

City of Mississauga

Memorandum:

City Department and Agency Comments

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| Date Finalized: 2021-06-09 To: Committee of Adjustment From: Committee of Adjustment Coordinator | File(s): B22.21 A134.21 A135.21 Ward: 1 |
| | Meeting date: 2021-06-17 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 submit a permit application and verify the accuracy of the variances.

Application Details

The applicant requests the approval of the Committee to sever a parcel of land for the creation of a new lot and easements. The parcel of land has a frontage of approximately 11.59m (38.02ft) and an area of approximately 327.57sq.m (3525.93sq.ft).

A minor variance is requested for the construction of a new house on the Severed lands (A134/21) proposing:

1. A lot area of 327.57sq.m (approx. 3525.93sq.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 frontage of 11.59m (approx. 38.02ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (approx. 49.21ft) in this instance;
3. A garage projection of 0.41m (approx. 1.35ft) whereas By-law 0225-2007, as amended, does not permit a garage projection in this instance;
4. A side yard of 1.50m (approx. 4.92ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81m (approx. 5.94ft) in this instance; and
5. A combined width of side yards of 3.31m (approx. 10.86ft) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 3.60m (approx. 11.81ft) in this instance.

A minor variance is requested for the existing house to remain on the Retained lands (A135/21) proposing:

1. A lot area of 380.98sq.m (approx. 1249.94sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 550.00sq.m (approx. 5920.15sq.ft) in this instance;

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2. A lot frontage of 11.48m (approx. 37.66ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (approx. 49.21ft) in this instance;
3. A lot coverage of 35.43% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance;
4. A side yard of 0.28m (approx. 0.92ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81m (approx. 5.94ft) in this instance;
5. A combined width of side yards of 1.84m (approx. 6.04ft) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 3.60m (approx. 11.81ft) in this instance; and
6. A rear yard of 6.08m (approx. 19.95ft) whereas By-law 0225-2007, as amended, requires a minimum side yard 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) "134.21 & A135.21" must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A134-135.21 shall lapse if the consent application under file B22.21 is not finalized within the time prescribed by legislation.

Background

Property Address: 446 South Service Road

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

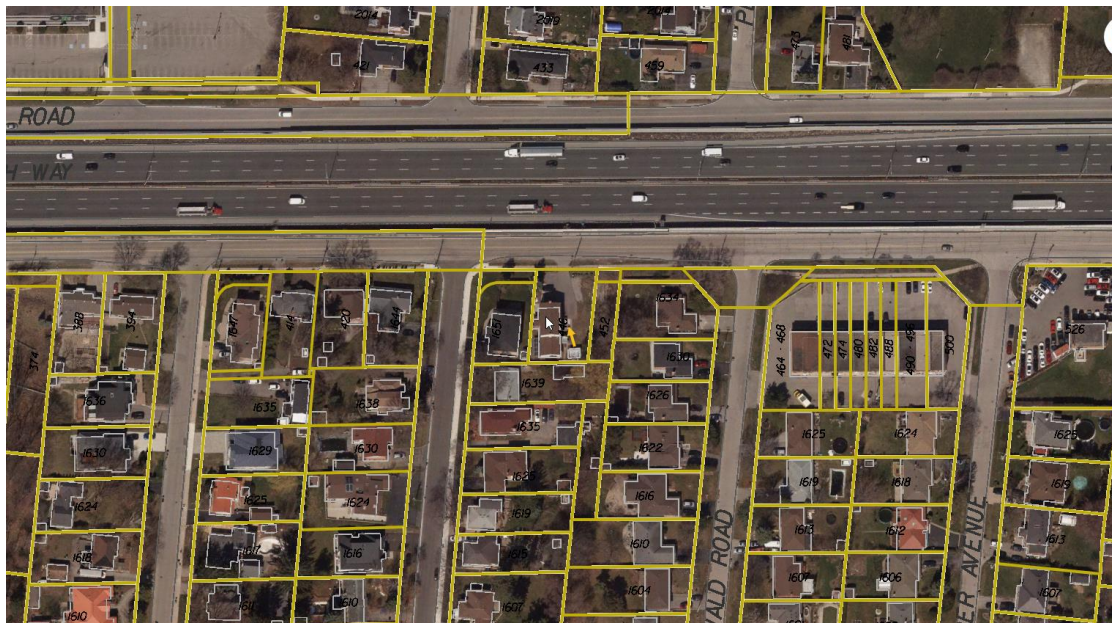
Zoning: R3-1 - Residential

Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, west of Cawthra Road and South Service Road. The subject property is located on South Service Road which is classified as a Major Collector in the Mississauga Official Plan. The context of the immediate area includes residential and commercial uses. South Service Road is eclectic in nature, with a diverse range of lot shapes, and dwelling styles. The residential uses within the

immediate area consist of one and two storey detached dwellings with frontages ranging from 9 m to 16 m. The subject property contains an existing two storey dwelling with no mature vegetation.

A previous consent and minor variance application was approved by the Committee of Adjustment on July 18, 2019, which allowed for the creation of two new lots with deficient lot frontages and areas. The subject application proposes to sever the existing lot for the creation of two new parcels. The existing detached dwelling on the retained lot will remain while a new two storey detached dwelling is proposed on the severed lot. The application requires variances related to lot frontage, lot area, garage projection, lot coverage and side yards.



Comments

Planning Act

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*.

Provincial matters

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

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Staff comments concerning the application of the four tests to this minor variance request are as follows:

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. Additionally, Chapter 5 of MOP, states that when new development occurs within Neighbourhoods, it should be sensitive to the existing and planned character of the area. The context of the area is eclectic and includes a mix of residential and commercial uses. The proposed lot frontages and areas are consistent and compatible with the character of the area and are similar to the previously approved consent applications.

Staff is of the opinion that the consent application has due regard to the criteria in Section 51(24) of the *Planning Act*, more specifically that the application conforms to the official plan.

Minor Variance Applications

The minor variance applications propose deficiencies in lot frontage and lot area. 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 frontage and lot area is reflective of the eclectic nature of the surrounding area. A comparable consent application proposing similar frontages and lot areas was previously approved on the subject property. The severed and retained lot preserve the established lot fabric of the neighbourhood and maintain the existing and planned character of the area. Therefore, staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

The remaining variances propose minor deficiencies that do not significantly alter the existing streetscape nor neighbouring properties. The deficient side yard of 0.28 is measured to an existing porch on the westerly side of the existing dwelling. The remaining portion of the porch maintains setback that exceeds the proposed variance. The setbacks measured to the dwelling from the widest points, exceeds the required combined side yard width. The rear yard setback is measured to a one storey portion of the existing dwelling. A portion of the existing structure will be removed, which increases the rear yard amenity space and provides a greater buffer to the abutting property to the rear. Staff is of the opinion that these variances are appropriate to be handled through the minor variance process.

Based on the preceding information, staff is of the opinion that the applications maintain the four tests set out in Section 45(1) of the *Planning Act*.

Conclusion

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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 submit a permit application and verify the accuracy of the variances.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We have reviewed the drawings provided with this application. We draw attention to Dwg. #A1, which shows a portion of the existing dwelling on the easterly side that will need to be removed/demolished in order to facilitate the proposed severance line.

Should Committee see merit in the applicant's request we are providing the following conditions/requirements to be imposed as conditions of approval:

A. Items Required Prior to the Issuance of Final Consent

1. Overall Servicing Plan

We request that the applicant submit a Functional Servicing Proposal and Servicing Plan prepared by a Consulting Engineer for this department's review/approval to confirm that all the necessary municipal services can be provided for the proposed lot. It is also to show the location of all existing/proposed services.

2. 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.

3. Acoustical Report

Due to the proximity and noise emanating from South Service Road and The Queen Elizabeth Way, the owner will be required to retain the services of an Acoustical Consultant to prepare a detailed Acoustical Report for the subject lands and make comments/recommendations in support of this severance application. This report is to determine the need for the implementation of any noise attenuation measures that are to be incorporated into the construction of the site works to achieve the City's and the M.O.E.'s current noise level objectives. The scope of this report is to define the minimum noise attenuation requirements for the control of outdoor and indoor environmental sound levels.

We are also noting for the owner's information that securities will be required to ensure that any noise attenuation measures such as air conditioning units are installed for the dwellings to be constructed.

4. Development Agreement

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Upon the review of the Acoustical Report which would contain the appropriate Warning Clauses, the owner may be required to enter into a Development Agreement which is to be registered against title of the subject lands. The said agreement is to advise any prospective purchasers that, despite the inclusion of noise control features, noise levels emanating from South Service Road and The Queen Elizabeth Way may continue to be of concern, occasionally interfering with some of the activities of the dwelling occupants as the noise exposure level may exceed the noise criteria of the municipality and the Ministry of the Environment and Climate Change.

In view of the above, the applicant should contact this Department with regard to obtaining a sample copy of a Development Agreement to determine which clauses are to be incorporated.

5. Fee Requirements as Per Fees and Charges By-Law

As per the City of Mississauga's Fees and Charges By-law there will be fees required to be paid to the Legal Services Department for their services, in particular for the preparation of documents required for items pertaining to a Development Agreement and/or road widening. The fee amounts payable will be in accordance with the current fees and charges bylaw.

6. Required Easements

We note that it appears that a water and sanitary sewer connection has been constructed through the subject property providing those services to the easterly property know as 452 South Service Road without the benefit of an easement for access and maintenance. Should the application be approved, required easements will be necessary across the severed and retained lands in favour of 452 South Service Road. The applicant will need to provide the appropriate documentation indicating that all the necessary easements required for both sanitary and water services to the existing lot to the east of the applicant's lands (452 South Service Road) have been reviewed and approved to the satisfaction of The Region of Peel. Should any required easements be necessary for storm sewer connections resulting from a review on documents submitted for condition #1, the applicant/owner will be required to provide a letter or schedule prepared by the applicant's Solicitor which would specifically describe any new easements to be established through this Consent Application. It should also be noted that any documentation received will be forwarded as an attachment to our clearance memo to the Committee of Adjustment so that any new proposed private easement(s) can be identified and also be incorporated into the Certificate of Secretary-Treasurer.

7. 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

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retained lands. For further information, please contact Susie Tasca at (905) 615-3200 ext. 3088 or 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

B. General Information

1. Site Plan Approval

Any re-development of the subject lands will require the owner obtaining Site Plan Approval where any site specific conditions/requirements relating to detailed lot grading and drainage, servicing, access, etc. will be addressed.

2. Servicing

The storm sewer outlet for this site is the existing 1050mm storm sewer on South Service Road. A storm connection approval will be required for the weeping tiles if their basement elevation 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 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.

Please note that this site with in the MTO regulated area , so MTO approval may be required.

3. 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.

4. Road Widening on South Service Road

We advise that this portion of South Service Road is under the ownership of the Ministry of Transportation Ontario (MTO) and a road allowance widening on the South Service Road may

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be required. It is our understanding that the Ministry of Transportation is presently undertaking an assessment for future improvements along the Queen Elizabeth Way. We understand they have been circulated the application as such their comments will identify any road widening or access restrictions/requirements.

We are noting that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 22/21.

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 0225-2007, 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: Daniel Grdasic, Planning Associate

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 South Service Road. 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. Requirements for Municipal Boulevard tree protection securities and protective hoarding will be addressed during the Site Plan Process.

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2. 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.
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.

Comments Prepared by: Jim Greenfield, Park Planner

Appendix 5 – Region of Peel Comments

Comments for Conditions of Approval

Consent Application: B-22/21

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 contact Servicing Connections

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.

Comments Prepared by: Diana Guida, Junior Planner

Appendix 7 – Bell Canada

Subsequent to review of the abovementioned consent application at 202 QUEEN ST W, 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 (A134-135/21).
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 June 9, 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 June 9, 2021.