

City of Mississauga Department Comments

Date Finalized: 2022-01-12	File(s): B3.22 A13.22 A14.22
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2022-01-20 1:00:00 PM

Consolidated Recommendation

The City has no objection to the consent and associated minor variance applications. 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 10.01m (approx. 32.84ft) and an area of approximately 336.61sq.m (approx. 3,623.24sq.ft).

The applicant requests the Committee to approve minor variances to allow the construction of a new dwelling on the retained lands of application B3/22 proposing:

1. A lot coverage of 41.1% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.0% in this instance;
2. A lot area of 336.16sq.m (approx. 3,618.40sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 550.0sq.m (approx. 5,920.15sq.ft) in this instance;
3. A lot frontage of 10.04m (approx. 32.94ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (approx. 49.21ft) in this instance;
4. A height of eaves of 6.65m (approx. 21.82ft) whereas By-law 0225-2007, as amended, permits a maximum height of eaves of 6.40m (approx. 21.00ft) in this instance;
5. A side yard setback (northerly) of 0.65m (approx. 2.13ft) to the first storey whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance;
6. A side yard setback (northerly) of 0.65m (approx. 2.13ft) to the second storey whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.81m (approx. 5.94ft) in this instance; and
7. A side yard setback (southerly) of 1.24m (approx. 4.07ft) to the second storey whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.81m (approx.

5.94ft) in this instance.

The applicant requests the Committee to approve minor variances to allow the construction of a new dwelling on the subject property, being the severed lands of application B3/22, proposing:

1. A lot coverage of 41.0% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.0% in this instance;
2. A lot area of 336.61sq.m (approx. 3,623.24sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 550.0sq.m (approx. 5,920.15sq.ft) in this instance;
3. A lot frontage of 10.01m (approx. 32.84ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (approx. 49.21ft) in this instance;
4. A height of eaves of 6.65m (approx. 21.82ft) whereas By-law 0225-2007, as amended, permits a maximum height of eaves of 6.40m (approx. 21.00ft) in this instance;
5. A side yard setback (southerly) of 0.65m (approx. 2.13ft) to the first storey whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance;
6. A side yard setback (southerly) of 0.65m (approx. 2.13ft) to the second storey whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.81m (approx. 5.94ft) in this instance; and,
7. A side yard setback (northerly) of 1.22m (approx. 4.00ft) to the second storey whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.81m (approx. 5.94ft) in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

Background

Property Address: 1090 Casson Avenue

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-75 - Residential

Other Applications:

Preliminary Application Zoning Review – PREAPP 21-74

Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, northeast of Lakeshore Road East and Ogden Avenue. The immediate neighbourhood contains a mix of employment, utility and residential uses. The residential uses consist primarily of one and two storey detached dwellings with mature vegetation in the front yards. Lot frontages for detached dwellings generally range between 7.65m (25.1ft) and 19 m (62.3ft). The subject property contains an existing one and a half storey dwelling with mature vegetation in the front yard.

The applicant is proposing to sever the subject property and build two new two-storey detached dwellings requiring variances related to lot frontage, lot area, lot coverage, height of eaves and side yard setbacks.



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:

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 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 severed and retained lands, both proposed parcels are consistent with lots found in the immediate and broader area. Furthermore, the proposed lots provide a transition between medium-density townhomes to the south-east of the subject property and low-density detached dwellings to the west of the subject property.

Historically, City staff did not support proposals in the immediate area for detached dwellings with similar lot sizes and frontages. These examples include 1088 & 1092 Gardner Avenue (in 2012), 1093 Gardner (in 2013) and 1082 Gardner (in 2015). Subsequently all of these developments received approval by the Committee of Adjustment or Ontario Municipal Board. In 2019, another similar proposal was received by Staff to sever 1092 Ella Avenue. This proposal was supported by Staff and approved by the Committee of Adjustment, as approvals on Gardner Avenue (listed above) had ultimately changed the character and context of the neighbourhood. Staff are of the opinion that the consent application conforms to Section 51(24) of the *Planning Act*, that the application conforms to the official plan and the proposed parcels are suitable to accommodate detached dwellings.

Staff also note that the requested minor variances are generally consistent with replacement dwellings on deficient lots located in the immediate area.

Variance #1 pertains to lot coverage. The intent of the zoning by-law is to ensure there is not an overdevelopment of the lot. In this instance, the applicant is proposing a lot coverage of 41% when a maximum lot coverage of 35% is permitted. Staff note that only 37% of the lot coverage is attributable to the detached dwelling's footprint. This increased lot coverage represents a

minor deviation from the zoning by-law's requirement. The remaining 4% is attributable to porches, decks and eaves, which do not pose any significant massing concerns.

Variance #4 pertains to eave height. The intent of restricting height to the highest ridge and eaves is to lessen the visual massing of dwelling, while lowering the overall pitch of the roof and bringing the edge of the roof closer to the ground. This results in the dwelling having a more human scale. The proposed eave height does not pose any massing concerns and represents a minor deviation from the zoning by-law requirement. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variances #5, 6 and 7 pertain to side yard setbacks. Through a review of the immediate neighbourhood, similar deficiencies are common for detached dwellings. The proposed setbacks are not out of character within the immediate neighbourhood. Additionally, the proposed setbacks maintain a sufficient buffer to the neighbouring properties and are large enough to ensure access to the rear yard is unencumbered.

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

It is staff's opinion that the proposed development is sympathetic to the surrounding area and is capable of reasonably accommodating the new two detached dwellings. Furthermore, the proposed lot sizes and frontages for the retained and severed properties are consistent with existing properties in the area. As such, it is staff's opinion that the proposed development is appropriate and sensitive form of intensification 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 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 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. Acoustical Report

Due to the proximity and noise emanating from Metrolinx railway tracks, the owner will be required to retain the services of an Acoustical Consultant to prepare a detailed Acoustical Report for the subject lands and make comments/recommendations in support of this severance application. This report is to determine the need for the implementation of any noise attenuation measures that are to be incorporated into the construction of the site works to achieve the City's and the M.O.E.'s current noise level objectives. The scope of this report is to define the minimum noise attenuation requirements for the control of outdoor and indoor environmental sound levels.

We are also noting for the owner's information that securities will be required to ensure that any noise attenuation measures such as air conditioning units are installed for the dwellings to be constructed.

3. Development Agreement

Upon the review of the Acoustical Report which would contain the appropriate Warning Clauses, the owner may be required to enter into a Development Agreement which is to be registered against title of the subject lands. The said agreement is to advise any prospective purchasers that, despite the inclusion of noise control features, noise levels emanating from the Metrolinx tracks may continue to be of concern, occasionally interfering with some of the activities of the dwelling occupants as the noise exposure level may exceed the noise criteria of the municipality and the Ministry of the Environment and Climate Change.

In view of the above, the applicant should contact this Department with regard to obtaining a sample copy of a Development Agreement to determine which clauses are to be incorporated.

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

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 Casson 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' 3/22.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department has processed a Preliminary Zoning Review application under file PREAPP 21-7174. Based on review of the information currently available in this permit application, we advise that the variances requested are correct, however more information is required in order to verify the accuracy of variances #4 in regard to height of eaves.

Please note that comments reflect those provided through the above permit 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.

Should the application be approved, Community Services wishes to impose the following condition:

1. The applicant shall provide a cash contribution of \$625.33 for planting of one (1) street tree on Casson 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" 13-14/22)
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 2022-01-12.
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 2022-01-12.