

City of Mississauga Department Comments

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| Date Finalized: 2021-10-19 To: Committee of Adjustment From: Committee of Adjustment Coordinator | File(s): B57.21 A402.21 A403.21 Ward: 1 |
| | Meeting date:2021-10-28 1:00:00 PM |

Consolidated Recommendation

The City recommends that the applications be refused.

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 304.6sq.m (3,278.68sq.ft).

The applicant requests the Committee to approve a minor variance to allow the construction of a new dwelling proposing:

1. A lot area of 304.60sq.m (approx. 3,278.69sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 550.00sq.m (approx. 5,920.15sq.ft) in this instance;
2. A lot frontage of 7.62m (approx. 25.00ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (approx. 49.21ft) lot frontage in this instance;
3. A side yard setback of 0.90m (approx. 2.95ft) on each side whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 2.42 m (approx. 7.94ft);
4. A lot coverage of 40.23% whereas By-law0225-2007, as amended, permits a maximum lot coverage of 35% in this instance; and
5. A flat roof height of 8.98m (approx. 29.46ft) whereas by-law 0225-2007, as amended, permits a maximum flat roof height of 7.50m (approx. 24.60ft) in this instance.

The applicant requests the Committee to approve a minor variance to allow the construction of a new dwelling proposing:

1. A lot area of 304.60sq.m (approx. 3,278.69sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 550.00sq.m (approx. 5,920.15sq.ft) in this instance;
2. A lot frontage of 7.62m (approx. 25.00ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (approx. 49.21ft) lot frontage in this instance;
3. A side yard setback of 0.90m (approx. 2.95ft) on each side whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 2.42 m (approx. 7.94ft);

4. A lot coverage of 40.23% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35% in this instance; and
5. A flat roof height of 8.59m (approx. 28.18ft) whereas by-law 0225-2007, as amended, permits a maximum flat roof height of 7.50m (approx. 24.60ft) in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

Background

Property Address: 1052 Enola Avenue

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-75 - Residential

Other Applications: Pre-Application Zoning Review – PREAPP 21-6831

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 6 storey apartment building and commercial plaza. The low-density dwellings in the immediate area contain lot frontages ranging from approximately 7.50m (approx. 24.61ft) to 20m (approx. 65.62ft). The subject property contains an existing one storey dwelling with little vegetation in the front yard. The applicant is proposing to sever the existing lot, creating two new parcels for the development of detached dwellings.

The proposed development requires variances related to lot frontage, lot area, lot coverage, flat roof height and setbacks.

Staff comments are as follows:

The application proposes to sever the existing lot, creating two new parcels for the purpose of developing with detached dwellings. The retained and severed parcels propose lot frontages of 7.62m (approx. 25ft) and lot areas of 304.60m²(approx. 3,278.69ft²). The zoning by-law only permits detached dwellings with lot frontages of 15m (approx. 49.21ft) and lot areas of 550m²(approx. 5,920.15ft²).

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 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. Furthermore, Section 5.3.5 (Neighbourhoods) states that neighbourhoods are not meant to remain static, however, when new development occurs it should be sensitive to the neighbourhoods existing and planned character.

Through a review of lots within the immediate area, single detached lots in the area generally have frontages of over 10m (approx. 32.8ft). The proposed size of the lots are also generally uncharacteristic for detached dwellings in the neighbourhood and results in variances that are required to accommodate detached dwelling due to the size of the lot.

Variance #3 for both the severed and retained lands propose a side yard setback 0.9m (approx. 2.95ft) on each side of each dwelling where a minimum side yard setback of 2.42 m (approx. 7.94ft) is required. These variances are not minor and are a direct result of the proposed reduced frontages. The side yard setbacks do not ensure that an adequate buffer exists between the massing of the primary structure on adjoining properties. Furthermore, staff are of the opinion that 0.9m (approx. 2.95ft) is not an adequate amount of space to provide an unencumbered access to the rear yards. The lots proposed are too small and narrow to accommodate the detached dwellings proposed.

Variances #4 for both the severed and retained lands propose a lot coverage of 40.23% and when the maximum permitted lot coverage is 35%. These variances are a direct result of the inadequate lot areas and frontages proposed. The proposed lot coverages are of concern to staff as they represent an overdevelopment of the lots.

Variance #5 for both the severed and retained lands propose a flat roof height of 8.59m (approx. 28.18ft) and 8.98m (approx. 29.46ft) where a maximum flat roof height of 7.50m (approx. 24.60ft) is permitted. The flat roof height requested proposes significant massing impacts to neighbouring properties and does not maintain the general intent and purpose of the infill regulations. Furthermore, the proposed heights are uncharacteristic of the neighbourhood, as staff was unable to locate similar flat roof heights for detached dwellings in the immediate neighbourhood. Lastly, the flat roof height is a significant deviation from what the by-law permits and allows for a design that does not contain any mitigating features to break up the massing of the dwellings.

The applicant's proposal takes a lot that complies with zoning regulations and create two new lots with areas and frontages that are not consistent with the neighbourhood and that would be

roughly half of what the Zoning By-law requires. The lot area and frontages proposed do not meet the purpose and intent of the zoning by-law.

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.

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

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. 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 system available in front of the proposed lot on Enola Ave. In this regard, we advise that all dwellings to be constructed on the subject lands will require a sump pump to discharge the weeping tile to grade. In situations where a sump pump is required and where a high groundwater table may exist, the sump pump may run continuously. The applicants are encouraged to design the weeping tile elevation to be at least 1.0 meter above the seasonal groundwater elevation. The owner is advised that the City has no obligations to address any concerns related to the operation of private sump pump systems.

We are noting that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 57/21.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Preliminary Zoning Review application under file PREAPP 21-6831. Based on review of the information currently available for this building permit, we advise that the following variance(s) should be amended as follows:

The applicant requests the Committee to approve a minor variance to allow the construction of a new dwelling on Part 1 proposing:

2. A lot frontage of 7.57m whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (approx. 49.21ft) lot frontage in this instance;

The applicant requests the Committee to approve a minor variance to allow the construction of a new dwelling on Part 2 proposing:

2. A lot frontage of 7.57m whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (approx. 49.21ft) lot frontage in this instance;

Our comments are based on the plans received by Zoning staff on 07/26/2021 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.

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 Enola 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. 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 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" 402-403/21)
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 2021-10-19.
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 2021-10-19.
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 2021-10-19.
7. A letter shall be received from the Region of Peel, Development Services/Public Works, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated, 2021-10-15.