

City of Mississauga

Memorandum:

City Department and Agency Comments

<p>Date Finalized: 2021-07-07</p> <p>To: Committee of Adjustment</p> <p>From: Committee of Adjustment Coordinator</p>	<p>File(s): B42.21 B43.21 A270.21 A271.21 A272.21 Ward: 1</p>
	<p>Meeting date:2021-07-15 3:00 PM</p>

Consolidated Recommendation

The City recommends that the consent and associated minor variance applications be refused.

Application Details

The applicant requests the approval of the Committee to sever a parcel of land (B42/21) for the creation of a new lot. The parcel of land has a frontage of approximately 7.06m (23.16ft) and an area of approximately 391.88sq.m (4218.16sq.ft).

The applicant requests the approval of the Committee to sever a parcel of land (B43/21) for the creation of a new lot (totaling 3 lots). The parcel of land has a frontage of approximately 7.78m (25.53ft) and an area of approximately 355.09sq.m (3822.16sq.ft).

A minor variance is requested for the Retained lands (file A270/21) proposing the construction of a new detached dwelling proposing:

1. A lot area of 436.10sq.m (approx. 4694.14sq.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 11.38m (approx. 37.34ft) 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 39.80% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance;
4. A front yard of 5.79m (approx. 19.00ft) whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m (approx. 24.60ft) in this instance;
5. A rear yard of 2.44m (approx. 8.00ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard of 7.50m (approx. 24.60ft) in this instance; and
6. A side yard of 1.22m (approx. 3.97ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81m (approx. 5.93ft) in this instance.

A minor variance is requested for the Severed lands (file A271/21) proposing the construction of a new semi-detached dwelling:

1. A lot area of 391.88sq.m (approx. 4218.16sq.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 7.06m (approx. 23.16ft) 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 39.40% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance;
4. A semi-detached dwelling whereas By-law 0225-2007, as amended, does not permit a semi-detached dwelling in this instance;
5. A side yard (southeast – inner) of 0.00m whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81m (approx. 5.93ft) in this instance;
6. A side yard (northwest – outer) of 1.22m (approx. 3.97ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81m (approx. 5.93ft) in this instance; and
7. A building height measured to a flat roof of 9.80m (approx. 32.15ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to a flat roof of 7.50m (approx. 24.60m) in this instance.

A minor variance is requested for the Severed lands (file A272/21) proposing:

1. A lot area of 355.09sq.m (approx. 3822.16sq.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 7.78m (approx. 25.53ft) 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 39.90% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance;
4. A semi-detached dwelling whereas By-law 0225-2007, as amended, does not permit a semi-detached dwelling in this instance;
5. A side yard (northwest – inner) of 0.00m whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81m (approx. 5.93ft) in this instance;
6. A side yard (southeast – outer) of 1.22m (approx. 3.97ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81m (approx. 5.93ft) in this instance; and
7. A building height measured to a flat roof of 9.80m (approx. 32.15ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to a flat roof of 7.50m (approx. 24.60m) in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

Background

Property Address: 1079 Roosevelt Road

Mississauga Official Plan

Character Area: Lakeview Neighbourhood

Designation: Residential Low Density II

Zoning By-law 0225-2007

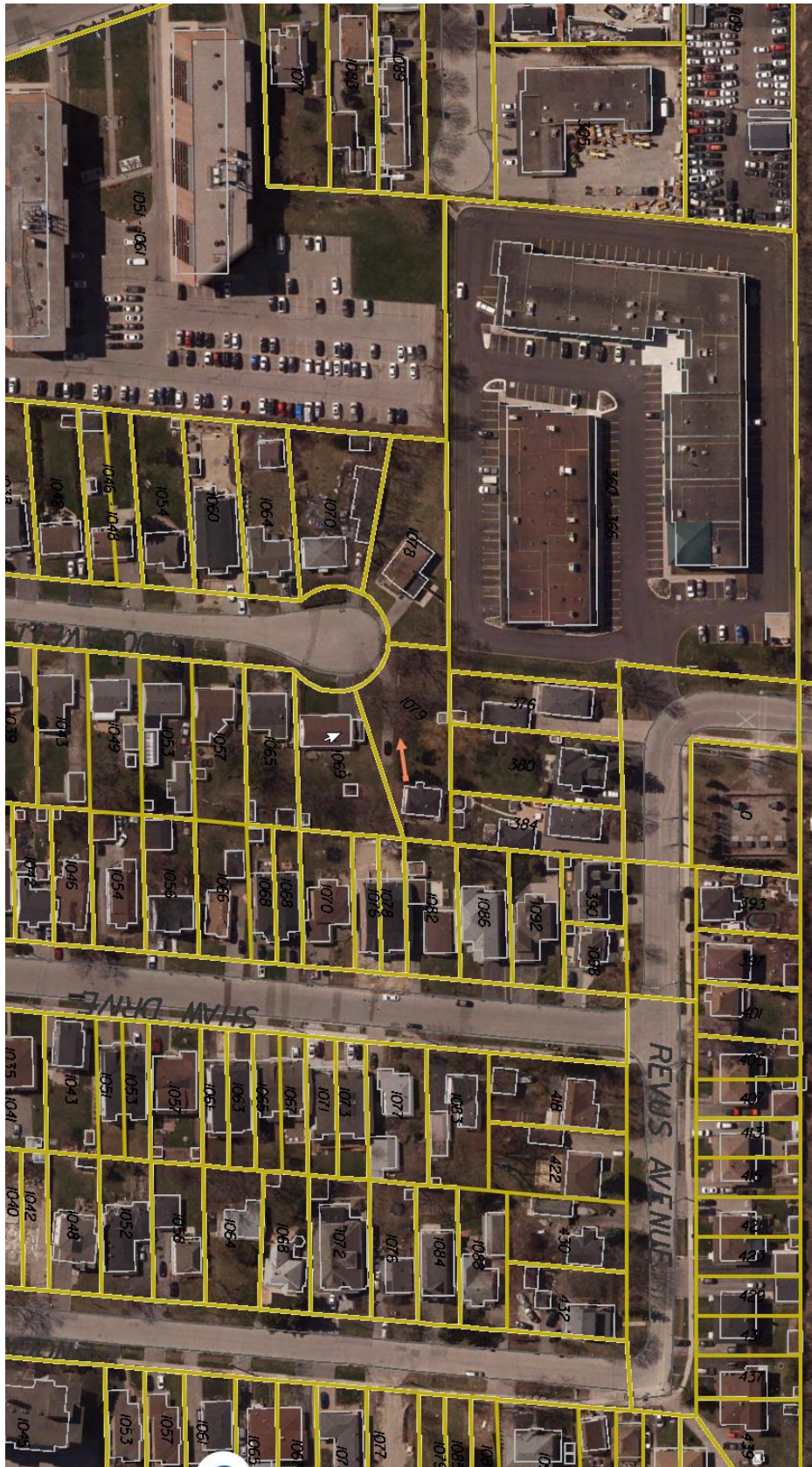
Zoning: R3-75

Other Applications: PRE-68343

Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, northeast of Seneca Avenue and Lakeshore Road East. The immediate area consists of a mix of detached and semi-detached dwellings, a 7 and 8 storey apartment building and a commercial plaza. The low density dwellings in the immediate area contain lot frontages ranging from approximately 7m to 20m. The subject property contains an existing one storey dwelling with mature vegetation in the front yard. The applicant is proposing to sever the existing lot, creating three new parcels for the development of two new semi-detached dwellings and one new detached dwelling.

The proposed development requires variances related to lot frontage, lot area, lot coverage, front yard, rear yard, side yard and semi-detached dwelling use.



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 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 also located within the Lakeview Neighbourhood Character Area. As per section 2.2.1 (k), new detached and semi detached dwellings within Lakeview will maintain the existing character of the area and the building mass, side yards and rear yards will respect and relate to those of adjacent lots. The rear yard proposed for the detached dwelling and the flat roof heights proposed for the semi-detached dwelling do not respect and relate to those of adjacent lots. Furthermore, these heights and setbacks create significant massing issues that would negatively impact the streetscape and neighbouring properties.

With respect to Severed lands (files A271/21 and A272/21), Section 16.1.2.1, describes 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 surrounding area which includes Roosevelt Road, Enola Avenue, Revus Avenue and Shaw Drive has experienced significant changes over the years in which numerous lots were severed to permit the development of semi-detached dwellings. As a result of these changes, on November 20th, 2019, Council directed planning staff to review the residential built form and zoning regulations to ensure orderly development of the area. Planning staff are still in the process of completing the study, including potential zoning amendments.

It should be noted that a public meeting was held and that the Information Report was received by the Planning and Development Committee (PDC) on April 19th, 2021. The report identified potential amendments, including rezoning the study area to RM2-42 (Residential).

As planning staff are currently completing the study to assess the permitted uses and applicable zoning regulations of the area, staff is of the opinion that permitting a semi-detached dwelling on the subject property is premature.

Based on the preceding information, staff is of the opinion that the application does not conform to Section 51(24) of the Planning Act, more specifically that the application does not conform to the official plan.

As staff is not supportive of the consent application, the minor variance applications should also be refused.

Conclusion

The Planning and Building Department recommends that the consent and associated minor variance applications be refused.

Comments Prepared by: Connor DiPietro, 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.

2. Utility Pole Relocation

The applicant is to make satisfactory arrangements with Alectra Utilities for the relocation of the utility pole on the frontage of the proposed driveway access of the retained lands.

For further information regarding the above noted comments, please contact Lahini Senthil-kumaran at (905) 615-3200 ext. 5798 or lahini.senthil-kumaran@mississauga.ca

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 entrance(s) to the subject lands or any modifications/reinstatement required, would be at cost to the owner. Driveway accesses shall maintain a 1.5m setback from aboveground features such as utilities and trees. 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 applicant is advised that there is no storm sewer available in front of this site (ditches only), so a sump pump will be required to discharge the weeping tile. 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

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

BP RECEIVED, MORE INFO

The Building Department is currently processing a building permit application under file PREAPP 21-5371. Based on review of the information currently available for this building permit, we advise that more information is required to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Our comments are based on the plans received by Zoning staff on 02/19/2021 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.

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 trees on Roosevelt 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. 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

Consent Applications: B-42/21 & B-43/21

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.

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.
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 (July 8, 2021).
5. A letter shall be received from the City of Mississauga, Community Services Department, Park Planning Section, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated (July 8, 2021).