

City of Mississauga Department Comments

Date Finalized: 2021-12-08 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): B72.21.A556.21.A557.21 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. 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 7.12m (approx. 23.36ft) and an area of approximately 290.7sq.m (approx. 3,129.1sq.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 B72/21, proposing:

1. A lot coverage of 45.78% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 45.00% in this instance; and
2. A window well encroachment of 0.77m (approx. 2.53ft) whereas By-law 0225-2007, as amended, permits a maximum window well encroachment of 0.61m (approx. 2.00ft) 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 B72/21, proposing a window well encroachment of 0.77m (approx. 2.53ft) whereas By-law 0225-2007, as amended, permits a maximum window well encroachment of 0.61m (approx. 2.00ft) in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

Amendments

Based on review of the information currently available for this building permit, we advise that the following variance(s) should be amended/added as follows:

1. A lot coverage of 46.07% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 45.00% in this instance;

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

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. A detached garage whereas By-law 0225-2007, as amended, does not permit a detached garage in this instance.

5. A lot frontage of 4.26m for the through lot (interior lot) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 6.80m for a through lot (interior lot) in this instance;

Background

Property Address: 23 Mohawk 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 Planning Applications:

Preliminary Application Zoning Review – PREAPP 21-6728

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 two storey detached dwelling with minimal vegetation in the front yard.

The applicant is proposing to sever the subject property to construct semi-detached dwellings requires variances for lot coverage and window well encroachments.



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 are as follows:

Staff note that Zoning staff's comments are based on the plans received by Zoning staff on July 20, 2021 for a Preliminary Zoning Review application under file PREAPP 21-6729. The applicant has since revised their proposal, and Zoning staff's comments these comments are no longer be applicable.

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 bylaw 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. The parcels as proposed 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 45.78% on the retained lands, where a maximum lot coverage of 45.00% is permitted. The intent of the zoning by-law is to ensure there is not an overdevelopment of the lot. In this instance, the dwelling footprint maintains a lot coverage of approximately 44%, 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 eave overhangs, which do not add significant massing to the overall dwelling and furthermore represents a marginal increase from what is currently permitted.

Variance #2 and 3 pertain to window well encroachments. The applicant is proposing window well encroachments of 0.77m (2.53ft) on the severed and retained lands, 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. Staff is of the opinion that the encroachment variances requested do not raise any concerns of a planning nature. Furthermore, the variances represent a marginal increase from the maximum permitted window well requirement in the zoning by-law.

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.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

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. 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

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' 72/21.

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, we advise that the following variance(s) should be amended/added as follows:

1. A lot coverage of 46.07% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 45.00% in this instance;

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

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. A detached garage whereas By-law 0225-2007, as amended, does not permit a detached garage in this instance.

5. A lot frontage of 4.26m for the through lot (interior lot) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 6.80m for a through lot (interior lot) in this instance;

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 \$607.12 for planting of one (1) street tree on Mohawk 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. 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" 556-557/21)
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.