

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-06-16	File(s): B38.21 A246.21 A257.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2021-06-24 3:00 PM

## Consolidated Recommendation

The City recommends that the applications be deferred.

## 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 9.77m (32.05ft) and an area of approximately 384.37sq.m (4137.32sq.ft).

A minor variance is requested for the Severed lands (file A246/21) and the construction of a new house proposing:

1. A lot frontage of 9.77m (approx. 32.05ft) whereas By-law 0225-2007, as amended, requires minimum lot frontage of 12.00m (approx. 39.37ft) in this instance;
2. A lot area of 384.37sq.m (approx. 4137.32ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 460.00sq.m (approx. 4951.40sq.ft) in this instance;
3. A setback measured to a porch of 2.97m (approx. 9.74ft) whereas By-law 0225-2007, as amended, requires a minimum setback measured to a porch of 4.40m (approx. 14.44ft) in this instance;
4. A front yard of 5.37m (approx. 17.62ft) whereas By-law 0225-2007, as amended, requires a minimum front yard of 6.00m (approx. 19.68ft) in this instance;
5. An interior side yard of 0.58m (approx. 1.90ft) whereas By-law 0225-2007, as amended, requires a minimum interior side of 1.20m (approx. 3.93ft) in this instance;
6. A building height measured to a flat roof of 8.00m (approx. 26.23ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to a flat roof of 7.50m (approx. 24.60ft) in this instance;
7. A setback from side/rear yard measured to a below grade stairwell of 0.58m (approx. 1.90ft) whereas By-law 0225-2007, as amended, requires a minimum setback from side/rear yard measured to a below grade stairwell of 1.20m (approx. 3.93ft) in this instance; and

City Department and Agency Comments	File:B38.21 A246.21 A257.21	2021/06/16	2
-------------------------------------	--------------------------------	------------	---

---

8. A setback measured to a railway right-of-way of 12.31m (approx. 40.39ft) whereas By-law 0225-2007, as amended, requires a minimum setback to a railway right-of-way of 30.00m (approx. 98.43ft) in this instance.

A minor variance is requested for the Retained lands (file A247/21) and the construction of a new house proposing:

1. A lot frontage of 9.77m (approx. 32.05ft) whereas By-law 0225-2007, as amended, requires minimum lot frontage of 12.00m (approx. 39.37ft) in this instance;
2. A lot area of 326.44sq.m (approx. 35ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 460.00sq.m (approx. 4951.40sq.ft) in this instance;
3. A setback measured to a porch of 3.43m (approx. 9.74ft) whereas By-law 0225-2007, as amended, requires a minimum setback measured to a porch of 4.86m (approx. 15.94ft) in this instance;
4. A front yard of 4.80m (approx. 15.75ft) whereas By-law 0225-2007, as amended, requires a minimum front yard of 6.00m (approx. 19.68ft) in this instance;
5. An interior side yard of 0.58m (approx. 1.90ft) whereas By-law 0225-2007, as amended, requires a minimum interior side of 1.20m (approx. 3.93ft) in this instance;
6. A building height measured to a flat roof of 8.00m (approx. 26.23ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to a flat roof of 7.50m (approx. 24.60ft) in this instance;
7. A setback from side/rear yard measured to a below grade stairwell of 0.58m (approx. 1.90ft) whereas By-law 0225-2007, as amended, requires a minimum setback from side/rear yard measured to a below grade stairwell of 1.20m (approx. 3.93ft) in this instance; and
8. A setback measured to a railway right-of-way of 8.32m (approx. 27.30ft) whereas By-law 0225-2007, as amended, requires a minimum setback to a railway right-of-way of 30.00m (approx. 98.43ft) in this instance.

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

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) "246.21 & A247.21" must be finalized

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

- Variance(s) approved under file(s) A246-247.21 shall lapse if the consent application under file B38.21 is not finalized within the time prescribed by legislation.

## **Background**

**Property Address:** 202 Queen Street West

**Mississauga Official Plan**

City Department and Agency Comments	File:B38.21 A246.21 A257.21	2021/06/16	3
-------------------------------------	--------------------------------	------------	---

---

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

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

**Zoning:** RM7-5 - Residential

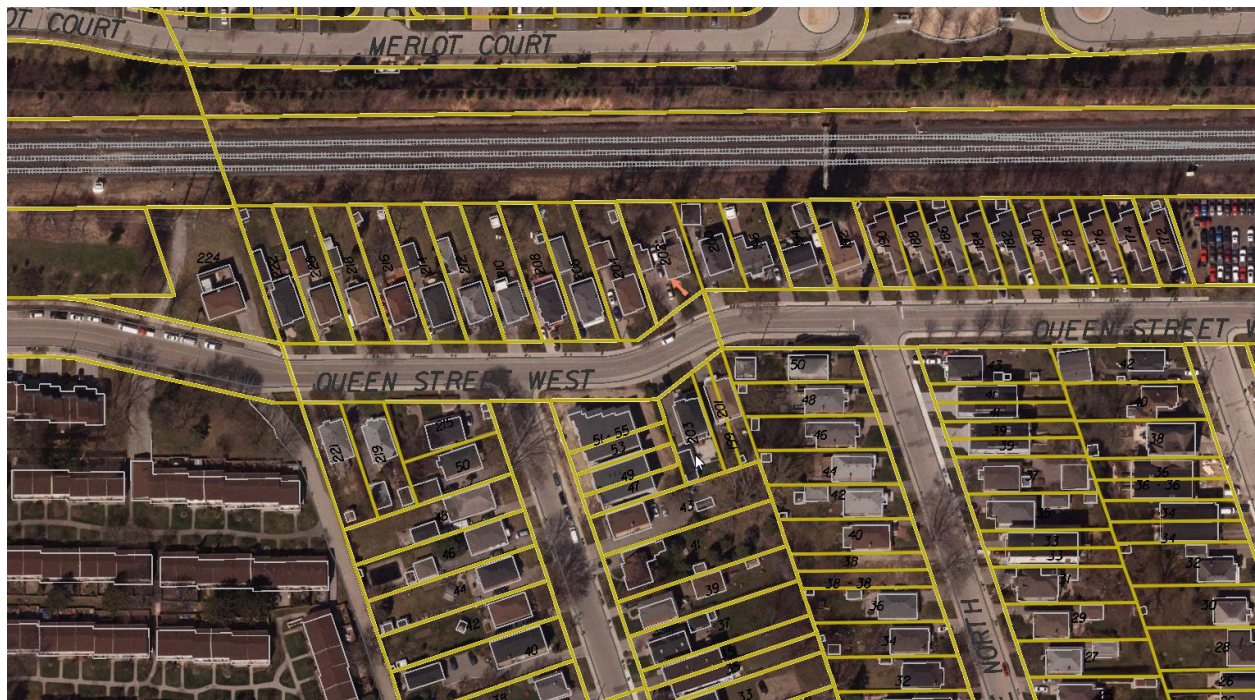
### **Other Applications**

Pre-Application: 21-5043

### **Site and Area Context**

The subject property is located within the Port Credit Neighbourhood Character Area, northwest of Mississauga Road North and Lakeshore Road West. The neighbourhood is primarily residential, consisting of a mix of townhouses, detached and semi-detached dwellings. The neighbourhood contains a diverse lot fabric with lot frontages ranging from approximately 6.80 m to 20 m. The subject property contains an existing two storey detached dwelling with mature vegetation in the front and rear yard.

The applicant is proposing to sever the lot, creating two new parcels for the purpose of developing detached dwellings. The development proposal requires variances related to lot frontage, lot area, front and side yard setbacks and a rear yard setback measured to the railway.



## Comments

### Planning

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, directing the focus towards intensification and redevelopment. The proposal is consistent with the general directive in provincial policy.

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

The retained and severed parcel both propose lot frontages of approximately 9.77 m. The retained parcel proposes a lot area of 326.44 m<sup>2</sup> while the severed parcel proposes a lot area of 384.37 m<sup>2</sup>. The zoning by-law requires lot frontages of 12 m and lot areas of 460 m<sup>2</sup>.

Since 1961, the Village of Port Credit Zoning By-law No. 1227 has permitted a variety of housing types for the subject lands including detached, duplex, triplex, double duplex, double triplex, fiveplex, converted dwelling and boarding or lodging house. In 1997, City Plan (the Official Plan) was adopted, permitting detached, semi-detached, duplex and other forms of

City Department and Agency Comments	File:B38.21 A246.21 A257.21	2021/06/16	5
-------------------------------------	--------------------------------	------------	---

---

dwellings with individual frontages on a public street. In 2007, the City undertook a zoning bylaw conformity and consolidation exercise which included public consultation. This led to the adoption of the current RM7 zone provisions.

The subject property is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan, which permits detached, semi-detached, duplex, triplex and other forms of low rise dwellings with individual frontages. The official plan policies for lands within the Port Credit Neighbourhood Character Area are contained within the Port Credit Local Area Plan and are within the North Residential Neighbourhood precinct (Shawnmarr/Indian Heights). Lands within the North Residential Neighbourhoods are predominately stable residential areas allowing for infill development that is compatible with and enhances the existing character of the area. The zoning by-law allows for a mix of residential uses and lot sizes, creating an eclectic lot fabric within the immediate and broader neighbourhood. The surrounding area contains a diverse lot fabric with frontages that range from approximately 6.80 m to 20 m. Additionally, the forms of housing within the area are equally as diverse contributing to the eclectic nature of the community. The proposed consent application is consistent with the eclectic lot fabric of the surrounding area and will represent development that is compatible with the low density residential uses.

Through discussions with the Transportation and Works Department, an acoustical report is required and must satisfy Ministry of the Environment and Climate Change (MOECC) requirements to determine the feasibility of the proposed severance. As such, staff recommends that the applications be deferred.

## Conclusion

The Planning and Building Department recommends that the applications be deferred.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

Through our initial review of this application, we anticipate some issues/concerns which may have a significant impact on the feasibility of proposed severance. Further review and analysis needs to be undertaken to ensure that the proposed outdoor living area (OLA) and building design for the 2 lots can be adequately mitigated to Ministry of the Environment and Climate Change (MOECC) requirements for noise and vibration emanating from railway activities adjacent to the site. Until a detailed noise and vibration study is submitted for review, this Department **cannot support** the application in its current form. We note that this section of the Metrolinx railway corridor has significant railway traffic volumes and noise levels emanating from the railway traffic as has been exhibited in other noise and vibration studies along this railway corridor.

For the applicant's information, an OLA is identified in the Environmental Noise Guidelines (Publication NPC-300) of the Ministry of Environment and Climate Change (MOECC). A minimum area of 56.00m<sup>2</sup> (602.79sq.ft.) is required for single family dwellings.

In addition, under Section 6.10.4.1 of Mississauga Official Plan, states that every effort should be made to achieve the sound level limits specified by the applicable Provincial Government environmental noise guideline for an outdoor living area (55dBA or less). Only in cases where the required noise attenuation measures are not feasible for technical, economic, aesthetic or administrative reasons would excess noise above the limit (55 dBA) be acceptable, with a warning clause to prospective purchasers, consistent with the applicable Provincial Government environmental noise guideline. In these situations, any excess noise above the limit will not be acceptable if it exceeds 60 dBA.

**In view of the above noted concerns, we strongly request that this application be deferred to provide the required noise and vibration impact study determine the feasibility of the proposed severed lot.**

This department's comments/requirements with respect to the minor variance applications will be addressed through the Consent Application File 'B' 38/21.

Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit under file PREAPP 21-5043. Based on review of the information currently available in this permit application, we advise that

City Department and Agency Comments	File:B38.21 A246.21 A257.21	2021/06/16	7
-------------------------------------	--------------------------------	------------	---

---

more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Please note that comments reflect those provided through the above permit application and should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the application file noted above, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments.

Comments Prepared by: Alana Zheng, 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 trees within the municipal boulevard:

- Black Walnut – Good Condition
- Crab Apple – 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 a cash contribution of \$607.12 for planting of one (1) street trees on Queen Street West. This figure is subject to the most recent Fees and Charges By-law at the time of payment and is therefore subject to change.
3. The applicant shall provide tree protection securities in the amount of \$2,407.12 for the preservation of the municipal tree.

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.

City Department and Agency Comments	File:B38.21 A246.21 A257.21	2021/06/16	8
-------------------------------------	--------------------------------	------------	---

---

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 contact Servicing Connections.

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



City Department and Agency Comments	File:B38.21 A246.21 A257.21	2021/06/16	9
-------------------------------------	--------------------------------	------------	---

---

## **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 (A246-247/21).
4. 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 16, 2021.