

City of Mississauga Department Comments

Date Finalized: 2022-06-15	File(s): B35.22
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2022-06-23 1:00:00 PM

Consolidated Recommendation

The City has no objections to the requested consent and associated minor variance applications. The applicant may choose to defer the application and verify the accuracy of the variances and ensure additional variances are not required.

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 7.52m (24.67ft) and an area of approximately 384.75sq.m (4,141.41sq.ft).

A266/22:

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 B35/22, proposing to permit zero parking spaces for a second unit whereas By-law 0225-2007, as amended, requires a minimum of 1 parking space for a second unit in this instance.

A267/22:

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 B35/22, proposing to permit zero parking spaces for a second unit whereas By-law 0225-2007, as amended, requires a minimum of 1 parking space for a second unit in this instance.

Amendments

Municipal Planning staff recommends that the requested variance in applications A266/22 and A267/22 be amended as follows:

The applicant requests the Committee to approve a minor variance to allow a second unit proposing a total of two parking spaces for the dwelling and the second unit whereas By-law 0225-2007, as amended, requires a minimum of two parking spaces for a dwelling and one parking space for a second unit in this instance.

City Department and Agency Comments	File:B35.22	2022/06/15	2
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Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under Files A266.22 and A267.22 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variances approved under files A266.22 and A267.22 shall lapse if the consent application under file B35.22 is not finalized within the time prescribed by legislation.

Background

Property Address: 1026 Roosevelt Rd

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: RM2-42 - Residential

Other Applications: Preliminary Zoning Review application under file PREAPP 22-705.

Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, northeast of Seneca Avenue and Lakeshore Road East. The immediate area consists of a mix of detached and semi-detached dwellings, a 7 and 8 storey apartment building and a commercial plaza. The low-density dwellings in the immediate area contain lot frontages ranging from approximately 7m (23ft) to 20m (65.6ft). The subject property contains an existing one-storey dwelling with mature vegetation in the front yard. The applicant is proposing to sever the existing lot, creating two new parcels for the development of two new semi-detached dwellings.

The proposed development requires variances related to parking.



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 for consent and the four tests to the minor variance request are as follows:

The application proposes to sever the existing lot to create two parcels for the purpose of developing semi-detached dwellings. Both the severed and retained parcels propose lot frontages of approximately 7.52m (24.67ft) and lot areas of 384.9m² (4143ft²), which do not require variances.

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. Additionally, Section 5.3.5 (Neighbourhoods) states that neighbourhoods are not meant to remain static, however, when new development occurs, it should be sensitive to the neighbourhoods existing and planned character. The neighbourhood consists of lots that range from approximately 7m (23ft) to 20m (65.6ft) in frontage. A majority of the lots in the neighbourhood that contain semi-detached dwellings have a frontage of approximately 7.5m (24.6ft), similar to the proposed severance. The consent application represents sensitive intensification that is compatible with the existing and planned lot fabric of the neighbourhood. The proposed parcels represent the lot size that was envisioned within the zoning by-law and will not result in an adverse impact to the existing community.

Based on the preceding information, staff is of the opinion that the application conforms to Section 51(24) of the Planning Act, more specifically, the application conforms to the official plan.

Minor Variances

The applicant is proposing to sever the existing lot, creating two new parcels for the development of two new semi-detached dwellings, with a second unit in each dwelling. The applicant requires variances to permit zero parking spaces for the second units.

Municipal Parking staff provide comments on requests for parking reductions. Their comments are as follows:

Staff note parking is not authorized on Roosevelt Road as per the City's Traffic By-law 0555-2000. Furthermore, the Parking Regulations Study and the associated new parking rates, which authorize second units zero parking spaces, have been approved by Planning Development Committee and by City Council, but are not currently in effect. The updated by-law is expected to come into effect in mid-July 2022.

Staff note that per the Council endorsed Parking Regulations Study, May 2022, that a minimum required number of Electric Vehicle Ready parking spaces will need to be provided. The associated rates for these are noted in Table 3.1.1.12, Minimum Required Number of Electric Vehicle Ready Parking Spaces, of the draft Zoning By-law Amendment included as part of the Parking Regulations Study.

As the proposed parking supply aligns with the Council endorsed new parking rates, Staff can support the amended variance as follows:

The applicant requests the Committee to approve a minor variance to allow a second unit proposing a total of two parking spaces for the dwelling and the second unit whereas By-law 0225-2007, as amended, requires a minimum of two parking spaces for a dwelling and one parking space for a second unit in this instance.

Staff note that per the Council approved Zoning By-law amendment, June 2022, that a minimum required number of Electric Vehicle Ready parking spaces will need to be provided. The associated rate for a semi-detached dwelling is noted in Table 3.1.1.12, Minimum Required Number of Electric Vehicle Ready Parking Spaces, of the amended Zoning By-law. Staff note 1.0 of the required parking spaces per unit within the semi-detached home, in an exclusive use garage, is required to have an electric vehicle ready parking space, effective June 8th, 2023. Should a Building Permit be issued post this date, a letter shall be received with a permit application to indicate that an electric vehicle ready outlet has been installed according to the amended Zoning By-law to the satisfaction of the Director of Development and Design, Planning & Building Department.

Planning staff echo Municipal Planning staff's comments and have no objections to the proposed minor variance, as amended. As such, Planning staff has no objections to the requested consent and associated minor variance applications.

Comments Prepared by: Connor Di Pietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Should Committee see merit in the subject application we are providing the following conditions/requirements that will have to be addressed to the satisfaction of this department prior to the issuance of final consent:

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

B. GENERAL INFORMATION

1. Servicing

We note for the owner's information that all costs incurred in providing the required services (i.e., sanitary, water, storm, hydro, gas, etc.) to the subject lands will be the responsibility of the owner.

2. 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.

3. Lot Grading and Drainage

We advise the applicant that issuance of any building permits for any new dwellings 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.

4. Storm Sewer Outlet

The applicant is advised that there is no storm sewer system available in front of the proposed lots on Roosevelt Road. In this regard, we advise that all dwellings to be constructed on the subject lands will require a sump pump to discharge the weeping tile to grade. It is the full responsibility of the applicant to advise any prospective purchasers of the properties of this requirement. 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 the minor variance application for this property will be addressed under Consent Application 'B' 35/22.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department has processed a Preliminary Zoning Review application under file PREAPP 22-705. 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: Sherri Takaloo, 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:

- Colorado Spruce – Good Condition

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

1. The applicant shall provide tree protection securities in the amount of \$2,100.00 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

Minor Variance Application: B-035/22

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

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

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

Minor Variance Application: A-266/22, A-267/22

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

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

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: Joseph Filice, Junior 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" /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 2022-06-23 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 2022-06-23 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 2022-06-23 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.

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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.