

City of Mississauga Department Comments

Date Finalized: 2022-03-02	File(s): B7.22, A82.22 & A83.22
To: Committee of Adjustment	Ward:
From: Committee of Adjustment Coordinator	Meeting date:2022-03-10 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 9.135m (approx. 29.970ft) and an area of approximately 278.4sq.m (approx. 2,996.7sq.ft).

The applicant requests the Committee to approve a minor variance to allow the construction of a new dwelling, being the retained lands of application B7/22, proposing:

1. A lot area of 278.4sq.m (approx. 2,996.7sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 340.0sq.m (approx. 3,659.7sq.ft) in this instance;
2. A lot coverage of 39.91% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance; and,
3. A side yard setback of 1.501m (approx. 4.925ft) on the unattached side whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.80m (approx. 5.91ft) in this instance.

The applicant requests the Committee to approve a minor variance to allow the construction of a new dwelling, being the severed lands of application B7/22, proposing:

1. A lot area of 278.4sq.m (approx. 2,996.7sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 340.0sq.m (approx. 3,659.7sq.ft) in this instance;
2. A lot coverage of 39.89% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance; and,
3. A side yard setback of 1.501m (approx. 4.925ft) on the unattached side whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.80m (approx. 5.91ft) in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under Files A82.22 & A83.22 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variances approved under files A82.22 & A83.22 shall lapse if the consent application under file B7.22, A82.22 & A83.22 is not finalized within the time prescribed by legislation.

Background

Property Address: 851 Tenth Street

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

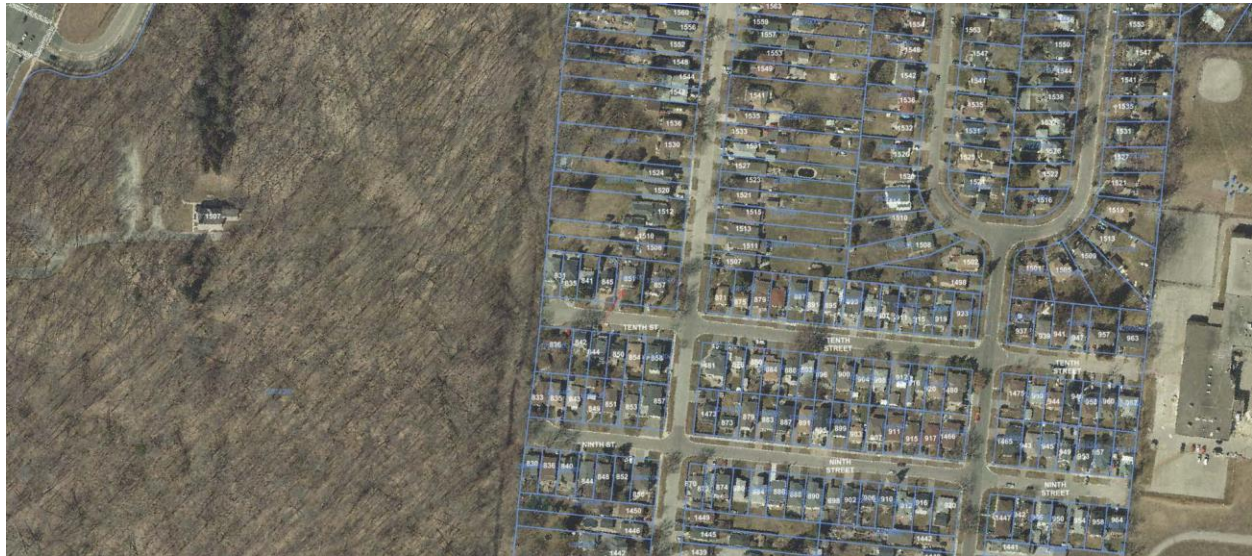
Zoning: RM1-26 - Residential

Other Applications: None

Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, northeast of Hurontario Street and Lakeshore Road East. The immediate area consists of a mix of one and two-storey detached and semi-detached dwellings with mature vegetation in the front yards. The low-density dwellings in the immediate area consists of lots with frontages ranging from approximately 9.2m (30ft) to 24m (78.7ft). The subject property contains an existing two-storey detached dwelling with significant 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 for consent and the four tests to the minor variance request 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. The proposed parcels are consistent with semi-detached lots found within the immediate area and contribute 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 #2 for both the severed and retained lands pertains to lot coverage. The intent of the zoning by-law is to ensure there isn't an overdevelopment of the lot. Most of the proposed lot coverage is attributable to the dwelling footprints. Staff have no concerns with the proposed lot coverage, as the proposed coverage is a minor deviation from the maximum permitted. Furthermore, the variances raise no concerns of a planning nature.

Variance #3 for both the severed and retained lands pertains to side yard setbacks. 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 this variance, as the proposed side yards provide an adequate buffer between the massing of the proposed dwellings and adjacent properties. Furthermore, the proposed setbacks will ensure access to the rear yard is maintained.

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. Furthermore, that the applications raise 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 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/Servicing Plan

The applicant's consulting engineer will be required to prepare an Overall Grading and Drainage/Servicing Plan which contains sufficient details to ensure grading compatibility with the

adjacent lands including servicing 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

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. The applicant will be required to apply for Access Modification Permits prior to Site Plan Approval and/or Building Permit Issuance.

4. Storm Sewer Outlet

The storm sewer outlet for this property is the existing 375mm Dia. Storm sewer located on Tenth Street. Please note that a rear lot catch basin may be required. Where existing sewer capacity exists, applicants are encouraged to design the basement elevation to be at least 1.0 meter above the elevation of the on-street storm sewer obvert to eliminate the need for a sump pump. 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.

5. CVC Approval

The applicant is advised that these lands are situated within the CVC's regulated/floodplain area of the Cawthra Creek watershed. Credit Valley Conservation approval will be required.

Transportation and Works Department comments/concerns regarding the Minor Variance Applications 'A' 82/22 & 'A' 83/22 will be addressed through the Consent File 'B' 007/22.

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 condition:

1. The applicant shall provide a cash contribution of \$625.33 for planting of one (1) street tree on Tenth Street. 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" 82-83/21)
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 2022-03-02.
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 2022-03-02.