

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-03-03 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): B13.21 A77.21 A78.21 Ward: 1
	Meeting date: 2021-03-11 1:00 PM

## Consolidated Recommendation

The City recommends that the requested consent and associated minor variance applications be refused.

## Application Details

The applicant requests the approval of the Committee to sever a parcel of land for the creation of a new lot. The parcel has a frontage of approximately 23.58m (77.36ft) and an area of approximately 491.89sq.m (5294.66sq.ft).

A minor variance is requested for the severed lands of application B13/21 to allow the construction of a new house proposing:

1. A lot area (interior lot) of 491.89sq.m (approx. 5294.66sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 550.00sq.m (approx. 5920.15sq.ft) in this instance;
2. A lot coverage of 41.90% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance;
3. A front yard (interior lot) of 6.00m (approx. 19.69ft) whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m (approx. 24.61ft) in this instance;
4. An interior side yard (easterly) of 0.80m (approx. 2.62ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 1.81m (approx. 5.94ft) in this instance;
5. An interior side yard (westerly) of 1.66m (approx. 5.46ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 1.81m (approx. 5.94ft) in this instance;
6. A rear yard of 4.60m (approx. 15.09ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard of 7.50m (approx. 24.61ft) in this instance; and
7. A building height measured to a flat roof of 8.74m (approx. 28.67ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to a flat roof of 7.50m (approx. 24.61ft) in this instance.

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A minor variance is requested for the retained lands of application B13/21 to allow the construction of a new house proposing:

1. A lot area (exterior lot) of 610.05sq.m (approx. 6566.52sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 720.00sq.m (approx. 7750.02sq.ft) in this instance;
2. A lot coverage of 36.40% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance;
3. An interior side yard of 1.65m (approx. 5.41ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 1.81m (approx. 5.94ft) in this instance; and
4. A building height measured to a flat roof of 8.59m (approx. 28.18ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to a flat roof of 7.50m (approx. 24.61ft) in this instance.

#### **Recommended Conditions and/or Terms of consent**

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A77.21 & A78.21 must be finalized

#### **Recommended Conditions and/or Terms of minor variance**

- Variance(s) approved under file(s) A77.21 & A78.21 shall lapse if the consent application under file B13.21 is not finalized within the time prescribed by legislation.

## **Background**

**Property Address:** 1474 Haig Boulevard

#### **Mississauga Official Plan**

Character Area: Lakeview Neighbourhood  
Designation: Residential Low Density I

#### **Zoning By-law 0225-2007**

**Zoning:** R3-75 (Residential)

#### **Site and Area Context**

The subject property is located within the Lakeview Neighbourhood Character Area, south of Haig Boulevard and South Service Road. The immediate area entirely consists of one and two storey detached dwellings with mature vegetation. Additionally, the immediate area contains lot

frontages of approximately 14 m and greater as well as lot areas that exceed by-law requirements. The subject property contains an existing one storey dwelling with vegetation throughout the lot.

The applicant is proposing to sever the property for the purpose of creating two new parcels to develop detached dwellings. As a result, variances are required for lot area, deficient side, front and rear yards, lot coverage and an increased flat roof height.



## Comments

### Planning

#### Planning Act

Section 51 (24) of the *Planning Act* sets out the criteria for land division in the Province of Ontario. In evaluating such requests, the Committee needs to be satisfied that the proposal meets not only the criteria set out under Section 51(24), but also municipal requirements identify in local legislation.

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. In evaluating such requests, the Committee needs to be satisfied that the proposal meets the four tests set out in the *Planning Act*.

### Provincial Matters

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The Provincial Policy Statement 2014 (PPS 2014) and Growth Plan for the Greater Golden Horseshoe promote efficient development and land use, directing the focus towards intensification and redevelopment. The proposal is consistent with the general directive in provincial policy.

Staff comments concerning the applications for consent and the minor variance request are as follows:

The applicant is proposing a lot frontage of approximately 27 m and lot area of 491.84 m<sup>2</sup> for the severed lot fronting onto Brooks Drive. The retained parcel which would front onto Haig Boulevard would have a frontage of approximately 21 m and lot area of 610 m<sup>2</sup>. The zoning by-law requires a lot frontage of 15 m and lot area of 550 m<sup>2</sup> for an interior lot and lot frontage of 19.50 m and lot area of 720 m<sup>2</sup> for a corner lot.

The subject property is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP) which permits detached, semi-detached and duplex dwellings. Additional official plan policies for lands within the Lakeview Neighbourhood Character Area are contained within the Lakeview Local Area Plan. The subject property is within the Serson Terrace boundary of the Central Residential Neighbourhood Precinct. As per Section 16.1.2.1 of MOP, to preserve the character of lands designated Residential Low Density I and Residential Low Density II, the minimum frontage and area of new lots will be evaluated in the context of the existing lot pattern in the surrounding area. Additionally, Section 5.3.5 (Neighbourhoods) states that neighbourhoods are not meant to remain static, however, when new development occurs, it should be sensitive to the neighbourhoods existing and planned character. Through a review of lots within the immediate area, the lot areas generally exceed by-law requirements and the general lot fabric includes longer lots that have an overall depth exceeding 30 m, which results in a dwelling that can be developed with sufficient front and rear yard setbacks. The proposed size and shape of the lots are uncharacteristic of the neighbourhood and also results in variances that are required to accommodate detached dwellings due to the size of the lot.

Section 10.3.1 of the Lakeview Local Area Plan states that the development of detached, semidetached, duplex and triplex dwellings, the following will be addressed, among other things:

- a. new housing within Lakeview should maintain the existing character of the area; and
- b. development will fit the scale of the surrounding area and take advantage of the features of a particular site, such as topography, contours, and mature vegetation.

The proposed dwellings that can be accommodated due to the size and shape of the lots results in deficiencies that are not common throughout the immediate area regarding front and rear yard setbacks. This portion of the neighbourhood contains deeper and larger lots that can adequately accommodate these required setbacks without posing any massing concerns to abutting properties. As such, the proposed severance is incompatible with the surrounding lot

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fabric and results in variances that are generally not characteristic of the planned and existing context of the neighbourhood.

Based on the preceding information, staff is of the opinion that the proposed consent application does not conform to Section 51(24) of the *Planning Act*, more specifically, the shape and size of the lots do not maintain the existing and planned lot fabric of the neighbourhood and are not in conformity with the official plan.

## Conclusion

The Planning and Building Department recommends that the requested consent and associated minor variance applications be refused.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

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## Appendices

### Appendix 1 – Transportation and Works Comments

Should Committee see merit in the applicant's request we are providing the following conditions/requirements for Committee's consideration:

#### A. Items Required Prior to the Issuance of Final Consent

##### 1. Overall Grading and Drainage Plan

The applicant's consulting engineer will be required to prepare an Overall Grading and Drainage Plan which contains sufficient details to ensure grading compatibility with the adjacent lands and submit the grading and drainage proposal to this department for review/approval.

Upon the review of an Overall Grading and Drainage Plan it may be determined that a catch basin may be required and satisfactory arrangements will have to be made for the construction of any required catch basin.

##### 2. Overall Site Servicing Plan

We request that the applicant submit a Site Servicing Plan prepared by a Consulting Engineer for this department's review/approval. The Site Servicing Plan is to confirm that all the necessary municipal services can be provided for the dwellings to be constructed on the subject lands.

##### 3. Municipal Address Requirement

Prior to the issuance of final consent, satisfactory arrangements are to be made with Corporate Services Department, Information Technology Division, Digital Services & Mobility Section, Geospatial Solutions Group for the creation of new municipal addresses for the severed and retained lands. For further information, please contact Susie Tasca at (905) 615-3200 ext. 3088 or [susie.tasca@mississauga.ca](mailto:susie.tasca@mississauga.ca).

For further information regarding the above noted comments, please contact John Salvino at (905) 615-3200 ext. 5183 or [john.salvino@mississauga.ca](mailto:john.salvino@mississauga.ca)

#### B. GENERAL INFORMATION

##### 1. Lot Grading and Drainage

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We advise the applicant that issuance of any building permits for the new dwelling(s) will be subject to the owner submitting a certified lot grading and drainage plan to this Department for review/approval. The grading and drainage plan is to contain sufficient detail to ensure grading compatibility with the adjacent properties. In addition, the owner will be required to submit the applicable lot grading and municipal services protection deposits.

2. Servicing

All costs incurred in providing any service laterals will be the responsibility of the owner. The owner will also be responsible for all costs incurred for the required road reinstatement (if required). If the service connections are to be installed by a private contractor retained by the owner, issuance of an open cut permit will be subject to the owner depositing adequate securities with the City to guarantee proper road reinstatement.

3. Access

We advise the applicant that all costs incurred in providing any new driveway entrance(s) to the subject lands or any modifications/reinstatement required, would be at cost to the owner. We are also noting that should any utilities need to be relocated, all costs incurred will also be to the owner.

4. Storm Sewer Outlet

The storm sewer outlet for the lands fronting Haig Boulevard is the existing 600mm diameter storm sewer system located on Haig Boulevard. We advise that there is currently no storm sewer on Brooks Drive to serve the proposed lot. If a new storm connection is required a downstream sewer analysis may be required. For further information please contact Ghazwan Yousif at ext. 3526.

Please note that in cases of a high groundwater table where a sump pump could run continuously if a sump pump was implemented, the applicants should consider raising the basement elevation to be at least 1.0 metre above the groundwater level. It is the owner's responsibility to satisfy themselves with these conditions as the City has no obligation to address any concerns with the operating conditions of private sump pump systems.

We are noting that any Transportation and Works Department concerns/requirements for the Minor Variance applications will be addressed under Consent Application 'B' 13/21.

Comments Prepared by: John Salvino, Development Engineering Technologist

**Appendix 2 – Zoning Comments**

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The Building Department is not in receipt of any permit applications at this time and the applicant is advised that a zoning review has not been completed. We are unable to confirm the accuracy of the requested variance(s) or determine whether additional variance(s) may be required.

The applicant is advised that a completed zoning review may identify additional instances of zoning non-compliance. The applicant may consider applying for a preliminary zoning review application and submit working drawings for a detailed zoning review to be completed. A minimum of 6-8 weeks will be required to process a preliminary zoning review application depending on the complexity of the proposal and the detail of the information submitted.

Comments Prepared by: Brian Bonner, Zoning Examiner

### **Appendix 3 – Parks, Forestry & Environment**

The Park Planning Section of the Community Services Department has reviewed the consent application and advises as follows.

City of Mississauga Forestry Staff have attended the site and identified the following City owned tree within the municipal boulevard:

- Eastern White Cedar – Good Condition

Should the application be approved, Community Services wishes to impose the following conditions:

1. The applicant shall ensure that future driveways do not impact or require the removal of the above noted tree.
2. The applicant shall provide tree protection securities in the amount of \$3,600.00 for the preservation of the municipal tree.
3. The applicant shall provide a cash contribution of \$1,214.24 for planting of two (2) street trees, one on Haig Boulevard and one on Brooks Drive. This figure is subject to the most recent Fees and Charges By-law at the time of payment and is therefore subject to change.

In addition, Community Services notes the following:

1. Payment for street tree fees and charges can be made at the Parks and Forestry customer service counter located at 950 Burnhamthorpe Road West in the form of a certified cheque, bank draft, or money order payable to the City of Mississauga. Please contact Jim Greenfield regarding the Covid-19 interim payment process.



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2. The applicant shall provide frame tree hoarding at the dripline of the above noted tree prior to any construction to the satisfaction of City of Mississauga Forestry Staff. Please call Ryan Cormier at 905-615-3200 ext. 4580 to arrange a hoarding inspection.
3. Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, C.P. 13, as amended) and in accordance with the City's policies and by-laws.

Should further information be required, please contact Jim Greenfield, Park Planner, Community Services Department at 905-615-3200 ext. 8538 or via email [jim.greenfield@mississauga.ca](mailto:jim.greenfield@mississauga.ca).

Comments Prepared by: Jim Greenfield, Park Planner

## Appendix 5 – Region of Peel Comments

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

Please note that severing the lands may adversely affect the existing location of the water and sanitary sewer services, if any exist. The result of this may require the applicant to install new water / sanitary servicing connections to either the severed or retained lands in compliance with the Ontario Building Code. The applicant may require the creation of private water / sanitary sewer servicing easements. 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)

**Condition:** Arrangements satisfactory to the Region of Peel, Public Works shall be made with respect to the location of existing and installation of new services and/or possible required private service easements.

We have no comments or objections to the following applications:

Minor Variance Applications: A-77/21, A-78/21

Comments Prepared by: Diana Guida, Junior Planner

## Appendix 7 – Bell Canada

Subsequent to review of the severance at 1474 HAIG BLVD, Bell Canada's engineering department have determined that there are no concerns or issues with the application.

Comments Prepared by: Carrie Gordon, External Liaison

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## **Appendix A – Conditions of Provisional Consent**

**SHOULD THE COMMITTEE GRANT A PROVISIONAL CONSENT, THE FOLLOWING IS A LIST OF THE RECOMMENDED CONDITIONS TO BE ATTACHED TO THE DECISION AND THESE CONDITIONS MAY BE REVISED BY THE COMMITTEE AT THE PUBLIC MEETING.**

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the conveyed land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no services easement(s) and/or right(s)-of-way, are necessary.
3. A letter shall be received from the City of Mississauga, Manager of Zoning Plan Examination, indicating that the conveyed land and retained lands comply with the provisions of the Zoning By-law, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding.
4. A letter shall be received from the City of Mississauga, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated March 3, 2021.
5. A letter shall be received from the City of Mississauga, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated March 3, 2021.
6. A letter shall be received from the Region of Peel, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated March 3, 2021.