

City of Mississauga Department Comments

<p>Date Finalized: 2022-01-19</p> <p>To: Committee of Adjustment</p> <p>From: Committee of Adjustment Coordinator</p>	<p>File(s): B4.22 A37.22 A38.22 Ward: 1</p>
	<p>Meeting date:2022-01-27 3:00:00 PM</p>

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 7.62m (25.00ft) and an area of approximately 306.0sq.m (3,293.8sq.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 B4/22, proposing:

1. A lot coverage of 48.59% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 45.00% in this instance; and,
2. A setback to the rooftop balcony of 0.0m on the attached side, whereas By-law 0225-2007, as amended, requires a minimum setback to a rooftop balcony of 1.2m (approx. 3.9ft) 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 B4/22, proposing:

1. A lot frontage of 7.62m (approx. 25.00ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 9.80m (approx. 32.15ft) in this instance;
2. An exterior side yard setback of 1.27m (approx. 4.17ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 4.50m (approx. 14.76ft) in this instance;
3. A setback to the rooftop balcony of 0.0m on the attached side, whereas By-law 0225-2007, as amended, requires a minimum setback to a rooftop balcony of 1.2m (approx. 3.9ft) in this instance;
4. A detached garage whereas By-law 0225-2007, as amended, only permits an attached

garage in this instance;

5. A garage lot coverage of 10.19% whereas By-law 0225-2007, as amended, permits a maximum garage lot coverage of 10.00% in this instance; and,

6. A side yard setback of 0.038m (approx. 0.12ft) to the detached garage whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) to a detached garage in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

Background

Property Address: 1 Tecumseth 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:

None

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 detached and semi-detached dwellings, a 3 and 5 storey apartment building and commercial plazas along Lakeshore Road East. The low-density dwellings in the immediate area consists of lots with frontages ranging from approximately 7.24m (23.75ft) to 16.5m (54.13ft). The subject property contains an existing one-storey dwelling with vegetation in the front yard.

The applicant is proposing to sever the existing lot to create two new parcels for the development of two new semi-detached dwellings.

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:

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 for the retained lands proposes a lot coverage of 48.59%, where a maximum of 45% is permitted. The intent of the zoning by-law is to ensure there isn't an overdevelopment of the lot. In this instance, the dwelling footprint maintains a lot coverage of approximately 33%, 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 porch and detached garage. The covered porch does not add significant massing to the overall dwelling and represents a marginal increase from what is currently permitted. Staff is not concerned with the detached garage as it is located at the rear of the subject property and detached garages are common in the area.

Variance #2 for the retained lands and #3 for the severed lands pertains to rooftop balcony setback. The purpose of a minimum rooftop balcony setback measured to the exterior edge is to ensure that rooftop balconies are not situated too close to property lines. This provision was added to the zoning by-law to ensure new infill development with rooftop balconies would not create privacy and overlook concerns in low-density neighbourhoods. In this case, Planning staff have no concerns with the proposed 0 m rooftop balcony setback, as the proposed development is for a semi-detached dwelling with a shared party wall.

Variance #2 for the severed lands pertains to exterior side yard setback. Staff has conducted a review of the immediate neighbourhood, similar deficiencies are common in the neighbourhood. Furthermore, the wide city boulevard also provides additional buffering between the dwelling's massing and the travelled portion of the road, further mitigating any potential impact. It is Staff's opinion that the proposed setback is sympathetic to the surrounding area and will have a negligible impact on the neighbouring properties.

Variances #4, 5 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 area. The applicant is also proposing a 0.038m (0.013ft) side yard setback to the garage. This variance is required to the rear lot line on the retained lands. A garage lot coverage of 10.19% is also proposed where a maximum garage lot coverage of 10.00% is permitted. This variance is minor and negligible. As such, staff has no planning concerns with the proposed variances.

It is Staff's opinion that the proposed dwellings are sympathetic to the surrounding area and do not impact the neighbouring properties. Through a detailed review of the application, staff is of the opinion that the applications are appropriate to be handled through the minor variance process. Further, the applications raise no concerns of a planning 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 Site Plan/Grading and Drainage Plan

The applicant's consulting engineer will be required to prepare an Overall Site Plan which is to include Grading and Drainage information. Sufficient details are to be shown 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 the Site Plan/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.

2. Overall Site Servicing Plan

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

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

4. Easement Requirement

Maintenance/access easements will be required for the garage.

Upon review of the items requested in Section A, Items 1 and 2 above, we advise that any easements that may be required for either drainage, servicing or maintenance purposes (for the proposed garage) 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.

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 300mm storm sewer on Tecumseth 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 Walter Copping at (905) 615-3200 ext. 5831.

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 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" 37-38/21)
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 2022-01-19.