

City of Mississauga Department Comments

Date Finalized: 2022-06-08	File(s): B36.22 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-06-16 1:00:00 PM

Consolidated Recommendation

The City recommends that the application 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 12.03m (39.47ft) and an area of approximately 366.49sq.m (3,944.87sq.ft).

A269/22:

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 B36/22, proposing:

1. A lot area of 310.25sq.m (approx. 3,339.50sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 365.00sq.m (approx. 3,928.83sq.ft) in this instance;
2. A height to eaves of 6.83m (approx. 22.41ft) whereas By-law 0225-2007, as amended, permits a maximum height to eaves of 6.40m (approx. 21.00ft) in this instance;
3. A lot frontage of 10.2m (approx. 33.5ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 12.0m (approx. 39.4ft) in this instance;
4. A lot coverage of 53.9% (approx. 167.32sq.m or 1,801.02sq.ft) whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 40.0% (approx. 124.10sq.m or 1,335.80sq.ft) in this instance;
5. A front yard setback of 5.69m (approx. 18.67ft) to the dwelling whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 6.00m (approx. 19.69ft) to a dwelling in this instance;
6. A front yard setback of 3.59m (approx. 11.78ft) to the porch whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 4.40m (approx. 14.44ft) to a porch in this instance;
7. A rear yard setback of 7.2m (approx. 23.62ft) to the dwelling whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.5m (approx. 24.61ft) to a dwelling in this instance;
8. A rear yard setback of 6.50m (approx. 21.33ft) to the roof overhang whereas By-law

0225-2007, as amended, requires a minimum rear yard setback of 7.05m (approx. 23.13ft) in this instance;

9. A side yard setback of 0.60m (approx. 1.97ft) to the dwelling whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) to a dwelling in this instance;

10. A side yard setback of 0.15m (approx. 0.49ft) to the roof overhang whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 0.75m (approx. 2.46ft) to a roof overhang in this instance;

11. A setback of 0.60m (approx. 1.97ft) to the below grade entrance whereas By-law 0225-2007, as amended, requires a minimum setback of 1.20m (approx. 3.94ft) to a below grade entrance in this instance;

12. A side yard setback of 0.60m (approx. 1.97ft) to the front porch whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) to a porch in this instance; and,

13. A side yard setback of 0.26m (approx. 0.85ft) to the air conditioning whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 0.61ft (approx. 21.00ft) to an air conditioning in this instance.

A270/22:

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 B36/22, proposing:

1. A lot area of 366.49sq.m (approx. 3,944.87sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 500sq.m (approx. 5,381.96ft) in this instance;

2. A height to eaves of 6.83m (approx. 22.41ft) whereas By-law 0225-2007, as amended, permits a maximum height to eaves of 6.40m (approx. 21.00ft) in this instance;

3. A lot frontage of 12.03m (approx. 39.47ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 16.50m (approx. 54.14ft) in this instance;

4. A lot coverage of 48.8% (approx. 178.8sq.m or 1,924.6sq.ft) whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 40.0% (approx. 146.6sq.m or 1,576.0sq.ft) in this instance;

5. An interior side yard setback of 0.68m (approx. 2.23ft) to the dwelling whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.20m (approx. 3.94ft) to a dwelling in this instance;

6. A front yard setback of 3.73m (approx. 12.24ft) to the porch whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 4.40m (approx. 14.44ft) to a porch in this instance;

7. A rear yard setback of 6.93m (approx. 22.74ft) to the dwelling whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.50m (approx. 24.61ft) to a dwelling in this instance;

8. A rear yard setback of 6.55m (approx. 21.49ft) to the roof overhang whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.05m (approx. 23.13ft) to a roof overhang in this instance;

9. An interior side setback of 0.23m (approx. 0.75ft) to the roof overhang whereas By-law

0225-2007, as amended, requires a minimum interior side yard setback of 0.75m (approx. 2.46ft) to a roof overhang in this instance;

10. An exterior side yard setback of 2.55m (approx. 8.37ft) to the roof overhang whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 4.05m (approx. 13.29ft) to a roof overhang in this instance;

11. An exterior side yard setback of 2.39m (approx. 7.84ft) to the building projection-bay window whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 3.89m (approx. 12.76ft) to a building projection-bay window in this instance;

12. An exterior side yard setback of 1.94m (approx. 6.36ft) to the building projection-roof overhang whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 3.44m (approx. 11.29ft) to a building projection-roof overhang in this instance;

13. An exterior side yard setback of 3.00m (approx. 9.84ft) to the below grade entrance whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 4.50m (approx. 14.76ft) to a below grade entrance in this instance;

14. An exterior side yard setback of 1.68m (approx. 5.51ft) to the window well whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 3.89m (approx. 12.76ft) to a window well in this instance; and,

15. An exterior side yard setback of 1.73m (approx. 5.68ft) to the porch whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 2.90m (approx. 9.51ft) to a porch in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under Files A269.22 and A270.22 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variances approved under files A269.22 and A270.22 shall lapse if the consent application under file B36.22 is not finalized within the time prescribed by legislation.

Background

Property Address: 1242 Alexandra Ave

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

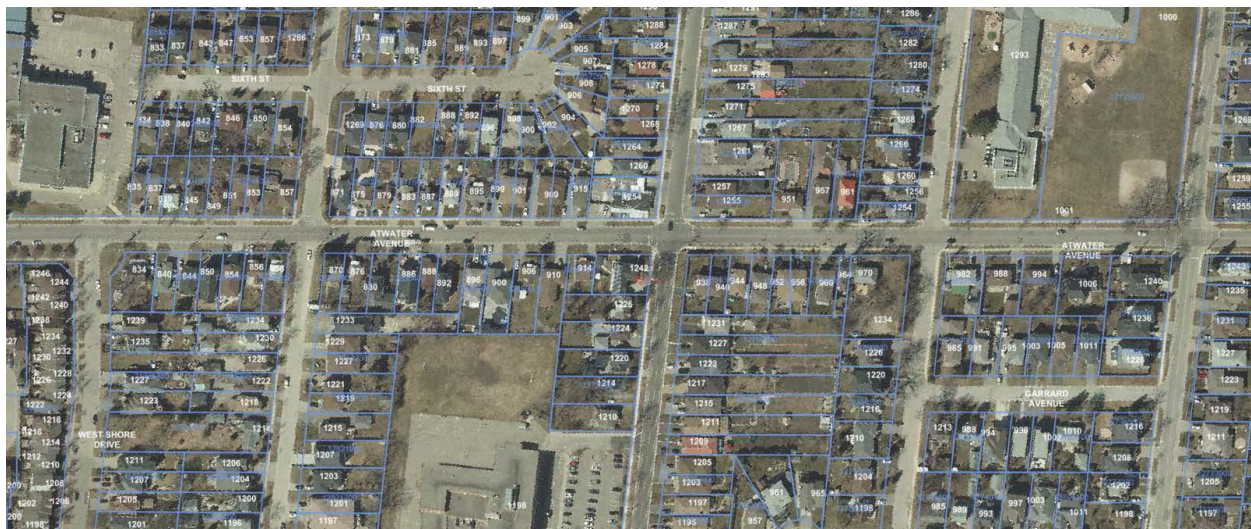
Zoning: RM1-26 - Residential

Other Applications: PREAPP 21-9438

Site and Area Context

The subject property is located within the Lakeview Neighbourhood, north of the Alexandra Avenue and Lakeshore Road East intersection. The immediate neighbourhood is primarily residential consisting of one and two storey-detached dwellings on lots with vegetation in the front yards. Frontages in the immediate area range from approximately 8.72m (28.61ft) to 32.82m (107.68ft) The subject property contains a one-storey detached dwelling with a frontage of approximately with mature vegetation in the front yard. The subject property has an existing lot area of 676.74m² (approx. 7284ft²) and a frontage of 22.39m (approx. 73.5ft).

The applicant is proposing to sever the subject property to construct a new detached dwelling on both the proposed severed and retained lands, requiring variances for lot frontages, coverages, areas, height, and setbacks.



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:

Upon review of the submitted materials, staff is of the opinion that the number of variances proposed by the applicant are excessive. Staff questions the appropriateness of the proposal and is of the opinion that it is not minor.

Furthermore, Variances #10, 11 and 13 for the severed lands and 9-12 for the retained lands are not minor and individually do not provide adequate buffers to the lot lines. Staff are also concerned that the lot coverage proposed for the retained lands (Variance #4) will result in an overdevelopment of the property.

Due to the concerns raised above, staff is of the opinion that the proposed lots would be more suitable for the development of semi-detached dwellings. As such, staff recommends deferral of the applications to allow the applicant an opportunity to discuss the proposal with staff.

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

3. Dedication of Site Triangle

The Owner will be required to gratuitously dedicate a 7.5m x 7.5m site triangle at the intersection of Atwater Ave. and Alexandra Ave. to the City of Mississauga. The applicant's surveyor is to prepare and submit two draft reference plans (detailing the required lands) to this section for review and approval. Following this approval, the applicant's surveyor should deposit the accepted draft reference plan and forward a copy of the registered plan to the City's Legal Services Section to finalize the process. This condition will be cleared upon receipt of confirmation from Legal Services identifying that the transfer has taken place and associated fees have been paid.

The dimensions related to the site triangle are to be verified by the City's O.L.S., Al Jeraj at 905-615-3200 ext. 5789.

This condition will be cleared upon receipt of confirmation from Legal Services identifying that the transfer has taken place and associated fees have been paid.

Should the applicant require more information with regards to the above, please contact Kate Vasilyev from our Traffic Section at 905 615-3200 ext. 8171 or kate.vasilyev@mississauga.ca.

4. Environmental Site Screening Questionnaire

As per the land dedication requirement, a completed Environmental Site Screening Questionnaire and Declaration (ESSQD) form (Rev. 2020 02), signed by a Commissioner of Oaths and the owner, must be submitted to the Transportation and Works Department for review.

For any clarification or questions regarding this requirement please contact Jessica Yong at 905-615-3200x3174.

5. Fee Requirements as Per Fees and Charges By-Law

As per the City of Mississauga's Fees and Charges By-law there will be a fee required to be paid to the Legal Services Department for their services, in particular for the preparation of documents required for items pertaining to the required land dedication. The fee amount payable will be in accordance with the current Fees and Charges Bylaw and be submitted to the Transportation and Works Department in the form of a certified cheque.

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 675mm Dia. Storm sewer located on Alexandra Avenue. 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.

We are noting that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 36/22 and also through the future required Building Permit by our Development Construction Section.

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 21-9438. Based on review of the information currently available in this permit application, the following variances, as requested are correct:

A269/22:

1. A lot area of 310.25sq.m (approx. 3,339.50sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 365.00sq.m (approx. 3,928.83sq.ft) in this instance;
2. A height to eaves of 6.83m (approx. 22.41ft) whereas By-law 0225-2007, as amended, permits a maximum height to eaves of 6.40m (approx. 21.00ft) in this instance;
3. A lot frontage of 10.2m (approx. 33.5ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 12.0m (approx. 39.4ft) in this instance;
5. A front yard setback of 5.69m (approx. 18.67ft) to the dwelling whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 6.00m (approx. 19.69ft) to a dwelling in this instance;
6. A front yard setback of 3.59m (approx. 11.78ft) to the porch whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 4.40m (approx. 14.44ft) to a porch in this instance;
9. A side yard setback of 0.60m (approx. 1.97ft) to the dwelling whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) to a dwelling in this instance;

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11. A setback of 0.60m (approx. 1.97ft) to the below grade entrance whereas By-law 0225-2007, as amended, requires a minimum setback of 1.20m (approx. 3.94ft) to a below grade entrance in this instance;

12. A side yard setback of 0.60m (approx. 1.97ft) to the front porch whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) to a porch in this instance; and,

13. A side yard setback of 0.26m (approx. 0.85ft) to the air conditioning whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 0.61ft (approx. 21.00ft) to an air conditioning in this instance.

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5. An interior side yard setback of 0.68m (approx. 2.23ft) to the dwelling whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.20m (approx. 3.94ft) to a dwelling in this instance;

6. A front yard setback of 3.73m (approx. 12.24ft) to the porch whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 4.40m (approx. 14.44ft) to a porch in this instance;

7. A rear yard setback of 6.93m (approx. 22.74ft) to the dwelling whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.50m (approx. 24.61ft) to a dwelling in this instance;

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14. An exterior side yard setback of 1.68m (approx. 5.51ft) to the window well whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 3.89m (approx. 12.76ft) to a window well in this instance; and,

15. An exterior side yard setback of 1.73m (approx. 5.68ft) to the porch whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 2.90m (approx. 9.51ft) to a porch in this instance.

We also advise that more information is required in order to verify the accuracy of the remaining requested variance(s) or determine whether additional variance(s) will be required

Please note that comments reflect those provided through the above application submitted on 03/18/2022 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: Jeanine Benitez, Zoning Review

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:

- White Elm – Good Condition

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

1. The applicant shall provide a cash contribution of \$1,250.66 for planting of two (2) street trees on Atwater Avenue. This figure is subject to the most recent Fees and Charges By-law at the time of payment and is therefore subject to change.
2. The applicant shall provide tree protection securities in the amount of \$6,900.00 for the preservation of the municipal tree.

In addition, Community Services notes the following:

1. The applicant shall ensure that future driveways do not impact or require the removal of the above noted tree.
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. 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.

4. 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 – Region of Peel Comments

Comments for Conditions of Approval

Consent Application: B-036/22

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: As per Peel Water Design Criteria Standard 4.3, "Hydrants near driveways shall be located a minimum of 1.25 m clear from the projected garage (or edge of driveway, whichever is greater) in residential applications..."

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

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

Comments Prepared by: Camila Marczuk, Development Engineering

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" /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 2022-06-16 1:00:00 PM.
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 2022-06-16 1:00:00 PM.
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 2022-06-16 1:00:00 PM.
7. 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 _____, 2020.

8. A letter shall be received from the Credit Valley Conservation indicating that satisfactory arrangements have been made with respect to payment of the "Review Fee", and their comments dated _____, 2020.