

City of Mississauga Department Comments

Date Finalized: 2021-11-23 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): B67.21 A495.21 A496.21 Ward: 1
	Meeting date:2021-12-02 1:00:00 PM

Consolidated Recommendation

The City has no objections to the consent and associated minor variance application.

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 10.91m (approx. 35.79ft) and an area of approximately 438.8sq.m (approx. 4,723.2sq.ft).

The applicant requests the Committee to approve a minor variance for the Severed Lands (file A495/21) to allow the construction of a new dwelling proposing:

1. An interior lot area of 438.8sq.m (approx. 4,723.2sq.ft)) whereas By-law 0225-007, as amended, permits a minimum interior lot area of 550.0sq.m (approx. 5,920.15sq.ft) in this instance;
2. An interior lot frontage of 10.91m (approx. 35.79ft) whereas By-law 0225-007, as amended, permits a minimum interior lot frontage of 15.00m (approx. 49.21ft) in this instance;
3. An interior side yard to the second storey of 1.20m (approx. 3.94ft) on the north side whereas By-law 0225-007, as amended, requires a minimum interior side yard of 1.81m (approx. 5.94ft) in this instance; and,
4. A combined width of side yards of 2.48m (approx. 8.14ft) whereas By-law 0225-007, as amended, requires a minimum combined width of side yards of 3.60m (approx. 11.81ft) in this instance.

The applicant requests the Committee to approve a minor variance for the Retained lands (file A496/21) to allow the construction of a new dwelling proposing:

1. An interior lot area of 438.8sq.m (approx. 4,723.2sq.ft)) whereas By-law 0225-007, as amended, permits a minimum interior lot area of 550.0sq.m (approx. 5,920.15sq.ft) in this instance;
2. An interior lot frontage of 10.91m (approx. 35.79ft) whereas By-law 0225-007, as amended, permits a minimum interior lot frontage of 15.00m (approx. 49.21ft) in this instance;

3. An interior side yard to the second storey of 1.20m (approx. 3.94ft) on the south side whereas By-law 0225-007, as amended, requires a minimum interior side yard of 1.81m (approx. 5.94ft) in this instance; and,

4. A combined width of side yards of 2.48m (approx. 8.14ft) whereas By-law 0225-007, as amended, requires a minimum combined width of side yards of 3.60m (approx. 11.81ft) in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

Background

Property Address: 1338 Kenmuir Avenue

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-1 - Residential

Other Applications:

Site Plan Infill 17 40 (Cancelled) AND Minor Variance A445/17 (Refused)

Site and Area Context

The subject property is located within the Mineola Character Area, northwest of Cawthra Road and Atwater Avenue. The immediate area consists of a mix of older and newer one and two-storey detached dwellings. The lots in the immediate area contain lot frontages ranging from approximately 10.17m (33.37ft) to 25m (82.02ft). 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 detached dwellings, requiring variances related to lot area, frontage and side yards.



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:

Does the proposal maintain the general intent and purpose of the Official Plan?

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. 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. The immediate area contains a mix of lot sizes and frontages. The proposed parcels are consistent with other detached lots found within the immediate area and contribute 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 detached dwellings.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

Variances #1 and 2 for the severed and retained lands pertain to lot area and frontage. An interior lot area of 438.8m² (4,723.2ft²) is proposed where a minimum interior lot area of 550.0m² (5,920.15ft²) is required, and an interior lot frontage of 10.91m (35.79ft) is proposed, where a minimum interior lot frontage of 15.00m (49.21ft) is required. 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 these variances, as the proposed lots are reflective of the lots in the area, which contain a large mix of frontages and lot areas.

Variance #2 and 3 for the severed and retained lands pertain to side yards. The applicant is proposing interior side yards to the second storeys of 1.20m (3.94ft) where a minimum interior side yard of 1.81m (5.94ft) is required, and a combined width of side yards of 2.48m (8.14ft) where a minimum combined width of side yards of 3.60m (approx. 11.81ft) is required. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between the massing of primary structures on adjoining properties, and that access to the rear yard ultimately remains unencumbered. Staff have no concerns with these variances, as the side yards proposed provided an adequate buffer between the massing of the proposed dwellings and the adjacent properties. Furthermore, the proposed setbacks ensure access to the rear yard is maintained. The setbacks proposed are consistent with side yard setbacks for residential dwellings in the immediate neighbourhood. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

The proposed dwellings maintain the existing and planned context of the surrounding area and do not pose a negative impact to the neighbourhood. As a result, the proposed dwellings maintain compatibility with other detached dwellings in the immediate area. Staff is of the opinion that the application represents orderly development of the lands and is minor in nature.

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. 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 Kenmuir 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 (905) 615-3200 ext. 3526.

We are noting that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 67/21.

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 0225-2007, 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: Brandon Eidner, 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 Kenmuir 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. Tree preservation securities and hoarding will be required as a condition of site plan approval for street trees located within the Municipal Boulevard.
2. 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.
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, Heritage Analyst

City of Mississauga Department Comments

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" 495-496/21)
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 2021-11-24.
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 2021-11-24.
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 2021-11-24.
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 November 19, 2021.