

City of Mississauga Department Comments

Date Finalized: 2021-10-12	File(s): B13.21 A77.21 A78.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-10-21 1:00:00 PM

Consolidated Recommendation

The Planning and Building Department has no objection to the consent and associated minor variance applications. The Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

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 has a frontage of approximately 23.58m (77.36ft) and an area of approximately 491.89sq.m (5294.66sq.ft).

A minor variance is requested for the severed lands of application B13/21 to allow the construction of a new house proposing:

1. A lot area (interior lot) of 491.89sq.m (approx. 5294.66sq.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 coverage of 39.1% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance;
3. A front yard (interior lot) of 6.00m (approx. 19.69ft) whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m (approx. 24.61ft) in this instance;
4. An interior side yard (easterly) of 1.71m (approx. 5.61ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 1.81m (approx. 5.94ft) in this instance;
5. A rear yard of 4.61m (approx. 15.12ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard of 7.50m (approx. 24.61ft) in this instance; and,
6. A building height measured to a flat roof of 8.34m (approx. 27.36ft) 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.

A minor variance is requested for the retained lands of application B13/21 to allow the construction of a new house proposing:

1. A lot area (exterior lot) of 610.05sq.m (approx. 6566.52sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 720.00sq.m (approx. 7750.02sq.ft) in this instance;

2. An interior side yard of 1.65m (approx. 5.41ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 1.81m (approx. 5.94ft) in this instance; and

3. A building height measured to a flat roof of 8.28m (approx. 27.17ft) 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.

Amendments

The Building Department is currently processing a Building Permit application under file PREAPP 21-5185. Based on review of the information currently available for this building permit, we advise that the following variance(s) should be amended and added as follows:

For the severed lands of application B13/21:

4. An interior side yard (easterly) of 1.71m (approx. 5.61ft) to the 2nd storey portion, whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 1.81m (approx. 5.94ft) to the 2nd storey portion, in this instance;
7. Excessive encroachment of a porch, inclusive of stairs, of 4.24m into the required front yard, whereas By-law 0225-2007, as amended, permits a maximum encroachment of a porch, inclusive of stairs, of 1.60m into the required front yard, in this instance;
8. Insufficient setback to the garage face of 6.0m, whereas By-law 0225-2007, as amended, permits a minimum setback to the garage face of 7.50m, in this instance;
9. Excessive balcony encroachment of 0.14m into the required side yard, whereas By-law 0225-2007, as amended, does not permit a balcony to encroach into a required side yard, in this instance;

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

Background

Property Address: 1474 Haig Boulevard

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3-75 - Residential

Planning Applications: None

Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, south of Haig Boulevard and South Service Road. The immediate area entirely consists of one and two storey detached dwellings with mature vegetation. Additionally, the immediate area contains lot frontages of approximately 14m (approx. 45.93ft) and greater, including lots that exceed by-law requirements. The subject property contains an existing one storey dwelling with vegetation throughout the lot.

The applicant is proposing to sever the property for the purpose of creating two new parcels to develop detached dwellings. As a result, variances are required for lot area, deficient side, front and rear yards, lot coverage and an increased flat roof 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 PPS encourages opportunities for intensification along with establishing appropriate development standards that facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety. The PPS requires municipalities to encourage intensification generally throughout the delineated built-up area. The proposed

development represents growth within a built up area, allowing for better utilization of the lands. Intensification may occur throughout a settlement area, subject to compatibility with existing development and with the existing context. In the Mississauga Official Plan (MOP) the word 'compatible' means development, which may not necessarily be the same as, or similar to, the existing or desired development, but nonetheless enhances an established community and coexists with existing development without unacceptable adverse impact on the surrounding area. The proposal is consistent with the general directive in provincial policy as it is sensitive intensification within the settlement area that will not negatively impact the character of the neighbourhood.

The subject property is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP), which permits detached, semi-detached, and duplex dwellings. 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. Neighbourhoods are not meant to remain static, and that new development should be sensitive to the neighbourhoods existing and planned character.

The proposed lot frontages exceed zoning by-law requirements and are consistent with frontages in the neighbourhood. Although the lot areas do not meet the average of the lots within the immediate area, the proposal would still create lots that could be developed with appropriate sized dwellings for the neighbourhood.

Minor Variance

The following comments are with respect to the severed lands of Application B13/21:

Variance #1 pertains to lot area. A lot area (interior lot) of 491.89m² (approx. 5294.66ft²) is proposed, where a minimum lot area of 550.00m² (approx. 5920.15ft²) is required. The minimum lot area is intended to establish an appropriate lot pattern and minimum standards for development. The proposed lot area represents a minor deviation from what is permitted in the Zoning By-law. While the proposed lot area is not reflective of the existing lot pattern, the dwelling proposed is appropriately sized for the neighbourhood and is not an overdevelopment of the property.

Variance #2 pertains to lot coverage. A lot coverage of 39.1% is proposed where a maximum lot coverage of 35.00% is permitted. The intent of the zoning by-law is to ensure there isn't an overdevelopment of the lot. Staff has no concerns with this variance. In this instance, the dwelling footprint maintains a lot coverage of approximately 29%, which is less than the maximum permitted under the by-law. The portion of the lot coverage that exceeds the by-law is only attributable to the porch, deck, balcony, eaves and 2nd floor overhang.

Variances #3 and 6 pertain to the front yard. Variance #3 proposes a front yard (interior lot) of 6.00m (approx. 19.69ft) where a minimum front yard of 7.50m (approx. 24.61ft) is required. Variance #6 proposes a setback to the garage face of 6.0m, where a minimum setback to the

garage face of 7.50m is required. Staff has no concerns with Variances #3 and 6, as similar front yards exist in the immediate neighbourhood.

Variance #4 pertains to interior side yard. An interior side yard (easterly) of 1.71m (approx. 5.61ft) to the 2nd storey portion, where a minimum interior side yard of 1.81m (approx. 5.94ft) to the 2nd storey portion is required. Staff have no concerns with this variance, as the 1.71m side yard is a minor deviation from the zoning by-law's requirement and will have a negligible impact on the abutting property.

Variance #4 pertains to rear yard. A rear yard of 4.61m (approx. 15.12ft) is proposed where a minimum rear yard of 7.50m (approx. 24.61ft) is required. The intent of the rear yard setback is to ensure that both an adequate buffer exists between the massing of primary structures on adjoining properties, as well as create an appropriate amenity area within the rear yard. The rear yard variance is measured to the proposed deck. The rest of the dwelling maintains a 5.8m rear yard. Staff are of the opinion that the proposed rear yard will create an appropriate amenity area within the rear yard. Furthermore, the rear yard abuts a neighbouring rear yard providing an appropriate buffer between dwellings. Staff have no massing concerns.

Variance #6 pertains to building height. A building height measured to a flat roof of 8.34m (approx. 27.36ft) is proposed where a maximum building height measured to a flat roof of 7.50m (approx. 24.61ft) is permitted. 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 to neighbouring properties. Variance #6 is only required for the proposed front parapet wall. From street view, the parapet wall only spans a portion for the dwelling's front facade. The parapet wall assists in visually breaking up the roofline and massing of the dwelling. The rest of the dwelling maintains an approx. flat roof height of 8.1m (approx. 26.59ft) to 8.2 m (approx. 26.90ft) and limits the dwelling to two storeys.

Variances #7 and #9 pertain to encroachments. The intent of encroachment requirements is to ensure certain elements in a dwelling are sufficiently setback from all property lines. Staff are of the opinion that the encroachment variances are required due to the proposed shape of the subject property. Furthermore, these variances do not raise any concerns of a planning nature.

The following comments are with respect to the retained lands of Application B13/21:

Variance #1 pertains to lot area. A lot area (exterior lot) of 610.05m² (approx. 6566.52ft²) is proposed where a minimum lot area of 720.00m² (approx. 7750.02sq.ft) is required. Staff have no concerns with this variance. Similar lot areas can be found in the neighbourhood. Furthermore, the dwelling proposed is appropriately sized for the neighbourhood and is not an overdevelopment of the property.

Variance #2 pertains to interior side yard. An interior side yard of 1.65m (approx. 5.41ft) is proposed, where a minimum interior side yard of 1.81m (approx. 5.94ft) is required. Staff have

no concerns with this variance, as the proposed side yard is a minor deviation from the zoning by-law's requirement and is consistent with setbacks found in the immediate neighbourhood.

Variance #3 pertains to building height. A building height measured to a flat roof of 8.28m is proposed (approx. 27.17ft) where a maximum building height measured to a flat roof of 7.50m (approx. 24.61ft) is permitted. Staff have no concerns with the proposed variance as the proposed dwelling contains architectural features that mitigate the dwelling's massing and define the first and second storeys of the dwelling.

Staff are of the opinion that creation of a new lot within the settlement area is compatible with the character of the surrounding area and is consistent with the Provincial planning goals and objectives..

Based on the preceding information, the Planning and Building Department is of the opinion that the proposed consent application and associated minor variance applications meet the criteria of Section 51(24) of the *Planning Act* and the four tests for a minor variance. Furthermore, the proposed parcels are suitable to accommodate detached dwellings.

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.

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

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. 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 the lands fronting Haig Boulevard is the existing 600mm diameter storm sewer system located on Haig Boulevard. We advise that there is currently no storm sewer on Brooks Drive to serve the proposed lot. If a new storm connection is required a downstream sewer analysis may be required. For further information please contact Ghazwan Yousif at ext. 3526.

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 metre 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 the Minor Variance application for this property will be addressed under Consent Application 'B' 13/21.

Comments Prepared by: Dave Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit application under file PREAPP 21-5185. Based on review of the information currently available for this building permit, we advise that the following variance(s) should be amended as follows:

For the severed lands of application B13/21:

4. An interior side yard (easterly) of 1.71m (approx. 5.61ft) to the 2nd storey portion, whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 1.81m (approx. 5.94ft) to the 2nd storey portion, in this instance;

In addition, the following variance(s) should be added as follows:

7. Excessive encroachment of a porch, inclusive of stairs, of 4.24m into the required front yard, whereas By-law 0225-2007, as amended, permits a maximum encroachment of a porch, inclusive of stairs, of 1.60m into the required front yard, in this instance;
8. Insufficient setback to the garage face of 6.0m, whereas By-law 0225-2007, as amended, permits a minimum setback to the garage face of 7.50m, in this instance;
9. Excessive balcony encroachment of 0.14m into the required side yard, whereas By-law 0225-2007, as amended, does not permit a balcony to encroach into a required side yard, in this instance;

Further, we advise that more information is required to verify variance 6.

Our comments are based on the plans received by Zoning staff on 07/08/2021 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: Adam McCormack, 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 tree within the municipal boulevard:

- Eastern White Cedar – 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 tree.
2. The applicant shall provide tree protection securities in the amount of \$3,600.00 for the preservation of the municipal tree.
3. The applicant shall provide a cash contribution of \$1,214.24 for planting of two (2) street trees, one on Haig Boulevard and one on Brooks Drive. 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. 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 4 – Heritage

The property has archaeological potential due to its proximity to a present or past watercourse or known archaeological resource. The applicant should contact the Ministry of Heritage, Sport, Tourism and Culture Industries to determine the archaeological concerns related to the application. A letter from the Ministry of Tourism, Culture and Sport confirming that all archaeological resource concerns have met licensing and resource conservation requirements for the property must be submitted to Heritage Planning.

Comments Prepared by: Andrew Douglas

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" 77-78/21)
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 2021-10-12.
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 2021-10-12.
6. A letter shall be received from the City of Mississauga, Culture Division, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated 2021-10-12.