

# City of Mississauga Department Comments

Date Finalized: 2022-03-16	File(s): B18.22 Ward 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-03-24 1:00:00 PM

## Consolidated Recommendation

The City recommends that the applications be deferred.

## 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 10.07m (33.04ft) and an area of approximately 433.7sq.m (4,668.31sq.ft).

The applicant requests the Committee to approve a minor variance to allow the construction of a new dwelling on the subject lands, being the retained lands of application B18/22, proposing:

1. A lot frontage of 10.07m (approx. 33.04ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (approx. 49.21ft) in this instance;
2. A lot area of 442.5sq.m (approx. 4,763.0sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 550.0sq.m (approx. 5,920.2sq.ft) in this instance;
3. A lot coverage of 44.25% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance; and,
4. A side yard setback (westerly) of 0.61m (approx. 2.00ft) 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 a minor variance to allow the construction of a new dwelling on the subject property, being the severed lands of application B18/22, proposing:

1. A lot frontage of 10.07m (approx. 33.04ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (approx. 49.21ft) in this instance;
2. A lot area of 433.7sq.m (approx. 4,668.31sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 550.0sq.m (approx. 5,920.2sq.ft) in this instance;
3. A lot coverage of 44.81% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance;
4. A side yard setback (easterly) of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.81m (approx. 5.94ft) in this instance; and,
5. A height measured to the underside of eaves of 6.58m (approx. 21.59ft) whereas By-law

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0225-2007, as amended, permits a maximum height measured to the underside of eaves of 6.40m (approx. 21.00ft) in this instance.

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

- Appendix A – Conditions of Provisional Consent
- The variance applications approved under Files A103.22 and A104.22 must be finalized

### **Recommended Conditions and/or Terms of minor variance**

- Variances approved under files A103.22 and A104.22 shall lapse if the consent application under file B18.22 is not finalized within the time prescribed by legislation.

## **Background**

**Property Address: 698 Montbeck Crescent**

### **Mississauga Official Plan**

Character Area: Lakeview Neighbourhood  
Designation: Residential Low Density II

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

**Zoning: R3-75 - Residential**

**Other Applications: none**

### **Site and Area Context**

The subject property is located within the Lakeview Neighbourhood, south east of the Cawthra Rd. and Lakeshore Rd. W. intersection. The immediate neighbourhood is entirely residential consisting of one, two and three storey detached dwellings on lots with mature vegetation in both the front and rear yards. Frontages in the immediate area range from approximately 7.2m (23.62ft) to 21.5m (70.54ft) The subject property contains a one-storey detached dwelling with mature vegetation in the front yard.

The applicant is proposing to sever the property in order to create a new lot. The applicant is proposing a new dwellings on both the retained and severed lands requiring variances for lot frontages, coverages, areas, side yard setbacks and heights.



## 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:

Upon review of the applications, staff identified concerns with the proposed side yard setbacks and have raised these concerns with the applicant's agent. Staff also informed the applicant's agent that it appears that additional variances may be required. On Friday March 4<sup>th</sup>, the applicant's agent informed the Committee of Adjustment Office that they wish for the application to be deferred and assigned a new hearing date in order to address staff's concerns and identify any additional variances that may be required.

As such, staff recommends that the applications be deferred to allow the applicant and opportunity to address staff's concerns with respect to setbacks and identify additional variances that may be required.

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 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. 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)

For further information regarding the above noted comments, please contact John Salvino at (905) 615-3200 ext. 5183 or [john.salvino@mississauga.ca](mailto: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 375mm storm sewer on Montbeck Crescent. 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.

5. CVC Approval

The severed and retained lands are located within the CVC's regulated/floodplain area of the Cawthra Creek watershed, and as such CVC approval will be required.

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**

1. The Park Planning Section of the Community Services Department has reviewed the consent application and advises as follows.
2. City of Mississauga Forestry Staff have attended the site and identified the following City owned tree within the municipal boulevard:
  - 43cm DBH – Norway Spruce – Good Condition

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

1. The applicant shall provide tree protection securities in the amount of \$3,7000.00 for the preservation of the municipal tree.
2. The applicant shall provide a cash contribution of \$625.33 for planting of one (1) street tree on Montbeck Crescent. 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. The lands adjacent of the subject property are owned by the City of Mississauga, known as A.E. Crooks Park (P-023).
2. Construction access from the park is not permitted.
3. Stockpiling of construction materials and encroachment in the adjacent park is not permitted
4. The applicant shall provide frame tree hoarding at the dripline of the above noted tree prior to any construction to the satisfaction of City of Mississauga Forestry Staff. Please call Ryan Cormier at 905-615-3200 ext. 4580 to arrange a hoarding inspection.
5. 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.

6. 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" 103-104/22)
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 2022-03-16.
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 2022-03-16.