

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

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| Date Finalized: 2021-08-04                | File(s): B47.21<br>Ward: 1            |
| To: Committee of Adjustment               |                                       |
| From: Committee of Adjustment Coordinator | Meeting date:2021-08-12<br>1:00:00 PM |

## Consolidated Recommendation

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

## Application Details

The applicant requests the Consent 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 8.84m (29.00ft) and an area of approximately 334.80sq.m (3603.76sq.ft).

The applicant requests a minor variance for the severed lands (B47/21) and the construction of a new house proposing:

1. A lot frontage of 8.84m (approx. 29.00ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (approx. 15.00ft) in this instance;
2. A lot area of 334.80sq.m (approx. 3603.76sq.ft) whereas By-law 0225-2007, as amended, requires a lot area of 550.00sq.m (approx. 5920.15sq.ft) 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 side yard (southerly) measured to the second storey of 1.22m (approx. 4.00ft) whereas By-law 0225-2007 as amended, requires a minimum side yard measured to the second storey of 2.42m (approx. 7.94ft) in this instance;
5. A side yard (northerly) measured to the first storey of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the first storey of 1.20m (approx. 3.93ft) in this instance; and
6. A side yard (northerly) measured to the second storey of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the second storey of 2.42m (approx. 7.94ft) in this instance.

The applicant requests a minor variance for the retained lands (B46/21) and the construction of a new dwelling proposing:

1. A lot frontage of 8.84m (approx. 29.00ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (approx. 15.00ft) in this instance;
2. A lot area of 334.80sq.m (approx. 3603.76sq.ft) whereas By-law 0225-2007, as

amended, requires a lot area of 550.00sq.m (approx. 5920.15sq.ft) in this instance;

3. A lot coverage of 39.76% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance;

4. A side yard (northerly) measured to the second storey of 1.22m (approx. 4.00ft) whereas By-law 0225-2007 as amended, requires a minimum side yard measured to the second storey of 2.42m (approx. 7.94ft) in this instance;

5. A side yard (southerly) measured to the first storey of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the first storey of 1.20m (approx. 3.93ft) in this instance; and

6. A side yard (southerly) measured to the second storey of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the second storey of 2.42m (approx. 7.94ft) in this instance.

### **Amendments**

While Planning Staff are not in a position to provide an interpretation of the Zoning By-law, staff note that variances #4 and #6 for applications B46/21 and B47/21 should be amended as follows.

Application B47/21 (South Lot B):

4. A side yard (southerly) measured to the second storey of 1.22m (approx. 4.00ft) whereas By-law 0225-2007 as amended, requires a minimum side yard measured to the second storey of 1.81m (approx. 7.94ft) in this instance;
6. A side yard (northerly) measured to the second storey of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the second storey of 1.81m (approx. 7.94ft) in this instance.

Application B46/21 (North Lot A):

4. A side yard (northerly) measured to the second storey of 1.22m (approx. 4.00ft) whereas By-law 0225-2007 as amended, requires a minimum side yard measured to the second storey of 1.81m (approx. 7.94ft) in this instance;
6. A side yard (southerly) measured to the second storey of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the second storey of 1.81m (approx. 7.94ft) in this instance.

Through discussions with Zoning, Planning Staff also note that the following variances should be added for applications B46/21 and B47/21:

Application B47/21 (South Lot B):

7. A side yard (southerly) measured to the third storey of 0.88m (approx. 4.00ft) whereas By-law 0225-2007 as amended, requires a minimum side yard measured to the second storey of 2.42m (approx. 7.94ft) in this instance;

8. A side yard (northerly) measured to the third storey of 0.69m (approx. 2.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the third storey of 2.42m (approx. 7.94ft) in this instance.

Application B46/21 (North Lot A):

7. A side yard (northerly) measured to the third storey of 1.97 (approx. 4.00ft) whereas By-law 0225-2007 as amended, requires a minimum side yard measured to the third storey of 2.42m (approx. 7.94ft) in this instance;
8. A side yard (southerly) measured to the third storey of 0.69m (approx. 2.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the third storey of 2.42m (approx. 7.94ft) in this instance.

Recommended Conditions of Provisional Consent are contained in Appendix A. The variance applications approved under Files A307.21 and A308.21 must be finalized.

Variances approved under files A307.21 and A308.21 shall lapse if the consent application under file B47.21 is not finalized within the time prescribed by legislation.

## Background

**Property Address:** 1043 West Avenue

### Mississauga Official Plan

Character Area: Lakeview Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

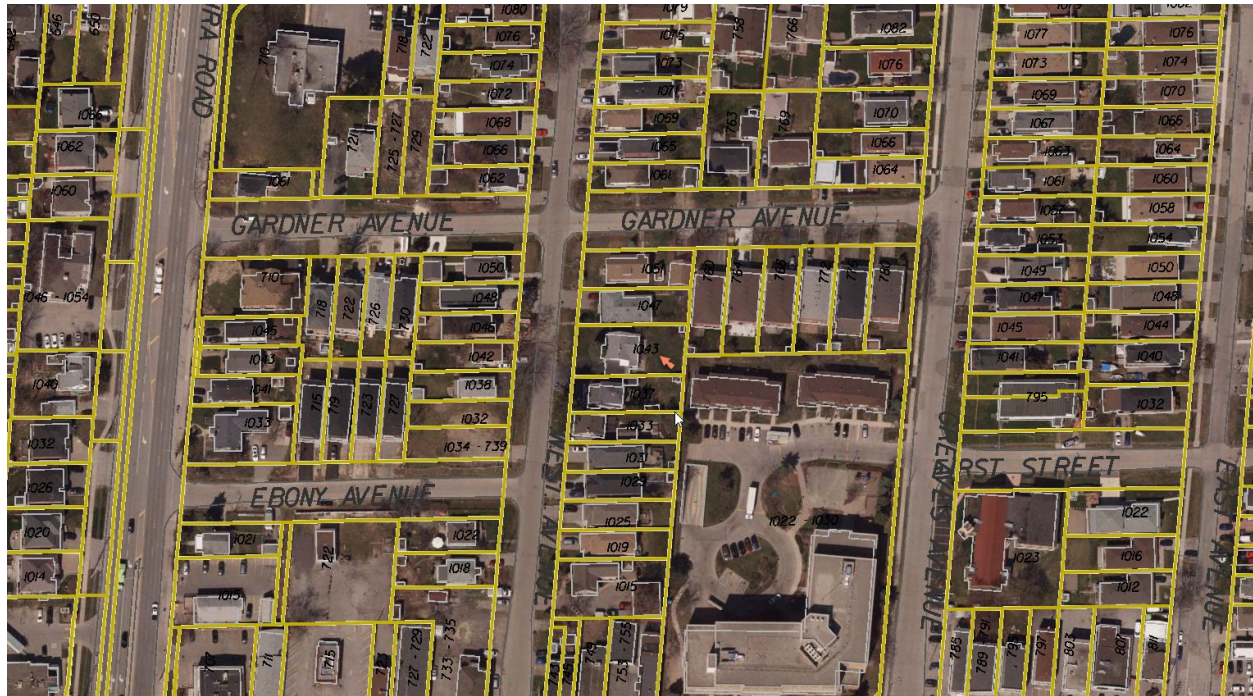
**Zoning:** R3-75 - Residential

**Other Applications:** PREAPP 21-6136

### Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, northeast of Cawthra Road and Lakeshore Road East. The immediate area consists of a mix of one and two storey detached dwellings and two storey semi-detached dwellings with little vegetation. The detached dwellings in the immediate area contain lot frontages ranging from approximately a minimum of 9m to a maximum of 19.8m. The majority of detached dwellings are between 9.6m and 10m. 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, creating two new parcels for the development of two new detached dwellings requiring variances related to lot frontage, lot area, lot coverage and side yard.



## 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 severed and retained parcels both propose lot frontages of 8.84m and lot areas of 334.8m<sup>2</sup>. The zoning by-law requires lot frontages of 15m and lot areas of 550m<sup>2</sup>.

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, street townhouses and other forms of low-rise dwellings with individual frontages. As per Section 16.1.2.1 of the MOP, 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 neighbourhood lot fabric generally consists of parcels with frontages of approximately 9.11 m – 19.8m for lots with detached dwellings. The application proposes 8.84m lot frontages, representing the lowest frontages within the immediate neighbourhood for lots with detached dwellings. The proposed frontages are also substantially lower than the lowest frontage requirement for lots with detached dwellings contained in the zoning by-law. The R5 zone permits a maximum frontage of 9.75m.

The subject property is also located within the Lakeview Neighbourhood Character Area in the Lakeview Local Area Plan (LLAP). As per Section 2.2.1 of the LLAP, new detached dwellings within Lakeview will maintain the existing character of the area and new development will fit the scale and character of the surrounding area. The applicant is proposing 2 three storey dwellings in an area where three storey dwellings are uncommon. All newer development on the street has been in the form of two storey dwellings, except for one property that contains a two and a half storey dwelling that is more sensitively designed to appear as a two storey dwelling.

Additionally, Variance #2 for both the severed and retained lands propose lot areas of 334.8 m<sup>2</sup> when the zoning by-law requires 550 m<sup>2</sup> lots. These variances are a significant deviation from the zoning by-law requirement. Furthermore, while similar lot sizes can be found in the area (For example, 309.62 m<sup>2</sup> at 727A and 727B Gardner Avenue), these are on lots with frontages greater than 9m.

Variances #3 for both the severed and retained lands propose a lot coverage of 39.9% and 39.76% when the maximum permitted lot coverage is 35%. The proposed lot coverages are of concern to Staff as they represent an overdevelopment of the lots. The dwellings alone represent approximately 39% of the lot coverage. These variances are a direct result of the inadequate lot areas and frontages proposed. Lastly, Variances #4-6, with respect to side yard setbacks, for both the severed and retained lands, also are a direct result of the reduced frontages. The side yard setbacks do not ensure that an adequate buffer exists between the massing of the primary structure on adjoining properties. The lots proposed are too small and narrow to accommodate the development as proposed.

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. 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](mailto: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](mailto: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.

Purchasers/tenants are advised that Ebony Road will be extended easterly in the future to connect with Greaves Avenue.

There is an existing utility pole located in front of the site. Should this pole be of an encumbrance to the proposed driveway(s); the applicant is to make satisfactory arrangements with the City's Street Lighting & Projects section for the relocation of the utility pole on the frontage prior to applying for an access modification permit

### 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

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

We are noting that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 47/21.

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 225-2007, 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 West 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](mailto:jim.greenfield@mississauga.ca).

Comments Prepared by: Jim Greenfield, Park Planner

### **Appendix 4 – Bell Canada**

Bell Canada's engineering department have determined that there are no concerns or comments at this time.

Comments Prepared by: Carrie Gordon, Associate, 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. ("A"307/21 and "A"308/21)
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.