

City of Mississauga Department Comments

Date Finalized: 2022-03-23	File(s): B24.22 Ward 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-03-31 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 6.8m (22.3ft) and an area of approximately 227.66sq.m (2,450.51ft).

The applicant requests the Committee to approve a minor variance to allow the construction of a new dwelling, being the retained lands of application B24/22, proposing:

1. A minimum front yard setback of 5.39m (approx. 17.68ft) measured to a garage face whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 6.00m (approx. 19.69ft) measured to a garage face in this instance;
2. A lot coverage of 50.16% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 45.00% in this instance; and,
3. A flat roof height of 8.09m (approx. 26.55ft) whereas By-law 0225-2007, as amended, permits a maximum flat roof height of 7.50m (approx. 24.61ft) 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 B24/22, proposing:

1. A minimum front yard setback of 5.39m (approx. 17.68ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 6.00m (approx. 19.69ft) in this instance;
2. A lot coverage of 50.16% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 45.00% in this instance; and,
3. A flat roof height of 8.11m (approx. 26.61ft) whereas By-law 0225-2007, as amended, permits a maximum flat roof height of 7.50m (approx. 24.61ft) in this instance.

Amendments

The Building Department is currently processing a Preliminary Zoning Review application under file PREAPP 21-9448. Based on review of the information currently available, we advise that variance #1 should be amended as follows:

1. A minimum front yard setback of 5.39m (approx. 17.68ft) measured to garage face whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 6.00m (approx. 19.69ft) measured to garage face in this instance;

On March 18th, 2022, the applicant submitted a revised list of variances and drawings.

The applicant has eliminated variance #2 for the severed and retained lands, and revised variance #3 for both the severed and retained lands as follows:

3. A lot coverage of 50.16% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 45.00% in this instance;

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under Files A138.22 & A139.22 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under files A138.22 & A139.22 shall lapse if the consent application under file B24.22 is not finalized within the time prescribed by legislation.

Background

Property Address: 67 Forest Ave

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: Preliminary Zoning Review application under file PREAPP 21-9448.

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, and three (3) seven-storey apartment buildings. The low-density dwellings in the immediate area consists of lots with frontages ranging from approximately 7.24m (23.75ft) to 15.4m (50.00ft) with mature vegetation in the front yards. 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 existing lot to create two new parcels for the development of two new semi-detached dwellings. The applicant is requesting variances for front yard setbacks, lot coverages and flat roof 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 2020 (PPS 2020) 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 application for consent 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 zoning by-law and the 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 (Credit Grove) Precinct 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 other 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 that the proposed parcels are suitable to accommodate semi-detached dwellings.

Variance #1 proposes a front yard setback of 5.39m (17.68ft) for both the severed and retained lots. Through a review of the immediate neighbourhood, similar deficiencies are common for detached and semi-detached dwellings. The proposed front yards are not out of character within the immediate neighbourhood.

Variance #3 proposes a lot coverage of 50.16% where a maximum of 45% is permitted for both of the severed and retained lots. The intent of the zoning regulation is to ensure that there isn't an overdevelopment of the lots. In this instance, the proposed dwellings footprints maintain a lot coverage of approximately 37%, 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 wood deck

located in the rear yard and a front porch located in each of the front yards. The covered porch does not add significant massing to the overall dwelling and represents a marginal increase from what is currently permitted. Furthermore, staff is not concerned with the wood deck as it is located at the rear of the subject property and does not cause massing concerns.

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.

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 Site Servicing /Grading 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 for this department for review/approval. The plan is also to confirm that the proposed parcels drain to the existing 300mm Storm Sewer on Forest Avenue.

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

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 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 ext. 5831.

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 21-9448. Based on review of the information currently available, we advise that variance #1 should be amended as follows:

1. A minimum front yard setback of 5.39m (approx. 17.68ft) measured to garage face whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 6.00m (approx. 19.69ft) measured to garage face in this instance;

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: Alana Zheng, 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.

City of Mississauga Forestry Staff have attended the site and identified the following City owned tree within the municipal boulevard:

- 59cm 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 \$7,300.00 for the preservation of the municipal tree.

In addition, Community Services notes the following:

1. 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.
2. 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.
3. 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" 138-139/21)
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 2022-03-23.
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 2022-03-23.