

City of Mississauga Department Comments

Date Finalized: 2022-07-20	File(s): B41.22 A347.22 A348.22 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-07-28 3:00:00 PM

Consolidated Recommendation

The City has no objections to the requested 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 10.67m (approx. 35.01ft) and an area of approximately 354.8sq.m (approx. 3,819.1sq.ft).

A347/22:

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 B41/22, proposing:

1. A minimum lot frontage of 10.67m (approx. 35.01ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.0m (approx. 49.22ft) in this instance;
2. A minimum lot area of 354.8sq.m (approx. 3,819.1sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 550.0sq.m (approx. 5,920.2sq.ft) in this instance;
3. A side yard setback of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.81m (approx. 5.94ft) in this instance;
4. A side yard setback of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.81m (approx. 5.94ft) in this instance;
5. A lot coverage of 39.5% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35% in this instance;
6. An inside face of garage walls of 2.75m x 5.893m (approx. 9.02ft x 19.334ft) whereas By-law 0225-2007, as amended, requires a minimum inside face of garage walls of 2.75m x 6.000m (approx. 9.02ft x 19.685ft) in this instance;
7. A window well to encroach 0.61m (approx. 2.00ft) into the side yard with a 0.61m side yard whereas By-law 0225-2007, as amended, permits a window well to encroach a maximum of 0.61m (approx. 2.00ft) into a required yard provided that the yard is a minimum of 1.20m (approx. 3.94ft) in this instance.

A348.22:

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 B41/22, proposing:

1. A minimum lot frontage of 10.67m (approx. 35.01ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.0m (approx. 49.22ft) in this instance;
2. A minimum lot area of 354.8sq.m (approx. 3,819.1sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 550.0sq.m (approx. 5,920.2sq.ft) in this instance;
3. A side yard setback of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.81m (approx. 5.94ft) in this instance;
4. A side yard setback of 0.62m (approx. 2.03ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.81m (approx. 5.94ft) in this instance;
5. A lot coverage of 39.5% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35% in this instance;
6. An inside face of garage walls of 2.75m x 5.893m (approx. 9.02ft x 19.334ft) whereas By-law 0225-2007, as amended, requires a minimum inside face of garage walls of 2.75m x 6.000m (approx. 5.74ft x 19.685ft) in this instance;
7. A window well to encroach 0.61m (approx. 2.00ft) into the side yard with a 0.61m side yard whereas By-law 0225-2007, as amended, permits a window well to encroach a maximum of 0.61m (approx. 2.00ft) into a required yard provided that the yard is a minimum of 1.20m (approx. 3.94ft) in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under Files A347.22 and A348.22 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variances approved under files A347.22 and A348.22 shall lapse if the consent application under file B41.22 A347.22 A348.22 is not finalized within the time prescribed by legislation.

Background

Property Address: 1010 Garrard Ave

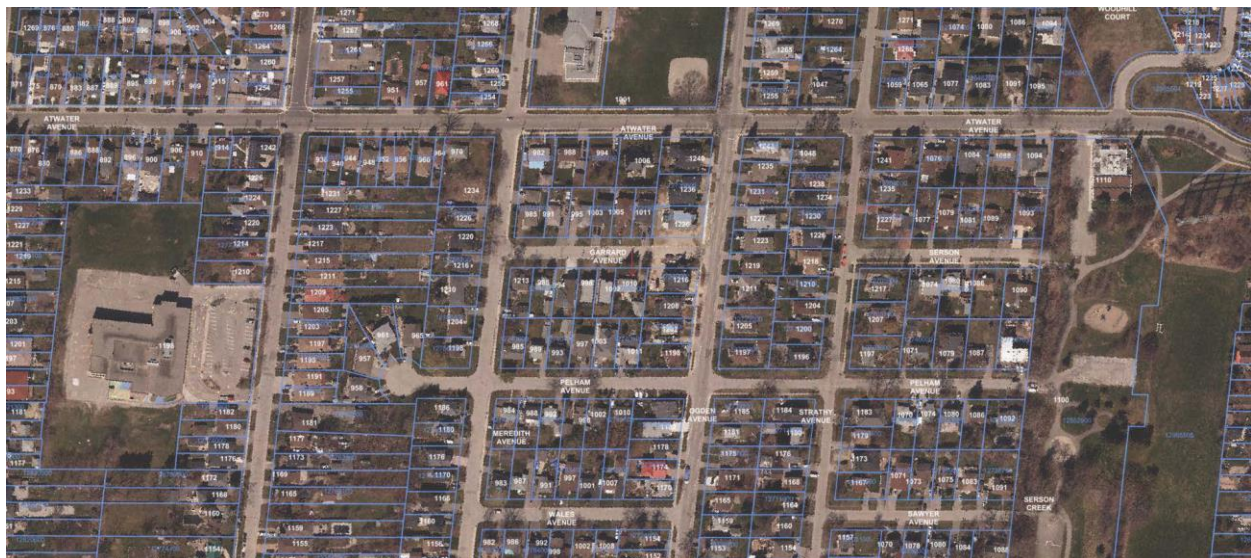
Mississauga Official Plan

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, southwest of the Atwater Avenue and Ogden Avenue intersection. The immediate neighbourhood is entirely residential consisting of one and two storey-detached dwellings on lots with mature vegetation in the front yards. Frontages in the immediate area range from approximately 6.33m (20.77ft) to 32.75m (107.44ft). 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. New detached dwellings are proposed on both the severed and retained lands requiring variances for lot frontages, areas, setbacks, coverages, garage dimensions and window well encroachments.

**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:

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, semi-detached, duplex, triplex and other forms of low rise dwellings with individual frontages. 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.

Staff is of the opinion that the application has due regard to Section 51(24) of the Planning Act, more specifically, that the application conforms to the official plan.

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

Variance #3 and 4 pertain to side yard setbacks. Through a review of the immediate neighbourhood, similar deficiencies are common for detached dwellings. 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.

Variance #5 pertains to lot coverage. Staff notes that approximately 38% of the lot coverages are attributed to the detached dwellings. The intent of the zoning by-law is to ensure that there isn't an overdevelopment of the lot. Staff has no concerns with this variance, as the proposed lot coverage is only 3% more than the maximum permitted. Furthermore, the proposed dwellings

propose front and side yard setbacks that are consistent with setbacks found in the immediate area. When viewed from the streetscape, the dwellings would not appear to be an overdevelopment of the properties.

Variance #6 pertains to garage dimensions. Staff has no concerns with this variance, as the proposed dimensions are a minor deviation from the minimum dimensions required and can accommodate vehicles.

Variance #7 pertains to window well encroachments. The intent of encroachment requirements is to ensure certain elements in a dwelling are sufficiently setback from all property lines. Staff is of the opinion that the encroachment variances provide adequate setbacks to the property lines. Furthermore, these variances do not raise any concerns of a planning nature.

As such, staff are 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 – Zoning Comments

We note that a building permit application is required. In the absence of a building permit application we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed.

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future. Alternatively, the applicant may wish to apply for a pre-zoning review application and submit working drawings in order for a full zoning review to be completed. Depending on the complexity of the proposal, a minimum of 6-8 weeks will be required to process a pre-zoning review application.

Comments Prepared by: Andrew Wemekamp, Zoning Examiner.

Appendix 2 – Region of Peel

Development Engineering: Alexandra Maria (905) 791-7800 x7991

Comments: Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. 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

All unutilized water and sanitary services shall be disconnected and/or abandoned in accordance with Region of Peel standards and specifications. 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

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.

Comments Prepared by: Joseph Filice, Junior Planner

City of Mississauga Department Comments

Appendix 3 – Metrolinx

Metrolinx is in receipt of the one (1) consent and two (2) minor variance applications for 1010 Garrard Ave to facilitate the severance of the land to create a new lot and to further facilitate the construction of a new two-storey detached dwelling on the subject property being retained and to facilitate the construction of a new two-storey detached dwelling on the subject property being severed. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300 meters of Metrolinx's Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.
- As per section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, the Owner shall grant Metrolinx an environmental easement for operational emissions. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property. A copy of the form of easement is included for the Owner's information. The applicant may contact Harrison.Rong@Metrolinx.com with questions and to initiate the registration process.
- The Proponent shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the Railway Corridor
 - **Warning:** Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand their operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.

Comments Prepared by: Harrison Rong, Project Coordinator

Appendix 4 – Transportation & Works

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 Site Plan/Grading and Drainage Plan**

The applicant's consulting engineer will be required to prepare an Overall Site Plan which is to include Grading and Drainage information. Sufficient details are to be shown 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 the Site Plan/Overall Grading and Drainage Plan it may be determined that catch basins may be required and satisfactory arrangements will have to be made for the construction of any required catch basins.

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 Garrard Ave. 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 ext. 5831.

Comments Prepared by: John Salvino, Development Engineering Technologist

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.

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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 2022-07-28 3:00:00 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 2022-07-28 3:00:00 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 2022-07-28 3:00:00 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.