

City of Mississauga Department Comments

Date Finalized: 2022-04-13	File(s): B28.22 Ward 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-04-13 12:00:00 AM

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 11.02m (36.15ft) and an area of approximately 335.89sq.m (3,615.49sq.ft).

A164/22:

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 B28/22, proposing:

1. A lot area of 379.5sq.m (approx. 4,084.9sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 500.0sq.m (approx. 5,382.0sq.ft) in this instance;
2. A lot frontage of 12.45m (approx. 40.84ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 16.50m (approx. 54.13ft) in this instance;
3. A front porch setback of 4.09m (approx. 13.41ft) whereas By-law 0225-2007, as amended, requires a minimum porch setback of 4.40m (approx. 14.44ft) in this instance;
4. A walkway attachment of 1.92m (approx. 6.30ft) whereas By-law 0225-2007, as amended, permits a maximum walkway attachment of 1.50m (approx. 4.92ft) in this instance;
5. A rear yard setback of 7.09m (approx. 23.26ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.50m (approx. 24.61ft) in this instance;
6. An interior side yard setback of 0.91m (approx. 2.99ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.20m (approx. 3.94ft) in this instance; and,
7. An exterior side yard setback of 3.91m (approx. 12.83ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 4.50m (approx. 14.76ft) in this instance.

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A165/22:

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 B28/22, proposing:

1. A lot area of 335.89sq.m (approx. 3,615.49sq.ft) whereas By-law 0225-2007, as amended, permits a maximum lot area of 365.00sq.m (approx. 3,928.83sq.ft) in this instance;
2. A lot frontage of 11.02m (approx. 36.15ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 12.00m (approx. 39.37ft) in this instance;
3. A lot coverage of 40.44% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 40.00% in this instance;
4. A front porch setback of 4.09m (approx. 13.41ft) whereas By-law 0225-2007, as amended, requires a minimum porch setback of 4.40m (approx. 14.44ft) in this instance; and,
5. A walkway attachment of 3.46m (approx. 11.35ft) whereas By-law 0225-2007, as amended, permits a maximum walkway attachment of 1.50m (approx. 4.92ft) in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under Files A164.22 & A165.22 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variances approved under files A164.22 & A165.22 shall lapse if the consent application under file B28.22 is not finalized within the time prescribed by legislation.

Background

Property Address: 857 Tenth St

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

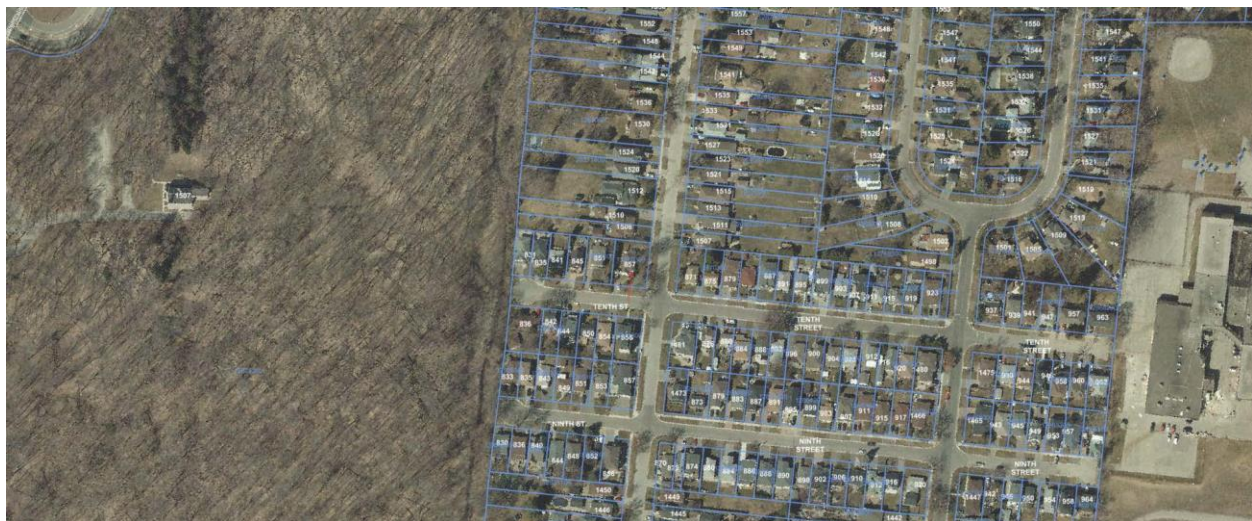
Zoning: RM1-26 - Residential

Other Applications: Preliminary Zoning Review application under file PREAPP 21-9325.

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 one and a half storey detached dwelling with significant vegetation in the front and exterior side yard.

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

Variances #3 (retained lands) and #4 (severed lands) pertain to front yard setbacks. The requested front yard setbacks are a minor deviation from the minimum requirement and are generally consistent with front yards found in the immediate area.

Variances #4 (retained lands) and #5 (severed lands) pertain to walkway attachments. Variance #4 is a minor deviation from the zoning by-law's maximum. Staff have no concerns with these variances, as the proposed walkways are not deep enough to provide for additional parking. Furthermore, the walkway attachments contain stairs leading to the proposed porches, which ensure the walkways will not be utilized for parking.

Variance #5 (retained lands) pertains to a rear yard setback. The proposed rear yard setback is a minor deviation from the minimum requirement and is generally consistent with the existing rear yard setback.

Variances #6 and 7 (retained lands) pertain to interior and exterior setbacks. The proposed interior and exterior side yard setbacks are generally consistent with setbacks found in the immediate area. Furthermore, the setbacks ensure an adequate buffer between the dwelling and the public realm, abutting properties and will ensure access to the rear yards will remain unobstructed.

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 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. Conceptual Site Plan and Driveway Locations

The applicant is to submit a conceptual Site Plan which depicts the locations of the proposed driveways for both lots. Please keep in mind that the corner lot driveway must be located as far removed from the intersection as possible.

For further information please contact Cindy Truong at (905) 615-3200 ext. 8918.

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

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.

4. Storm Sewer Outlet

Based on the information available, the retained parcel drains to the 900mm diameter storm sewer on Northmount Ave, and the severed parcel drains to the 375mm diameter storm sewer on Tenth St. The applicant should be 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.

5. CVC Approval

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

We are noting that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 28/22.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

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The Building Department is currently processing a Preliminary Zoning Review application under file PREAPP 21-9325. Based on review of the information currently available in this permit application, the variances, as requested are correct.

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 trees within the municipal boulevard:

- Colorado Blue Spruce – Good Condition
- Manitoba Maple – Good Conditions
- Silver Maple – Good Condition
- Autumn Blaze Maple – 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 \$13,500.00 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.

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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 4 – Region of Peel

Consent Application: B-028/22

Development Engineering: Camila Marczuk (905) 791-7800 x8230

Condition: Arrangements satisfactory to the Region of Peel, Public Works shall be made with respect to the location of existing and installation of new services and/or possible required private service easements.

Comments: Please note that severing the lands may adversely affect the existing location of the water and sanitary sewer services, if any exist. The result of this may require the applicant to install new water / sanitary servicing connections to either the severed or retained lands in compliance with the Ontario Building Code. The applicant may require the creation of private water / sanitary sewer servicing easements. An upgrade of your existing service may be required. All works associated with the servicing of this site will be at the applicant's expense. For more information, please contact Servicing Connections [at siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca)

Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Region of Peel Site Servicing connection approvals are required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections at siteplanservicing@peelregion.ca

Development Planning: Joseph Filice (905) 791-7800 x3182

Comments: Please be advised that the subject property is located within the limits of the regulated area of the Credit Valley Conservation (CVC).

The Region relies on the environmental expertise of the CVC for the review of development applications located within or adjacent to this regulated area in Peel and their potential impacts on the natural environment. Regional Planning staff therefore, request that the Committee and city staff consider comments from the CVC and incorporate their conditions of approval appropriately.

Minor Variance Application: A-164/22, A-165/22

Development Planning: Joseph Filice (905) 791-7800 x3182

Comments: Please be advised that the subject property is located within the limits of the regulated area of the Credit Valley Conservation (CVC).

The Region relies on the environmental expertise of the CVC for the review of development applications located within or adjacent to this regulated area in Peel and their potential impacts on the natural environment. Regional Planning staff therefore, request that the Committee and city staff consider comments from the CVC and incorporate their conditions of approval appropriately.

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" 164/21 "A" 165/21)
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 2022-04-13.
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 2022-04-13.
6. A letter shall be received from the Region of Peel, Development Services/Public Works, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated April 12, 2022.