

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-03-03	File(s): B14.21 A79.21 A80.21 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-03-11 1:00 PM

Consolidated Recommendation

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

Application Details

The applicant requests the approval of the Committee to sever a parcel of land for the creation of a new lot (formerly merged on title). The parcel has a frontage of approximately 9.91m (32.51ft) and an area of approximately 334.21sq.m (3597.41sq.ft).

A minor variance is requested for the retained lands of application B14/21 and to allow an existing accessory structure and garage proposing:

1. A side yard measured to an accessory structure (shed) of 0.59m (approx. 1.94ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to an accessory structure of 0.61m (approx. 2.00ft) in this instance;
2. A rear yard measured to an accessory structure (shed) of 0.53m (approx. 1.74ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard measured to an accessory structure of 0.61m (approx. 2.00ft) in this instance; and
3. A side yard measured to a garage of 0.84m (approx. 2.76ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to a garage of 1.20m (approx. 3.94ft) in this instance.

A minor variance is requested for the severed lands of application B14/21 proposing a lot area of 334.21sq.m (approx. 3597.41sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 340.00sq.m (approx. 3659.73sq.ft) in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

City Department and Agency Comments	File:B14.21 A79.21 A80.21	2021/03/03	2
-------------------------------------	------------------------------	------------	---

- The variance application approved under File(s) A79.21 & A80.21 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A79.21 & A80.21 shall lapse if the consent application under file B14.21 is not finalized within the time prescribed by legislation.

Background

Property Address: 3013 & 3015 Morning Star Drive

Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

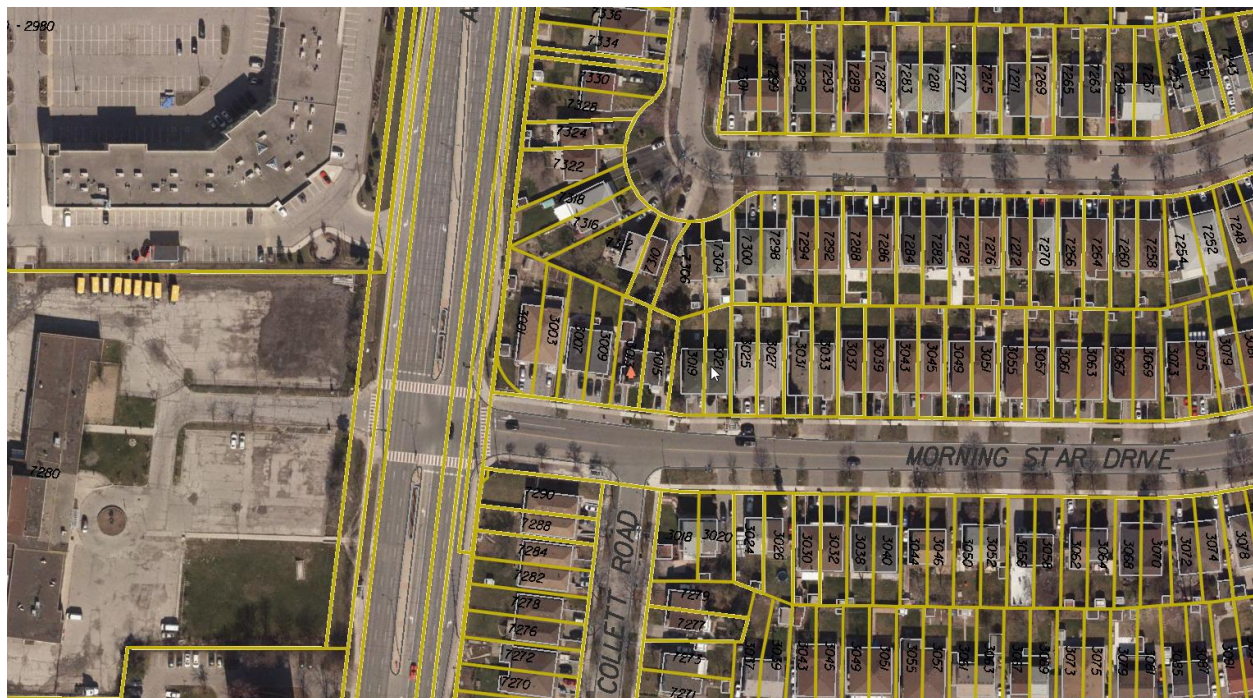
Zoning: RM-1 Residential

Other Applications:

Site and Area Context

The subject property is located within the Malton Neighbourhood Character Area, north-east of the Airport Rd and Morning Star Dr. intersection. The surrounding area primarily consists of semi-detached dwellings with lot frontages +/- 10.0m and minimal vegetation in the front yards. The subject property contains two existing, two storey semi-detached dwellings with minimal vegetation in the front and rear yard.

The application proposes to sever the parent lot in order to create two lots for the purpose of selling one of the semi-detached dwellings. This severance requires variances for side yard setback and rear yard setback.



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

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.

City Department and Agency Comments	File: B14.21 A79.21 A80.21	2021/03/03	4
-------------------------------------	-------------------------------	------------	---

Staff comments concerning the application for application are as follows:

The retained and severed parcels propose lot frontages of 9.90m and lot areas of approximately 334.21m² and 362.90m². The zoning by-law requires lot frontages of 9.0m and lot areas of 340.0m².

The subject property is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP) which permits detached, semi-detached, duplex, triplex and other forms of low rise dwellings with individual frontages. The subject property is located within the Malton Neighbourhood, north of Victoria Park and west of the Malton Community Node Character Area. Section 16.1.2.1 of MOP states, 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. The existing parcels were joined historically though common ownership and are now requesting a severance with the intention to sell one of the semi-detached dwellings. The intent of the zoning by-law is to ensure that new lots are appropriately sized and fit within the context of the surrounding area. The proposed lot area of 334.21m² for 3015 Morning Star Dr. is a 6m² reduction to what is permitted under the by-law of 340.0m². This reduction is marginal in nature and largely consistent with other lots within the immediate area. The proposed lot area generally maintains the existing and planned area context. Furthermore, the existing semi-detached dwelling is in keeping with the character of the neighbourhood. Staff is of the opinion that the proposed parcels are consistent with the semi-detached lots found within the immediate area and does not negatively impact the lot fabric of the existing and planned community.

Staff is of the opinion that the application conforms to Section 51(24) of the Planning Act, more specifically that the application conforms to the official plan and the proposed parcels are suitable to accommodate the existing semi-detached dwellings.

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

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 existing dwellings maintain the existing low-density context of the surrounding area and are compatible with the surrounding neighbourhood. Staff is of the opinion that the general intent and purpose of the official plan is maintained.

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

Side yard and Rear yard setback

The lands to be retained possess an existing shed and detached garage which pose a reduction in the required side yard and rear yard setbacks permitted under the by-law. 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, and that access remains unencumbered for drainage and maintenance purposes. The proposed setbacks meet the minimum 0.30m generally

City Department and Agency Comments	File:B14.21 A79.21 A80.21	2021/03/03	5
-------------------------------------	------------------------------	------------	---

accepted by planning staff to accommodate the drainage needs on the property. This decrease from the 0.61m and 1.20m setback required under the by-law is minor in nature and will not impact the abutting properties. As such, staff is of the opinion that variance #1, #2 and #3 maintain the general intent and purpose of the by-law.

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

The proposed variances maintain the existing low density context of the Malton Neighbourhood and do not negatively impact the character of the streetscape. Furthermore, the existing semi-detached dwellings are consistent with other two storey semi-detached dwellings within the immediate neighbourhood. Staff is of the opinion that the application represents the orderly development of the lands and is minor in nature.

Conclusion

The Planning and Building Department has no objections to the requested application. The Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

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

Appendices

Appendix 1 – Transportation and Works Comments

This department has no objections or requirements for this application where the intent is to re-establish the previous lots. The subject properties which were once separate parcels but have merged on title due to common ownership.

We note from our site inspection that we have no drainage related concerns with the existing garage and accessory structure. We also note that these structures have existed for years and assume that the variances required are a result of Consent Application 'B' 14/21 which is required as the properties have merged on title.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

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 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,

City Department and Agency Comments	File:B14.21 A79.21 A80.21	2021/03/03	7
-------------------------------------	------------------------------	------------	---

please call our Site Servicing Technicians at 905.791.7800 x7973 or by email at
siteplanservicing@peelregion.ca

We have no comments or objections to the following applications:

Minor Variance Applications: A-79/21, A-80/21

Comments Prepared by: Diana Guida, Junior Planner

City Department and Agency Comments	File: B14.21 A79.21 A80.21	2021/03/03	8
-------------------------------------	-------------------------------	------------	---

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.