

# City of Mississauga Department Comments

Date Finalized: 2021-12-08 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): B71.21.A554.21.A555.21 Ward: 1
	Meeting date:2021-12-16 1:00:00 PM

## Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the Applicant and area residents when assessing if the application, as requested, meets the requirements of Section 45(1) of the Planning Act.

## 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 7.59m (approx. 24.90ft) and an area of approximately 289.17sq.m (approx. 3,112.60sq.ft).

The applicant requests the Committee to approve a minor variance to allow the construction of a new dwelling on the subject property, being the retained lands of application B71/21, proposing:

1. A lot coverage of 48.55% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 45.00% in this instance;
2. A lot area of 274.72sq.m (approx. 2,957.06sq.ft) whereas By-law 0225-2007, as amended, permits a maximum lot area of 280.00sq.m (approx. 3,013.89sq.ft) in this instance;
3. A lot frontage of 7.59m (approx. 24.90ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 9.80m (approx. 32.15ft) in this instance;
4. A setback to the garage face of 5.61m (approx. 18.41ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 6.00m (approx. 19.69ft) in this instance;
5. An exterior side yard setback of 1.24m (approx. 4.07ft) whereas By-law 0225-2007, as amended, requires a minimum exterior yard setback of 4.50m (approx. 14.76ft) in this instance;
6. An interior side yard setback of 0.00m to the garage whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 0.61m (approx. 2.00ft) in this instance;
7. A window well encroachment of 5.54m (approx. 18.18ft) into the exterior side yard whereas By-law 0225-2007, as amended, permits a maximum window well encroachment of 0.61m (approx. 2.00ft) into a required yard in this instance; and
8. A detached garage whereas By-law 0225-2007, as amended, does not permit a detached garage in this instance.

The applicant requests the Committee to approve a minor variance to allow the construction of a new dwelling on the subject property, being the severed lands of application B71/21, proposing:

1. A lot coverage of 46.77% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 45.00% in this instance;
2. An interior lot frontage of 4.26m (approx. 13.98ft) for a through lot whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 6.80m (approx. 22.31ft) for a through lot in this instance;
3. A setback to the garage face of 5.61m (approx. 18.41ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 6.00m (approx. 19.69ft) in this instance;
4. An interior side yard setback of 0.00m to the garage whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 0.61m (approx. 2.00ft) in this instance;
5. A window well encroachment of 5.54m (approx. 18.18ft) into the exterior side yard whereas By-law 0225-2007, as amended, permits a maximum window well encroachment of 0.61m (approx. 2.00ft) into a required yard in this instance; and
6. A detached garage whereas By-law 0225-2007, as amended, does not permit a detached garage in this instance.

### **Recommended Conditions and/or Terms of consent**

- Appendix A – Conditions of Provisional Consent

## **Background**

**Property Address:** 28 Mohawk

### **Mississauga Official Plan**

Character Area: Port Credit Neighbourhood (East)

Designation: Residential Low Density II

### **Zoning By-law 0225-2007**

**Zoning:** RM7-5 - Residential

**Other Planning Applications:** Preliminary Application Zoning Review – PREAPP 21-6729

### **Site and Area Context**

The subject property is located within the Port Credit Neighbourhood (East), northeast of Hurontario Street and Lakeshore Road East. The neighbourhood is entirely residential consisting of newer and older one and two storey detached, semi-detached, duplex, and triplex dwellings on lots with mature vegetation in the front yards. The subject property is a one-storey detached dwelling on a corner lot with minimal vegetation in the front yard.

The applicant is proposing to sever the subject property to construct semi-detached dwellings requiring variances pertaining to lot coverage, lot frontages, setbacks, window well encroachments and a detached garage.



## 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.

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 Precinct (Credit Grove) of 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. Although a variance for lot area and frontage (Variance #2 and 3) are required for the retained lands, both 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 are 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 for both the severed and retained lands pertains to lot coverage. The applicant is proposing a lot coverage of 46.77% on the severed lands and 48.55% on the retained lands where a maximum lot coverage of 45.00% is permitted. The intent of the zoning by-law is to ensure that the lot is not overdeveloped. In this instance, a lot coverage of approximately 38% is attributable to the dwelling footprints, for both the severed and retained lands, which is less than the maximum permitted under the by-law. The portion of the lot coverage that exceeds the maximum coverage permitted under the by-law is only attributable to the eave overhangs, porches and detached garage structure. The eave overhangs and porches do not add significant massing to the overall dwelling and represent a marginal increase from what is permitted. The detached garage structure adds approximately 8% and 9% to the overall lot coverage respectively. Staff have no concerns with the increased lot coverage attributed to the garage structure, as detached garage structures are common within the immediate area, and staff note that a detached garage structure currently exists on the subject property. Furthermore, the proposed detached garage does not add significant massing concerns to the site, as it does not require variances for height or floor area.

Variance #2 (for the severed lands) pertains to the interior lot frontage of a through lot. The applicant is proposing an interior lot frontage of 4.26m (13.98ft) for a through lot where a minimum lot frontage of 6.80m (22.31ft) is required for a through lot. A review of the immediate neighbourhood identified similar deficiencies on other through lots. Therefore, the proposed interior lot frontage of the through lot is not out of character within the immediate neighbourhood.

Variances #4, 6, 8 for the retained lands and #3, 4 and 6 for the severed lands pertain to the detached garage structure. The intent of the zoning by-law is to ensure that a detached garage is sufficiently setback from neighbouring lots and will not create a negative impact on the subject and neighbouring properties regarding drainage. Staff have no planning concerns with the above noted variances. The applicant is proposing a detached garage structure on the subject property, where detached garages are not permitted. Staff note that detached garages are common in the immediate area and a detached garage currently exists on the subject property. The applicant is also proposing a 0.00m interior side yard setback to the garage on the severed and retained lands. This variance is required to the shared party wall separating each garage. The applicant is also seeking a setback to the garage face of 5.61m (18.41ft) where a minimum setback of 6.00m (19.69ft) is required. This variance is minor and negligible. Furthermore, the 5.61m (18.41ft) setback is greater than the existing setback to the existing detached garage structure. As such, staff has no planning concerns with the proposed variances.

Variance #5 on the retained lands pertains to the exterior side yard setback. The applicant is proposing an exterior side yard setback of 1.24m (4.07ft) where a minimum exterior yard setback of 4.50m (14.76ft) is required. Through a review of the immediate neighbourhood, similar deficiencies are common for exterior side yard setbacks. Therefore, the proposed setback is not out of character within the immediate neighbourhood. Lastly, the municipal boulevard adds an additional buffer to further mitigate any potential impacts created by the reduced exterior side yard setback.

Variance #5 on the severed lands and variance #7 on the retained pertains to window well encroachments. The applicant is proposing window well encroachments of 5.54m (18.18ft), when a maximum window well encroachment of 0.61m (2.00ft) is permitted. The intent of encroachment requirements is to ensure certain elements in a dwelling are sufficiently setback from all property lines and to ensure access to the rear yard is maintained. Staff is of the opinion that the window wells are sufficiently setback from all property lines, and that the encroachment variances requested do not raise any concerns of a planning nature. Furthermore, the proposed window wells will not impede access to the rear yards.

It is Staff's opinion that the proposed development is sympathetic to the surrounding area and does not impact the neighbouring properties. Through a detailed review of the application, staff is of the opinion that the application is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning nature.

## Appendices

### Appendix 1 – Transportation and Works Comments

Should Committee see merit in the subject application we are providing the following conditions/requirements that will have to be addressed to the satisfaction of this department prior to the issuance of final consent:

#### A. Items Required Prior to the Issuance of Final Consent

##### 1. Overall Servicing Proposal

We request that the applicant submit a Functional Servicing Proposal prepared by a Consulting Engineer for this department's review/approval to confirm that all the necessary municipal services can be provided for any dwellings to be constructed on the subject lands.

##### 2. 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 catch basins may be required and satisfactory arrangements will have to be made for the construction of any required catch basins.

##### 3. Overall Site Plan

The applicant will be required to provide for our review/approval a more detailed conceptual site plan which must include the location of all utilities on site as well as the proposed locations of the driveway entrances, proposed building footprints and location of all easements required for the site.

##### 4. 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)

##### 5. Easement Requirement

Maintenance/access easements will be required in favour of both parcels.

Upon review of the items requested in Section A, Items 1, 2 and 3 above, we advise that any easements that may be required for either drainage, servicing or maintenance purposes will need to be addressed as part of this severance application. The applicant/owner is to provide a Draft Reference Plan that shows the new easements as parts along with a letter prepared by their Solicitor which describes any new private easement(s) to be established. It should be acknowledged that any documentation received will be forwarded as an attachment to our clearance memo to the Committee of Adjustment so that any new proposed private easement can be identified and also be incorporated into the Certificate of Secretary-Treasurer.

## **B. GENERAL INFORMATION**

### **1. Servicing**

We note for the owner's information that all costs incurred in providing the required services (i.e., sanitary, water, storm, hydro, gas, etc.) to the subject lands will be the responsibility of the owner.

### **2. Access**

We advise the applicant that all costs incurred in providing any new driveway entrances to the subject lands or any modifications/reinstatement required (including the existing driveway), 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. Driveway accesses shall maintain a 1.5m setback from aboveground features such as utilities and trees.

### **3. Lot Grading and Drainage**

We advise the applicant that issuance of any building permits for any new dwellings 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.

### **4. Storm Sewer Outlet**

The applicant is advised that there is no storm sewer system available in front of the proposed lot on Mohawk Avenue. 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. It is the full responsibility of the applicant to advise any prospective purchasers of the properties of this requirement. 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 the Minor Variance applications for this property will be addressed under Consent Application 'B' 71/21.

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 21-6729. Based on review of the information currently available for this building permit, the variances, as requested are correct.

Our comments are based on the plans received by Zoning staff on 07/20/2021 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 \$1,821.36 for planting of three (3) street trees on Mohawk Avenue and Queen Street East. 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 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" 554-555/21)
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 2021-12-08.
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 2021-12-08.