

City of Mississauga Department Comments

Comments Finalized: 7/13/2022 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): B13.21 A77.21 A78.21 Ward: 1
	Meeting date:2022-07-21 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 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 has a frontage of approximately 23.58m (77.36ft) and an area of approximately 491.89sq.m (5294.66sq.ft).

A77/21:

A minor variance is requested for the severed lands of application B13/21 to allow the construction of a new house proposing:

1. A lot area (interior lot) of 491.89sq.m (approx. 5294.66sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 550.00sq.m (approx. 5920.15sq.ft) in this instance;
2. A lot coverage of 39.1% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance;
3. A front yard (interior lot) of 6.00m (approx. 19.69ft) whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m (approx. 24.61ft) in this instance;
4. An interior side yard (easterly) of 1.71m (approx. 5.61ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 1.81m (approx. 5.94ft) in this instance;
5. A rear yard of 5.83m (approx. 19.13ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard of 7.50m (approx. 24.61ft) in this instance;
6. A building height measured to a flat roof of 7.88m (approx. 25.85ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to a flat roof of 7.5m (approx. 24.6ft) in this instance;
7. A porch encroachment (inclusive of stairs) of 4.24m (approx. 13.91ft) whereas By-law 0225-2007, as amended, permits a maximum porch encroachment of 1.60m (approx. 5.25ft) in this

instance; and,

8. A setback to the garage of 6.0m (approx. 19.69ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 7.5m (approx. 24.6ft) in this instance.

A78/21:

A minor variance is requested for the retained lands of application B13/21 to allow the construction of a new house proposing:

1. A lot area (exterior lot) of 610.05sq.m (approx. 6566.52sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 720.00sq.m (approx. 7750.02sq.ft) in this instance;
2. An interior side yard of 1.65m (approx. 5.41ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 1.81m (approx. 5.94ft) in this instance; and
3. A building height measured to a flat roof of 7.66m (approx. 25.13t) whereas By-law 0225-2007, as amended, permits a maximum building height measured to a flat roof of 7.50m (approx. 24.61ft) in this instance.

Amendments

The Building Department is currently processing a Preliminary Zoning Review application under file PREAPP 22-944. Based on review of the information currently available for this building permit, we advise that the following variance(s) should be amended as follows:

A78/21:

2. An interior side yard of 1.66m whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 1.81m (approx. 5.94ft) in this instance;

Staff also note that the applicant provided a revised set of variances and drawings on July 7th, 2022. As such, the following variances should be removed:

A77/21:

4. An interior side yard (easterly) of 1.71m (approx. 5.61ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 1.81m (approx. 5.94ft) in this instance;
6. A building height measured to a flat roof of 7.88m (approx. 25.85ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to a flat roof of 7.5m (approx. 24.6ft) in this instance;

A78/21:

3. A building height measured to a flat roof of 7.66m (approx. 25.13t) whereas By-law 0225-2007, as amended, permits a maximum building height measured to a flat roof of 7.50m (approx. 24.61ft) in this instance.

Furthermore, the following variances should be revised as follows:

A77/21:

2. A lot coverage of 39.1% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance;

A78/21:

1. A lot area of 582.17m² (approx. 6266.43ft²) whereas By-law 0225-2007, as amended, requires a minimum lot area of 720m² (approx. 7750.02ft²) in this instance;

Lastly, the following variance should be added:

A78/21:

3. A lot frontage of 13.54m (42.42ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 19.5m (63.98ft) in this instance;

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance applications approved under Files A77.21 and A78.21 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variances approved under files A77.21 and A78.21 shall lapse if the consent application under file B13.21 A77.21 A78.21 is not finalized within the time prescribed by legislation.

Background

Property Address: 1474 Haig Boulevard

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

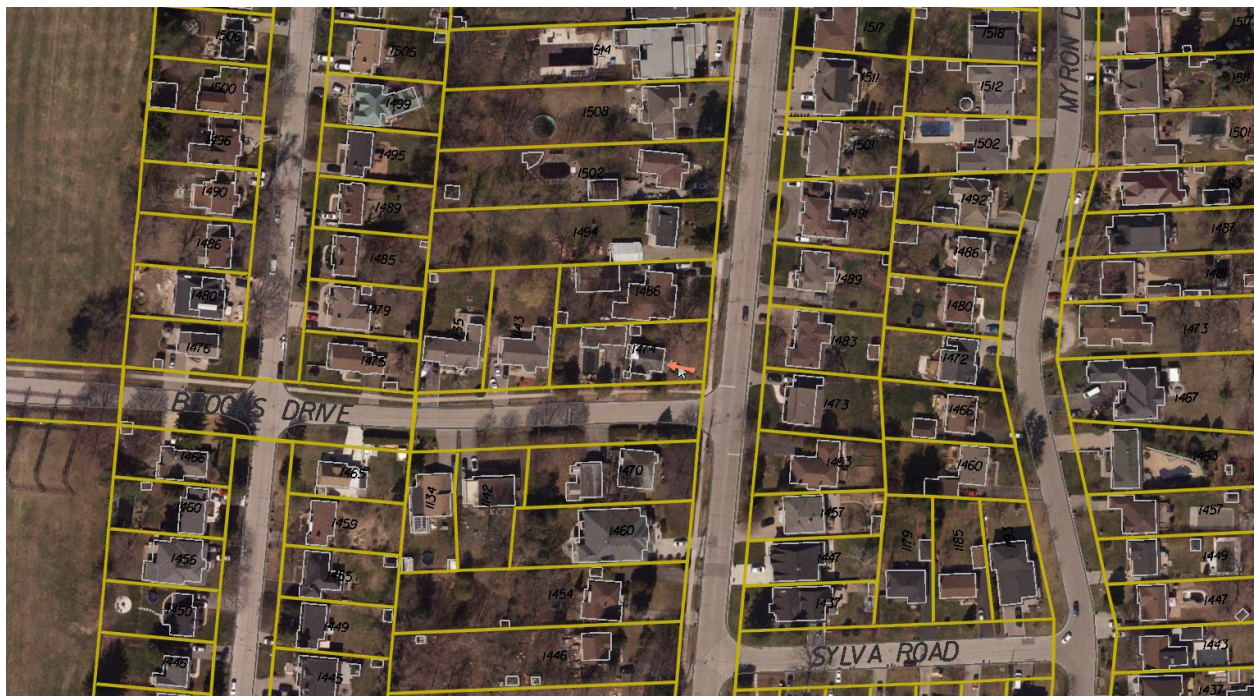
Zoning: R3-75 - Residential

Other Applications: Preliminary Zoning Review application under file PREAPP 22-944

Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, south of Haig Boulevard and South Service Road. The immediate area consists entirely of one and two storey detached dwellings with mature vegetation. Additionally, the immediate area contains lot frontages of approximately 14m (45.93ft) and greater, including lots that exceed by-law requirements. The subject property contains an existing one-storey dwelling with vegetation throughout the lot.

The applicant is proposing to sever the property for the purpose of creating two new parcels to develop detached dwellings. Variances are required for lot area, deficient setbacks, an encroachment, lot coverage and increased 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 applications are as follows:

Staff note that the above noted applications were previously heard by the Committee of Adjustment on October 21st, 2021, and were subsequently deferred to allow the applicant an opportunity to redesign the dwellings to address concerns with the proposed heights, height calculations and setbacks.

The Committee of Adjustment deferred the applications again on January 27th, 2022, as the applicant's calculation of average grade was incorrect. Furthermore, the average grade points were not provided in the correct locations.

Staff note this is the third time this application is coming before the Committee of Adjustment and the applicant has addressed all concerns described above. On July 7th, 2022, the applicant submitted a revised set of variances to staff. These revisions are included in the amendments section above. Staff note that the new variances for reduced lot area and frontage for the retained parcel are a direct result of staff's request for the dedication of a sight triangle. Staff recognize that these revisions were received late and after the Notice was circulated. However, these variances will not change the appearance of the dwelling or lot from a street view. While the City will retain ownership over the site triangle, the land within the sight triangle will visually appear as though it forms part of the lot. As such, staff has no concerns with the applicant's revisions. However, the Committee may choose to defer the application for circulation of a new Notice if they deem necessary.

Through a detailed review of the application, staff is of the opinion that the application is appropriate to be handled through the minor variance process. Further, the application raises 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.

Upon the review of an Overall Grading and Drainage Plan it may be determined that a catch basin may be required and satisfactory arrangements will have to be made for the construction of any required catch basin.

2. Overall Site Servicing Plan

We request that the applicant submit a Site Servicing Plan prepared by a Consulting Engineer for this department's review/approval. The Site Servicing Plan is to confirm that all the necessary municipal services can be provided for the dwellings to be constructed on the subject lands.

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.

4. Dedication of Sight Triangle

The Owner will be required to gratuitously dedicate a 7.5m by 7.5m sight triangle at the north west corner of Haig Boulevard and Brooks Drive to the City of Mississauga as identified in the Official Plan. 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 right-of-way widths and required lands 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 Cindy Truong from our Traffic Section at 905 615-3200 ext. 8918 or cindy.truong@mississauga.ca

5. Environmental Site Assessment (ESA)

In regards to Condition A.4., the applicant will be required to deed gratuitously to the City a sight triangle. The lands will be in a condition acceptable to the City in its sole and unfettered discretion that such land is environmentally suitable for the proposed use, as determined by the City, and shall be certified as such by a Qualified Person, as defined in Ontario Regulation 153/04 (as amended). A Phase One Environmental Site Assessment (ESA) must be prepared for lands to be dedicated to the City. The report must:

- specifically reference the lands to be dedicated to the City;
- the boundaries of conveyance lands must be overlaid on top of a legal survey to scale in order to represent the legal boundaries of these lands;
- be completed in accordance with O. Reg. 153/04 ;
- be signed and dated by a Qualified Person (as defined by section 5 and 6 under O. Reg. 153/04, as applicable);
- be accompanied by a letter signed by the author of the report or a Principal of the Consulting Firm, which allows the City of Mississauga to make reliance on the findings and conclusions presented in the reports to the same extent as to the property owner. The wording of the reliance must meet the City's sole and unfettered satisfaction. The template is provided on the City's website under Terms of Reference:

<http://www.mississauga.ca/portal/residents/terms-of-reference>

Should additional clarification be required with regard to the Environmental Site Assessment (ESA), please contact Ala Zeidan, Environmental Technologist at 905 615-3200 ext. 8914 or ala.zeidan@mississauga.ca should you require further information.

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 INFORMATION1. 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 entrance(s) to the subject lands or any modifications/reinstatement required, 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. The Applicant shall ensure the proposed access provides sufficient corner clearance and sight lines such that views are not obstructed at the intersection.

4. Storm Sewer Outlet

The storm sewer outlet for the lands fronting Haig Boulevard is the existing 600mm diameter storm sewer system located on Haig Boulevard. We advise that there is currently no storm sewer on Brooks Drive to serve the proposed lot. If a new storm connection is required a downstream sewer analysis may be required. For further information please contact Walter Copping at (905) 615-3200 ext. 5831.

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 metre 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.

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 22-944. Based on review of the information currently available for this building permit, we advise that the following variance(s) should be amended as follows:

A78/21:

2. An interior side yard of 1.66m whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 1.81m (approx. 5.94ft) in this instance;

Furthermore, we advise that inconsistent information has been provided with respect to the building height of A77/21. Drawing Lot A - Front elevation shows a proposed height of 7.90m, however the Site Statistics indicate a proposed height of 7.88m; whereas By-law 0225-2007, as amended, permits a maximum building height measured to a flat roof of 7.5m (approx. 24.6ft) in this instance.

Our comments are based on the plans received by Zoning staff on 02/14/2022 for the above captioned building permit application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: Adam McCormack, 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:

- Eastern White Cedar – Good Condition

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

1. The applicant shall ensure that future driveways do not impact or require the removal of the above noted tree.
2. The applicant shall provide tree protection securities in the amount of \$3,600.00 for the preservation of the municipal tree.

3. The applicant shall provide a cash contribution of \$1,214.24 for planting of two (2) street trees, one on Haig Boulevard and one on Brooks Drive. 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. 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.
2. 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.
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 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 5 – Bell

Subsequent to review of the abovementioned application at 1474 Haig Boulevard, Bell Canada's engineering department have determined that there are no concerns or comments at this time.

Comments Prepared by: Carrie Gordon, Associate – External Liaison

City of Mississauga Department Comments

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 2022-07-21 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 2022-07-21 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 2022-07-21 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.