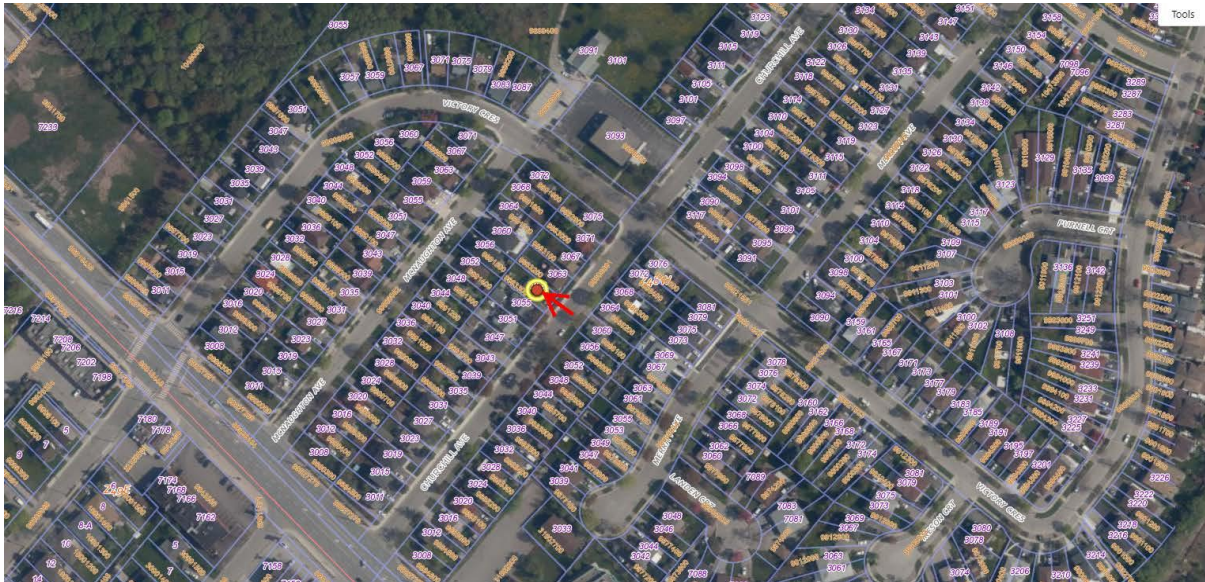
Zoning: R4-1 - Residential

Other Applications: BP 24-316

Site and Area Context

The subject property is located north-east of the Airport Road and Derry Road East intersection in the Malton Neighbourhood. The site has a lot frontage of approximately +/- 12.19m (40ft) and a lot area of approximately +/- 371.40m² (3,997.71ft²). This portion of Churchill Avenue contains only detached dwellings, however semi-detached dwellings are present in the broader neighbourhood. The dwellings are one and two storey detached dwellings that were built in the area when it was originally developed. While the majority of dwellings date back to the original era of development, several new builds are present in neighbourhood. Limited vegetation and landscaping materials are present on the subject property.

The applicant is proposing to construct a new dwelling on the property requiring variances for gross floor area, dwelling and eave height, setbacks and lot coverage.



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*.

"[Enter info here]"

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 the Mississauga Official Plan (MOP) and is within the Malton Neighbourhood Character Area. This designation permits detached, semi-detached, and duplex dwellings. 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 maintains the general intent and purpose of the official plan.

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

Variance 1 pertains to the front yard setback. The intent of this portion of the by-law is to ensure that a consistent character is maintained along the streetscape and that a sufficient front yard amenity space is incorporated into the design of neighbourhoods. Staff have no concerns with the requested variance, as the reduction is negligible and is consistent with front yards found in

the immediate area. Staff are of the opinion that the reduction in the front yard is minor and maintains an adequate front yard amenity space in this instance.

Variance 2 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.

Variances 3 and 4 pertain to dwelling height and eave height. The intent of restricting the height to the highest ridge of the dwelling and eaves is to lessen the visual massing of the dwelling by lowering the overall pitch of the roof and bringing the edge of the roof closer to the ground. This keeps the overall height of the dwelling within human scale. Additionally, staff note the average grade is 0.25m (0.82ft) below the finished grade of the dwelling. This reduces the appearance of the overall height of the structure by 0.25m or about 1ft. Staff are satisfied that the proposed increases in height are appropriate for the subject property and surrounding neighbourhood.

Variance 5, 7 and the added variance as per the amendments by building staff request a reduction to the side yard setbacks for the dwelling and eaves. The general intent of this portion of the by-law is to ensure that: an adequate buffer exists between the massing of primary structures on adjoining properties, access to the rear yard ultimately remains unencumbered, and that appropriate drainage can be provided. Staff note the reduction in the side yard setback is measured to the second storey only. The first storey meets the minimum side yard setback requirement, and the applicant is proposing to align the second storey on top of the first storey. Staff note that the proposed setback reductions are minor and provide an appropriate buffer between neighbouring dwellings, which is reflective of the area. Furthermore the reduced setbacks also provide unencumbered access to the rear yard and the Transportation and Works Department has raised no concerns regarding drainage.

Variance 6 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 31.87%, while the remaining 2.6% of the proposed lot coverage represent the front porch and rear deck. 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.

Given the above, staff are satisfied that the requested variances maintain 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?

Staff are satisfied that the impacts of the variances, both individually and cumulatively, are minor in nature. Furthermore, staff are of the opinion that the application proposes 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 Technologist

Appendix 2 – Zoning Comments

The Building Department is processing Building Permit 24-316. Based on review of the information available in this application, we advise that following amendments are required:

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Add variance:

An interior side yard setback to the eaves of 1.04 m whereas By-law 0225-2007, as amended, requires a minimum interior side setback to the eaves of 1.36 m in this instance

Our comments may no longer be valid should there be changes in the Committee of Adjustment application that have yet to be submitted and reviewed through the Building Division application. To receive updated comments, the applicant must submit any changes to information or drawings separately through the above application.

Comments Prepared by: Sibila Lass Weldt, Zoning Examiner

Appendix 3 – Region of Peel

Minor Variance: A-24-143M / 3059 Churchill Ave

Development Engineering: Wendy Jawdek (905)-791-7800 x6019

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. 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.
- All unutilized water and sanitary services shall be abandoned in accordance with Region of Peel design specifications. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@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 siteplanservicing@peelregion.ca.
- Proposals to connect to an existing service lateral require approval from a Region of Peel inspector at construction stage.
- The applicant shall verify the location of the existing service connections to the subject site and the contractor shall locate all existing utilities in the field. Requests for underground locates can be made at <https://www.ontarioonecall.ca/portal/>
- For location of existing water and sanitary sewer Infrastructure please contact Records by e-mail at PWServiceRequests@peelregion.ca

Comments Prepared by: Ayooluwa Ayoola, Planner