

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-05-19	File(s): B31.21 A180.21 A181.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2021-05-27 1:00 PM

Consolidated Recommendation

The City has no objections to the requested consent and associated minor variance applications. The applicant may choose to defer the application to verify the accuracy of the variances and ensure additional variances are not required.

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 of land has a frontage of approximately 8.26m (27.10ft) and an area of approximately 508.82sq.m (5476.89sq.ft).

A minor variance is requested for the Severed lands (file A180/21) and the construction of a new dwelling (semi-detached) proposing:

1. A building height measured to the eaves of 6.71m (approx. 22.01ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to the eaves of 6.40m (approx. 21.00ft) in this instance; and
2. A building depth of 20.57m (approx. 67.49ft) whereas By-law 0225-2007, as amended, permits a maximum building depth of 20.00m (approx. 65.62ft) in this instance.

A minor variance is requested for the Retained lands (file A181/21) and the construction of a new dwelling (semi-detached) proposing:

1. A building height measured to the eaves of 6.71m (approx. 22.01ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to the eaves of 6.40m (approx. 21.00ft) in this instance; and
2. A building depth of 20.57m (approx. 67.49ft) whereas By-law 0225-2007, as amended, permits a maximum building depth of 20.00m (approx. 65.62ft) in this instance.

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Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A180.21 & A181.21 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A180.21 & A181.21 shall lapse if the consent application under file B31.21 is not finalized within the time prescribed by legislation.

Background

Property Address: 15 & 17 Broadview Avenue

Mississauga Official Plan

Character Area: Port Credit Neighbourhood (West)
Designation: Residential Low Density II

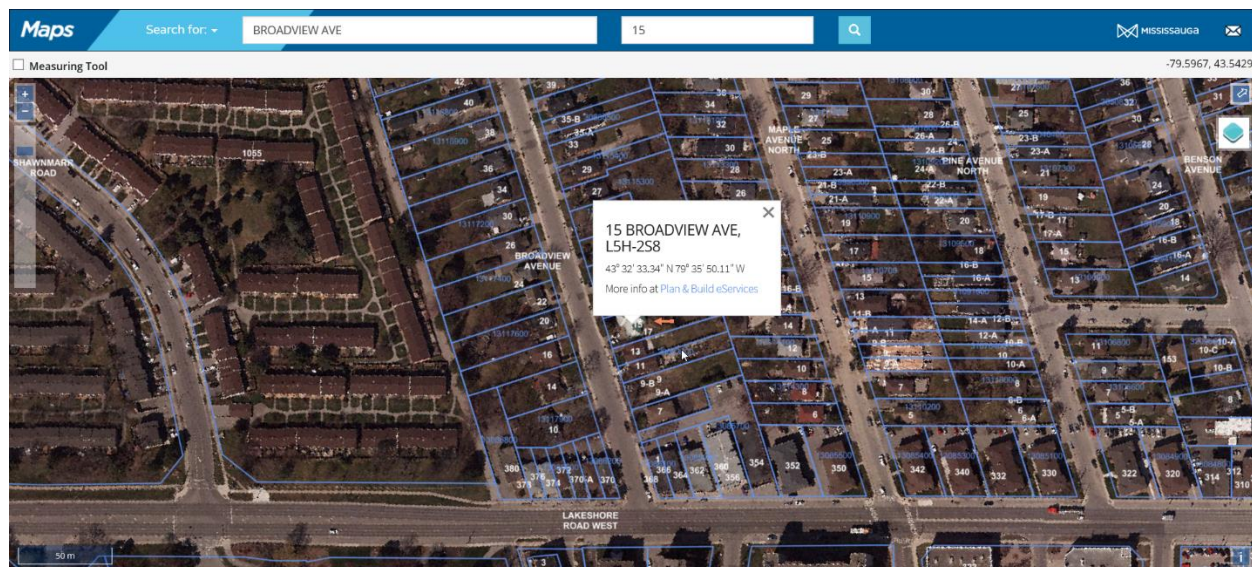
Zoning By-law 0225-2007

Zoning: RM7-5 - Residential

Site and Area Context

The subject property is located within the Port Credit Neighbourhood Character Area, west of Mississauga Road and Lakeshore Road West. The immediate area contains an eclectic lot fabric with lot frontages ranging from 6.50 m to 15 m. Currently the subject property contains a detached dwelling with a detached garage and little mature vegetation. The surrounding area includes a mix of residential uses, including detached and semi-detached and apartment dwellings with little mature vegetation. Commercial and high density residential uses are also present along Lakeshore Road West.

The applicant proposes to sever the lot for the purpose of constructing semi-detached dwellings, requiring variances to eave height and dwelling depth.



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.

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

The proposed retained and severed parcels propose a lot frontage of 8.26 m and lot areas of 508.82 m². The zoning by-law requires a lot frontage of 6.80 m and lot area of 250 m².

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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. As per Section 16.1.2.1, 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 neighbourhood contains an eclectic lot fabric which, ranging from approximately 6.50 m to 16 m with a mix of dwelling types envisioned within the zoning by-law. The proposed lots are compatible with the surrounding neighbourhood and are similar to other lots that contain semi-detached dwellings.

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 is suitable for the purpose of developing semi-detached dwellings.

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

Variance #1 proposes an eave height of 6.71 m whereas a maximum of 6.40 m is permitted. The intent of restricting height to the eaves is to lessen the visual massing of dwelling by bringing the edge of the roof closer to the ground, resulting in the dwelling maintaining a human scale. The semi-detached dwellings maintain an overall height of 8.52 m, less than the maximum permitted height of 9.50 m, thereby lessening any potential impact of the increased eave height.

Variance #2 proposes a dwelling depth of 20.57 m whereas a maximum of 20 m is permitted. The intent of the zoning provisions for dwelling depth are to minimize impacts of long walls on neighbouring lots as a direct result of the building massing. In this instance, the dwelling depth includes the covered entry feature that projects beyond the garage. Excluding this feature, the dwelling would maintain the maximum permitted dwelling depth. Additionally, the second storey of the dwelling is within the maximum permitted depth, minimizing the massing impact of a long continuous wall abutting the neighbouring properties.

Does the proposal represent orderly development of the lands and is minor in nature?

The proposed semi-detached dwellings maintain the existing and planned context of the surrounding area. The overall height of the dwelling is less than the maximum permitted height of 9.50 which minimizes the impact of the increased eave height. Furthermore, the dwelling depth is due to a covered entry feature that projects beyond the garage. The second storey maintains the maximum permitted depth of 20 m, lessening the impact of a long continuous wall. Staff is of the opinion that the application represents orderly development of the lands and is minor in nature.

Conclusion

The Planning and Building Department has no objections to the requested consent and associated minor variance applications. The applicant may choose to defer the application to verify the accuracy of the variances and ensure additional variances are not required.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This Department has reviewed the request to create new parcels of land for residential purposes fronting onto Broadview Avenue. 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.

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

B. GENERAL INFORMATION

1. Lot Grading and Drainage

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

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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 this site is the existing 525mm storm sewer on Broadview Ave. Storm connection approval will be required for the weeping tiles if the basement elevation is 1.0 above the obvert of the storm sewer on the street, otherwise a sump pump will be required to discharge the weeping tile to grade . The applicant is encouraged to design the basement elevation to be 1 metre above the obvert of the storm sewer on the street to eliminate the need for a sump pump.

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 meter 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' 31/21.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

We have no objection to the consent application provided that the severed and retained lands comply with the provisions of Zoning By-law 225-2007, as amended, with respect to, among other things, minimum lot frontage, minimum lot area, setbacks to the existing building(s), on site parking, etc., or alternatively, that any minor variance(s) is approved, final and binding and/or the demolition of any existing building(s) is complete.

We further advise that the proposed lot frontage is to be calculated in accordance with the following definition;

The applicant is advised that Lot Frontage means the horizontal distance between the side lot lines and where these lines are not parallel means the distance between the side lot lines measured on a line parallel to and 7.5 m back from the front lot line.

Comments Prepared by: Brandon Eidner, Zoning Examiner

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Appendix 3 – Parks, Forestry & Environment

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

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

1. The applicant shall provide a cash contribution of \$1,214.24 for planting of two (2) street tree on Broadview Avenue. 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.
2. 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.

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.

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 siteplanservicing@peelregion.ca

Comments Prepared by: Diana Guida, Junior Planner

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Appendix 7 – Bell Canada

Subsequent to review of the severance application at 15 & 17 BROADVIEW AVE, Bell Canada's engineering department have determined that there are no concerns or comments at this time.

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 (A180-181/21).
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 May 19, 2021.
5. A letter shall be received from the City of Mississauga, Community Services Department, Park Planning Division, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated May 19, 2021.