

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-08-04 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): B39.21 Ward: 1
	Meeting date: 2021-08-12 1:00:00 PM

Consolidated Recommendation

The City recommends that the application 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 7.62m (25.00ft) and an area of approximately 290.32sq.m (3124.98sq.ft).

A minor variance is requested for the Retained lands (file A248/21) and the construction of a new house proposing:

1. A building height measured to a flat roof of 8.25m (approx. 27.07ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to a flat roof of 7.50m (approx. 24.61ft) in this instance; and
2. A building height measured to the eaves of 7.20m (approx. 23.62ft) 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.

A minor variance is requested for the Severed lands (file A249/21) and the construction of a new house proposing:

1. A building height measured to a flat roof of 8.25m (approx. 27.07ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to a flat roof of 7.50m (approx. 24.61ft) in this instance; and
2. A building height measured to the eaves of 7.20m (approx. 23.62ft) 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.

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Recommended Conditions of Provisional Consent are contained in Appendix A. The variance applications approved under Files A248.21 and A249.21 must be finalized.

Variances approved under files A248.21 and A249.21 shall lapse if the consent application under file B39.21 is not finalized within the time prescribed by legislation.

Background

Property Address: 10 Cayuga Avenue

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: RM7-5 - Residential

Other Applications: None

Site and Area Context

The subject property is located within the Port Credit Neighbourhood (East) Character Area, northeast of Hurontario Street and Lakeshore Road East. The immediate area consists of a mix of detached and semi-detached dwellings, a 3 and 5 storey apartment building and multiple commercial plazas. The low density dwellings in the immediate area consists of lots with frontages ranging from approximately 7.5m to 15.4m. The subject property contains an existing two storey dwelling with mature vegetation in the front yard.

The applicant is proposing to sever the existing lot to create two new parcels for the development of two new semi-detached dwellings that require a variance related to height.



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:

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 dwellings with individual frontages on a public street. In 2007, the City undertook a zoning by-law conformity and consolidation exercise including public consultation, which adopted the current RM7 zone provisions.

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 located within the Central Residential Precinct the Port Credit Local Area Plan. Section 16.1.2.1 of the 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. Section 10.3 (Neighbourhood Character Area) of the Port Credit Local Area Plan, intends to ensure development is sensitive to the existing low rise context and reinforces the planned character of the area. The official plan and zoning by-law envisions a mix of dwelling types with an eclectic lot fabric in the surrounding area. The proposed parcels are consistent with semi-detached lots found within the immediate area and contributes to the eclectic nature of the existing and planned community. 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 the proposed parcels are suitable to accommodate semi-detached dwellings.

Through a review of the minor variance applications, Staff note that variances #1 and #2 were calculated incorrectly based on final grade and not average grade. Staff informed the applicant's agent that the heights are to be calculated from average grade. The applicant's agent did not work with Staff to submit a new list of variances and drawings. The variances requested need to be verified and amended before staff can properly assess the applications.

Section 10.2.2.2 in the Port Credit Local Area Plan states that building heights on lots adjacent to the Mainstreet Precinct will demonstrate an appropriate transition. While the dwelling's heights appear to be calculated from street level, Staff are not opposed to an increase of height on the subject property, as long as they represent an appropriate transition into the lower density neighbourhood. Staff is unsure what heights the applicant is proposing. The subject property abuts the Mainstreet precinct and a three storey apartment to the north. Additionally, a five storey apartment building is located southwest of the property, which can be viewed when standing perpendicular to the front facade.

Variance #1 pertains to flat roof height. The intent in restricting height to the flat roof is to reduce the overall massing of a flat roof dwelling compared to a sloped roof dwelling, and to minimize negative impacts on the streetscape and neighbouring properties. Furthermore, it was intended to restrict large flat roof dwellings that were permitted up to a height of 10.70 m, which could also accommodate a third storey in the dwelling. Variance #1 is only required for the proposed parapet wall. From street view, the parapet wall only spans the middle portion of the front of the proposed dwellings. The parapet wall also assists in visually breaking up the roofline and the dwelling's massings. The variance requested is incorrect; Staff cannot completely assess the application until the requested variance is corrected.

Variance #2 pertains to eave height. The zoning by-law restricts eave heights to lessen the visual massing of dwellings for dwellings with sloped roofs. The applicant has proposed two semi-detached dwellings with a shared flat roof. The variance requested is incorrect; Staff cannot completely assess the application until the requested variance is corrected.

While Staff is not opposed to the requested severance application, Staff recommends deferral of both applications, as the variances requested need to be verified and amended before staff can properly assess all applications.

Conclusion

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

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. 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

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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 storm sewer outlet for this site is the existing 675mm storm sewer on Cayuga Ave. 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.

For further information please contact Ghazwan Yousif at ext. 3526.

We are noting that any Transportation and Works Department concerns/requirements for the minor variance applications for this property will be addressed under Consent Application 'B' 39/21.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit under file PREAPP 21-5315. Based on review of the information currently available in this permit application, the variances, as requested are correct.

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

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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.

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

1. The applicant shall provide a cash contribution of \$607.12 for planting of one (1) street tree on Cayuga 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 4 – Bell Canada

Subsequent to review of the Severance Application by our local Engineering Department, it has been identified that Bell Canada will require a transfer of easement over these lands to protect existing buried and aerial facilities, supply service to the properties, and to maintain service in the area. According to our records, Bell's buried cable runs along the southwest property boundary leading to a pole and aerial facilities that run northwesterly from the buried facilities and parallel to said southwest property boundary as identified in the sketch provided.

Bell Canada would like to confirm that a blanket easement over the lands or a 3.0m wide corridor to be measured 1.5m on either side of the aerial cable and pole, then to extend from the pole to a minimum of 1.0m past any anchor

installation to be measured 0.5m on either side of the guy, as can be accommodated, would satisfy our needs. As for the buried facilities, a 3.0m wide corridor to be measured 1.0m on either side of the buried facilities would satisfy our requirements. With respect to the buried plant, it will be necessary for the surveyor to arrange for a cable locate to identify its location.

Since the easement is necessary in order to provide and maintain service to this area, all costs associated with this transaction is the responsibility of the landowner. Compensation should be set to the nominal amount of \$2.00 for the acquisition of these rights. Additionally, Bell Canada requires separate, registered postponements for any mortgages and certification of title.

Comments Prepared by: Carrie Gordon, Right of Way Associate

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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. ("A"248/21 and "A"249/21)
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 August 4, 2020.
5. A letter shall be received from the City of Mississauga, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated August 4, 2020.
6. A letter shall be received from Bell Canada indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated August 4, 2020.