

City of Mississauga Department Comments

Date Finalized: 2022-05-04	File(s): B18.22 Ward 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-05-12 1:00:00 PM

Consolidated Recommendation

The City has no objection to the consent and associated minor variance applications.

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. 33.04 ft.) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.0m (approx. 49 ft.) in this instance;
2. A lot area of 442.5 sq.m (approx. 4,763 sq.ft.) whereas By-law 0225-2007, as amended, requires a minimum lot area of 550 sq.m (approx. 5,920 sq.ft.) in this instance;
3. A lot coverage of 43.8% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35% in this instance;
4. A side yard setback (westerly) of 0.84m (approx. 2.76 ft.) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.81 m (approx. 5.94 ft.) in this instance;
5. A side yard setback (easterly) of 1.21 m (approx. 3.97 ft.) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.81 m (approx. 5.94 ft.) in this instance;
6. Building depth of 20.91 m (approx. 68.6 ft.) whereas By-law 0225-2007, as amended, permits a maximum building depth of 20m (approx. 65.62 ft.) 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. 33.04 ft.) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.0m (approx. 49 ft.) in this instance;
2. A lot area of 433.7 sq.m (approx. 4,668.31 sq.ft.) whereas By-law 0225-2007, as amended, requires a minimum lot area of 550 sq.m (approx. 5,920 sq.ft.) in this instance;
3. A lot coverage of 44.8% whereas By-law 0225-2007, as amended, permits a maximum

lot coverage of 35% in this instance;

4. A side yard setback (easterly) of 0.84m (approx. 2.76 ft.) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.81 m (approx. 5.94 ft.) in this instance;

5. A side yard setback (westerly) of 1.21m (approx. 3.97 ft.) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.81m (approx. 5.94 ft.) in this instance;

6. Building depth of 20.87m (approx. 68.47 ft.) whereas By-law 0225-2007, as amended, permits a maximum building depth of 20m (approx. 65.62 ft.) 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 Road and Lakeshore Road West 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 subject property in order to create a new lot. The applicant is proposing a new detached dwelling on both the proposed severed and retained lands, requiring variances for lot frontages, coverages, areas, side yard setbacks and building depths.



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 applications request are as follows:

The Committee of Adjustment deferred the above noted applications on March 24, 2022. Prior to the hearing, staff identified concerns with the applicant's proposed side yard setbacks and informed the applicant's agent that additional variances may be required. The applicant's agent revised the proposal and addressed staff's concerns prior to the hearing. The Committee of Adjustment deferred the applications because the revised proposal required additional variances, and the Committee wanted to allow area residents the opportunity to review the new variances.

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject property is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP), which permits detached dwellings. Section 16.1.2.1 of 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 proposed lot frontages and areas fall short of zoning by-law requirements, however are comparable with frontages and lot areas in the neighbourhood. The proposed severance would result in lots that could be developed with appropriate sized dwellings for the neighbourhood. As per Section 5.3.5 (Neighbourhoods) of MOP, neighbourhoods are not meant to remain static, however, when new development occurs, it should be sensitive to the neighbourhoods existing and planned character. The proposed severance represents sensitive intensification that is compatible with the area and does not negatively impact the established lot fabric of the neighbourhood. As such, staff is of the opinion that the proposal maintains the general intent and purpose of the official plan.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

Variance #3 for the severed and retained lands pertains to lot coverage. The intent of the zoning regulation is to ensure that there isn't an overdevelopment of the lots. In this instance, both dwelling's footprints would maintain a lot coverage of approximately 35%, which meets the maximum permitted under the by-law. The remaining lot coverage is attributable to covered porches, which do not add significant massing.

Variances #4 and 5 for the severed and retained lands pertain to side yard setbacks. Through a review of the immediate neighbourhood, similar deficiencies are common for detached dwellings. Therefore, the proposed setbacks are not out of character within the immediate neighbourhood. Additionally, the proposed setbacks maintain a sufficient buffer to the neighbouring properties and are large enough to ensure access to the rear yard is unencumbered. Lastly, Variance #4 is also only required for a small portion of the dwellings. As such, these variances raise no concerns of a planning nature.

Variances #6 for the severed and retained lands pertains to dwelling depth. The intent of the zoning provisions for dwelling depth are to minimize massing impacts of long walls on neighbouring lots. Staff have no concerns with this variance. The proposed dwelling depths are a minor deviation from the maximum permitted in the zoning by-law, and will have a negligible impact on abutting properties.

As such, staff is of the opinion that the proposal maintains the general intent and purpose of the zoning by-law.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

It is staff's opinion that the proposed development is sympathetic to the surrounding area and is capable of reasonably accommodating new dwellings. Furthermore, the proposed lot sizes and frontages for the retained and severed properties are consistent with existing properties in the area. As such, it is staff's opinion that the proposed development is appropriate and sensitive form of intensification and is minor in 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. 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 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.

We are noting that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 18/22.

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.

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.

Comments Prepared by: Jim Greenfield, Park Planner

Appendix 4 – Heritage

The property has archaeological potential due to its proximity to a present or past watercourse or known archaeological resource. The applicant should contact the Ministry of Heritage, Sport, Tourism and Culture Industries to determine the archaeological concerns related to the application. A letter from the Ministry of Tourism, Culture and Sport confirming that all archaeological resource concerns have met licensing and resource conservation requirements for the property must be submitted to Heritage Planning.

Comments Prepared by: Andrew Douglas, Heritage Analyst

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" 103/22 & "A" 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 May 4, 2022.
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 May 4, 2022.
6. A letter shall be received from the City of Mississauga, Culture Division, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated May 4, 2022.