

City of Mississauga Department Comments

Date Finalized: 2022-09-14 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): B56.22 A438.22 A439.22 Ward: 1
	Meeting date:2022-09-22 1:00:00 PM

Consolidated Recommendation

The City has no objection to the consent and 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 9.72m (31.89 ft) and an area of approximately 401.33sq.m (approx. 4319.88sq.ft).

A438/22:

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 B56/22, proposing:

1. A minimum lot frontage of 9.72m (approx. 31.89ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 12.0m (approx. 39.37ft) in this instance;
2. A minimum lot area of 401.15sq.m (approx. 4317.94sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 460.0sq.m (approx. 4951.4sq.ft) in this instance; and,
3. An eaves height of 6.41m (approx. 21.03ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21ft) in this instance.

A439/22:

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 B56/22, proposing:

1. A minimum lot frontage of 9.72m (approx. 31.89ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 12.0m (approx. 39.37ft) in this instance;
2. A minimum lot area of 401.33sq.m (approx. 4319.88sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 460.0sq.m (approx. 4951.4sq.ft) in this instance;
3. An eaves height of 6.41m (approx. 21.03ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21ft) in this instance; and,
4. A front yard setback of 5.70m (approx. ft) to the front porch whereas By-law 0225-2007,

as amended, requires a minimum front yard setback of 6.0m Approx. ft) to the front porch in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A438.22 and A439.22 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A438.22 and A439.22 shall lapse if the consent application under file B56.22 A438.22 A439.22 is not finalized within the time prescribed by legislation.

Background

Property Address: 45 Benson Avenue

Mississauga Official Plan

Character Area: Port Credit Neighbourhood (West)
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: RM7-5-Residential

Other Applications:

Site and Area Context

The subject property is located in the Port Credit Neighbourhood (West) Character Area, north of the Benson Avenue and Lakeshore Road West intersection. The immediate neighbourhood contains residential, commercial and employment uses. The residential uses consist of a mix of detached and semi-detached dwellings. The immediate neighbourhood contains a variety of lot sizes and frontages. Frontages in the area range from 9.70m (31.82ft) to 23.79m (78.05ft). The subject property contains an existing one-storey detached dwelling with mature vegetation in the front yard.

The applicant is proposing to sever the lot, creating two new parcels for the purpose of developing detached dwellings. The development proposal requires variances related to lot frontage, lot area, eave height, and front yard setback.



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, which permits detached, semi-detached, duplex, triplex and other forms of low rise dwellings with individual frontages. The official plan policies for lands within the Port Credit Neighbourhood Character Area are contained within the Port Credit Local Area Plan, in the North Residential Neighbourhood precinct (Shawnmarr/Indian Heights). Lands within the North Residential Neighbourhoods are predominately stable residential areas allowing for infill development that is compatible with and enhances the existing character of the area. The zoning by-law allows for a mix of residential uses and lot sizes, creating an eclectic lot fabric within the immediate and broader neighbourhood. The surrounding area contains a mix of lot areas and frontages that range from 9.70m (31.82ft) to 23.79m (78.05ft). Staff note that the area contains a mix of housing forms, which further contributed to the eclectic nature of the neighbourhood.

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 fall short of zoning by-law requirements, however are comparable with frontages 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?

Since 1961, the Village of Port Credit Zoning By-law No. 1227 has permitted a variety of housing types for the subject lands including detached, duplex, triplex, double duplex, double triplex, fiveplex, converted dwelling and boarding or lodging house. In 1997, City Plan (the Official Plan) was adopted, permitting detached, semi-detached, duplex and other forms of dwellings with individual frontages on a public street. In 2007, the City undertook a zoning bylaw conformity and consolidation exercise which included public consultation. This led to the adoption of the current RM7 zone provisions.

Variances #1 and 2 relate to lot frontage and lot area for the severed and retained lots. The intent of the zoning by-law is to ensure that new lots are appropriately sized and fit within the context of the surrounding area. Staff have no concerns with the proposed variances, as the proposed lots appear to be capable of reasonably accommodating new dwellings. Furthermore, the immediate area contains a mix of lot sizes and frontages and the proposed lot sizes and frontages are generally consistent with existing properties located in the immediate area.

Variance #3 relates to eave height for the severed and retained lots. The intent of restricting height to the eaves is to lessen the visual massing of dwelling by bringing the edge of the roof closer to the ground which would lower the overall pitch of the roof, thus keeping the dwelling within a human scale. The proposed eave heights do not pose any massing concerns,

especially when considering no overall height variance is requested. Further, the requested eave height increase represents a minor deviation from the zoning by-law requirement.

Variance #4 relates to front yard setback for the severed lot. The intent of a front yard setback is to ensure that a consistent character is maintained along the streetscape and that a sufficient front yard space is incorporated into the design of neighbourhoods. The proposed setback for the front yard is not out of character within the immediate neighbourhood. The proposed front yard setback is only required to accommodate the proposed porch and stairs. The remainder of the dwelling will maintain a 6.59m (21.62ft) setback, which is more than the minimum requirement in the zoning by-law.

Staff is therefore satisfied that the proposal meets 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 generally 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

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 is advised that the Lakeshore Connecting Communities Transportation Master Plan has been endorsed by Council which sets out a long-term vision for transit and corridor improvements along Lakeshore Road. Further information can be found at: <http://www.mississauga.ca/portal/residents/lakeshore-connecting-communities>

4. Storm Sewer Outlet

The storm sewer outlet for this property is the existing 300mm Dia. Storm sewer located on Benson 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 the Minor Variance applications for this property will be addressed under Consent Application 'B' 56/22.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

Zoning has 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: Andrea Patsalides, 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.

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 the planting of two (2) street tree on Benson 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.

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. 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 – Metrolinx

Metrolinx is in receipt of one (1) consent and two (2) minor variance applications for 45 Benson Ave to facilitate the severance of the land into two residential lots and to facilitate the construction of a new two-storey detached dwelling on the subject property being severed and further to facilitate the construction of a new two-storey detached dwelling on the subject property being retained. 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 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" 438-439/22)
 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 September 14, 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 September 14, 2022.