

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-02-17	File(s): B11.21, A237-238.21
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date: 2021-02-25

Consolidated Recommendation

The City has no objections to the requested consent and associated minor variance applications, as amended.

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 10.15m (33.30ft) and an area of approximately 354.10sq.m (1,161.75sq.ft).

A minor variance is requested for the Retained lands of application B11/21 proposing:

1. A lot frontage of 10.90m (approx. 35.76ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 12.00m (approx. 39.37ft) in this instance;
2. A lot area of 353.89sq.m (approx. 3,809.24sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 365.00sq.m (approx. 3,928.83sq.ft) in this instance;
3. A lot coverage of 43.94% of the lot area whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 40.00% of the lot area in this instance; and
4. A height of a flat roof of 9.50m (approx. 31.17ft) whereas By-law 0225-2007, as amended, permits a maximum height of a flat roof of 7.50m (approx. 24.60ft) in this instance.

A minor variance is requested for the Severed lands of application B11/21 proposing:

1. A lot frontage of 10.90m (approx. 35.76ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 12.00m (approx. 39.37ft) in this instance;
2. A lot area of 354.10sq.m (approx. 3,811.50sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 365.00sq.m (approx. 3,928.83sq.ft) in this instance;
3. A lot coverage of 43.94% of the lot area whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 40.00% of the lot area in this instance; and

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4. A height of a flat roof of 9.50m (approx. 31.17ft) whereas By-law 0225-2007, as amended, permits a maximum height of a flat roof of 7.50m (approx. 24.60ft) in this instance.

Amendments

Variance #4 should be removed from the application

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) "237.21 & A238.21" must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A237-238.21 shall lapse if the consent application under file B11.21 is not finalized within the time prescribed by legislation.

Background

Property Address: 955 Halliday Avenue

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: RM1-26 (Residential)

Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, northeast of Atwater Avenue and Alexandra Avenue. The immediate neighbourhood is primarily residential, consisting of detached and semi-detached dwellings with an eclectic mix lot frontages that range from approximately 8.50 m to 20 m. The subject property contains an existing one storey dwelling with vegetation in the front yard.

The applicant is proposing to sever the subject property for the purpose of developing two detached dwellings.



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 application are as follows:

The retained and severed parcel propose lot frontages of 10.15 m and lot areas of approximately 354.10 m². The RM1-26 (Residential) zoning requires that detached dwellings be

developed in accordance with the R4 zoning provisions. As such, the zoning by-law requires a minimum lot frontage of 12 m and lot area of 365 m².

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. 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 proposed lot frontages and lot areas are similar to newer developments that have taken place over the last few years. As per Section 5.3.5 (Neighbourhoods) of MOP, neighbourhoods are not meant to remain static, however, when new development occurs, it should be sensitive to the neighbourhoods existing and planned character. The neighbourhood contains an eclectic mix of low density uses such as semi-detached and detached dwellings with a varied lot fabric. The proposed severance represents sensitive intensification that is compatible with the area and does not impact the established lot fabric of the neighbourhood.

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

Minor Variances

Variances #1 and 2 propose deficient lot frontages and areas for the proposed lots. The proposed variances maintain the existing and planned area context. The proposal is consistent with other lots within the immediate area, maintaining the lot fabric of the neighbourhood. Regarding the lot coverage, the increase is due to the rear deck which makes up approximately 6% of the total lot coverage. Additionally, variance #4 does not appear to be required as the applicant is proposing a sloped roof rather than a flat roof of 9.50 m. Furthermore, the roof plan states that the flat roof makes up 37% of the roof area with the majority of the roof area being sloped. Staff is of the opinion that the variances are appropriate to be handled through the minor variance process and raise no concerns of a planning nature, in this instance.

Conclusion

The Planning and Building Department has no objections to the requested consent and associated minor variance applications, as amended.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

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.

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

The applicant will be required to apply for Access Modification Permits prior to Site Plan Approval and/or Building Permit Issuance.

We advise the applicant that all costs incurred in providing any new driveway entrances to the subject lands or any modifications/reinstatement required (including the existing driveway), 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. Driveway accesses shall maintain a 1.5m setback from aboveground features such as utilities and trees.

Purchasers/tenants are advised that Seventh Street will be extended easterly in the future to connect with Halliday Avenue at Alexandra Avenue.

4. Storm Sewer Outlet

The storm sewer outlet for this site is the existing 375mm storm sewer on Halliday Ave. , 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.

We are noting that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 11/21.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit application under file PREAPP 21-5448. Based on review of the information currently available for this building permit, the variances, as requested are correct.

Our comments are based on the plans received by Zoning staff on 04/01/2021 for the above captioned building permit application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: A. McCormack

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 trees within the municipal boulevard:

- 2 Globe Maples – 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 trees.
2. The applicant shall provide tree protection securities in the amount of \$3,587.74 for the preservation of the municipal trees.

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. 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.

Comments Prepared by: Jim Greenfield, Park Planner

Appendix 5 – Region of Peel Comments

Comments for Informational Purposes

Deferred Consent Application: B-11/21

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

Comments Prepared by: Diana Guida, Junior Planner

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 (A237-238/21).
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.