

City of Mississauga Department Comments

Date Finalized: 2021-10-19	File(s): B58.21 A406.21 A407.21
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2021-10-28 1:00:00 PM

Consolidated Recommendation

The City has no objection to the variance(s), as amended. 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 of land has a frontage of approximately 9.145m (approx. 30.003ft) and an area of approximately 348.400sq.m (approx. 3750.146sq.ft).

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

1. A maximum lot coverage of 51.3% (approx. 178.67sq.m or 1,923.19sq.ft) whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 45.0% (approx. 156.79sq.m or 1,687.67sq.ft) in this instance;
2. An interior side yard setback of 0.98m (approx. 3.22ft) where as By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.20m (approx. 3.94ft) in this instance; and
3. A side yard setback of 0.00m whereas By-law 0225-2007, as amended, requires a minimum setback of 1.20m (approx. 3.94ft) in this instance.

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2. An exterior side yard setback of 0.98m (approx. 3.22ft) where as By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 4.50m (approx. 14.76ft) in this instance;
3. A side yard setback of 0.00m whereas By-law 0225-2007, as amended, requires a minimum

setback of 1.20m (approx. 3.94ft) in this instance; and

4. A lot frontage of 9.145m (approx. 30.003ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 9.800m (approx. 32.152ft) in this instance.

Amendments

The Building Department is currently processing a Preliminary Zoning Review application under file PREAPP 21-7141. Based on review of the information currently available in the application, we advise that the following variances be amended:

Lot A 3. A side setback of 0.00m for the proposed below grade stairwell in rear yard for the lot A whereas By-law 0225-2007, as amended, requires a minimum setback of 1.20m (approx. 3.94ft) in this instance.

Lot B

3. A side setback of 0.00m for the proposed below grade stairwell in rear yard for the lot B whereas By-law 0225-2007, as amended, requires a minimum setback of 1.20m (approx. 3.94ft) in this instance.

In addition, more information is required in order to verify variance #4.

Furthermore, we advise that the following variance should also be added for Lot B:

5. An exterior side setback of 2.02m (approx. 6.63ft) for the balcony in rear yard for the lot B whereas By-law 0225-2007, as amended requires a min exterior side setback of 4.5m (approx. 14.76ft) for the lot B.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

Background

Property Address: 30 Woodlawn 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:** Pre-Application Zoning Review – PREAPP 21-7141**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 older and newer two-storey detached and semi-detached dwellings. The low-density dwellings in the immediate area contain lot frontages ranging from approximately 7.5m to 25m. 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 two new parcels for the development of two new semi-detached dwellings, requiring variances related to lot coverage and side yards.

"[Enter air photo]"

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 North Residential Neighbourhood Precinct in 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.

Variance #1 pertains to lot coverage. The applicant is proposing a lot coverage of 51.3% for each dwelling, when a maximum lot coverage of 45% is permitted. Staff has no concerns with this variance. Staff note that 42% of the lot coverage is attributed to the dwelling's footprint, which meets the zoning by-law requirement, and that the variance requested is required to accommodate the proposed covered porches and 2nd floor projection.

Variance #2 and 3 pertain to side yards. The applicant is proposing an interior side yard setback of 0.98m (approx. 3.22ft) where a minimum interior side yard setback of 1.20m (approx. 3.94ft) is required and a side yard setback of 0.00m where 1.20m (approx. 3.94ft) is required. The 0.98m side yard proposed is only required for a small portion of each dwelling with the remainder of each dwelling maintaining setbacks of 1.2m (approx. 3.94m) and 1.41m (approx. 4.63m), which either meets or exceeds the setback requirement. The 0.00m setback is required for the below grade stairwell in each of the rear yards. The proposed development is for a semi-detached dwelling with the 0.0m setback for the party wall between each dwelling . As such, staff has no planning concerns with the proposed setback.

Variance #4 pertains to lot frontage. The applicant is proposing a lot frontage of 9.15m (approx. 30.02ft) where a minimum lot frontage of 9.80m. The intent of the zoning by-law is to ensure that new lots are appropriately sized and fit within the context of the surrounding area. Staff

have no concerns with this variance, as many lots in the immediate area have much smaller frontages.

Variance #5 pertains to exterior side yard setback. The applicant is proposing an exterior side yard setback of 2.02m (approx. 6.63ft) for the balcony in rear yard for the lot B where a minimum exterior side setback of 4.5m (approx. 14.76ft) is required. The proposed balcony abuts a street; therefore, staff has no privacy or overlook concerns.

As such, staff is of the opinion that the proposal maintains the general intent and purpose of the zoning by-law.

The proposed dwellings maintain the existing and planned context of the surrounding area and does not pose a negative impact to the neighbourhood. As a result, the proposed dwelling maintains compatibility with newer two storey semi-detached dwellings. Staff is of the opinion that the application represents orderly development of the lands and is minor in nature.

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 storm sewer outlet for this site is the existing 375mm storm sewer on Woodlawn Avenue. 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 this property will be addressed under Consent Application 'B' 58/21.

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 21-7141. Based on review of the information currently available in the application, we advise that the following variances be amended:

Lot A

3. A side setback of 0.00m for the proposed below grade stairwell in rear yard for the lot A whereas By-law 0225-2007, as amended, requires a minimum setback of 1.20m (approx. 3.94ft) in this instance.

Lot B

3. A side setback of 0.00m for the proposed below grade stairwell in rear yard for the lot B whereas By-law 0225-2007, as amended, requires a minimum setback of 1.20m (approx. 3.94ft) in this instance.

In addition, more information is required in order to verify variance #4.

Furthermore, we advise that the following variance should also be added for Lot B:

5. An exterior side setback of 2.02m (approx. 6.63ft) for the balcony in rear yard for the lot B whereas By-law 0225-2007, as amended requires a min exterior side setback of 4.5m (approx. 14.76ft) for the lot B.

Please note that comments reflect those provided through the above pre zone 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 must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments.

Comments Prepared by: Sherri Takaloo – 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 trees within the municipal boulevard:

- Red Oak, 35 cm DBH – Good Condition
- Sugar Maple, 95 cm DBH – 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 trees.
2. The applicant shall provide tree protection securities in the amount of \$20,700.00 for the preservation of the municipal trees.
3. The applicant shall provide a cash contribution of \$607.12 for planting of one (1) street tree on Forest 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. 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 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" 406-407/21)
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, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated 2021-10-15.

8. A letter shall be received from the Bell Canada, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated October 12, 2021.