

City of Mississauga Department Comments

Date Finalized: 2022-11-02	File(s): B64.22 A512.22
To: Committee of Adjustment	A513.22
From: Committee of Adjustment Coordinator	Ward: 1
	Meeting date:2022-11-10 1:00:00 PM

Consolidated Recommendation

The City has no objections to the requested consent and variances.

Application Details

B64/22

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 13.57m (approx. 44.52ft) and an area of 409.70sq m (approx. 4409.97sq. ft).

A512/22

The applicant requests the Committee to approve a minor variance on the subject property, being the retained lands of application B64/22, proposing:

1. A lot area of 385.7sq m (approx. 4151.6sq ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 550.0sq m (approx. 5920.2sq ft) in this instance;
2. A lot frontage of 12.5m (approx. 41.0ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.0m (approx. 49.2ft) in this instance;
3. A lot coverage of 39.99% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35% in this instance;
4. A combined side yard width of 2.43m (approx. 7.97ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard width of 3.60m (approx. 11.81ft) in this instance;
5. An eaves height of 7.70m (approx. 25.27ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance;
6. A gross floor area of 299.99sq m (approx. 3229.06sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 267.41sq m (approx. 2878.38sq ft) in this instance;
7. A garage projection of 1.83m (approx. 6.00ft) whereas By-law 0225-2007, as amended, permits a maximum garage projection of 0.00m in this instance;
8. An interior side yard setback of 1.21m (approx. 3.97ft) whereas By-law 0225-2007, as amended, requires an interior side yard setback of 1.81m (approx. 5.94ft) in this instance;

9. An interior side yard setback of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires an interior side yard setback of 1.81m (approx. 5.94ft) in this instance;

10. An eaves setback of 0.83m (approx. 2.72ft) whereas By-law 0225-2007, as amended, requires an eaves setback of 1.36m (approx. 4.46ft) in this instance;

11. An eaves setback of 0.78m (approx. 2.56ft) whereas By-law 0225-2007, as amended, requires an eaves setback of 1.36m (approx. 4.46ft) in this instance;

12. An eaves encroachment of 0.98m (approx. 3.22ft) whereas By-law 0225-2007, as amended, permits a maximum eaves encroachment of 0.45m (approx. 1.48ft) in this instance; and,

13. An eaves encroachment of 1.03m (approx. 3.38ft) whereas By-law 0225-2007, as amended, permits a maximum eaves encroachment of 0.45m (approx. 1.48ft) in this instance.

A513/22

The applicant requests the Committee to approve a minor variance on the subject property, being the severed lands of application B64/22, proposing:

1. A lot area of 409.70 m (approx. 4409.97sq ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 550.0sq m (approx. 5920.2sq ft) in this instance;

2. A lot frontage of 13.57m (approx. 44.52ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.0m (approx. 49.2ft) in this instance;

3. A lot coverage of 37.65% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35% in this instance;

4. A combined side yard width of 2.49m (approx. 8.17ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard width of 3.60m (approx. 11.81ft) in this instance;

5. An eaves height of 7.69m (approx. 25.23ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance;

6. A gross floor area of 299.99sq m (approx. 3229.06sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 271.94sq m (approx. 2927.14sq ft) in this instance;

7. A garage projection of 1.83m (approx. 6.00ft) whereas By-law 0225-2007, as amended, permits a maximum garage projection of 0.00m in this instance;

8. An interior side yard setback of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires an interior side yard setback of 1.81m (approx. 5.94ft) in this instance;

9. An interior side yard setback of 1.27m (approx. 4.17ft) whereas By-law 0225-2007, as amended, requires an interior side yard setback of 1.81m (approx. 5.94ft) in this instance;

10. An eaves setback of 0.81m (approx. 2.66ft) whereas By-law 0225-2007, as amended, requires an eaves setback of 1.36m (approx. 4.46ft) in this instance; and,

11. An eaves encroachment of 1.00m (approx. 3.28ft) whereas By-law 0225-2007, as amended, permits a maximum eaves encroachment of 0.45m (approx. 1.48ft) in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

- The variance application approved under Files A512.22 and A513.22 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under files A512.22 and A513.22 shall lapse if the consent application under file B64.22 A512.22 A513.22 is not finalized within the time prescribed by legislation.

Background

Property Address: 269 Troy St

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-1 - Residential

Other Applications: none

Site and Area Context

The subject property is located within the Mineola Neighbourhood, southeast of the Hurontario Street and Mineola Road East intersection. The immediate neighbourhood is entirely residential consisting of one and two storey-detached dwellings on lots with mature vegetation in both the front and rear yards. Frontages in the immediate area range from approximately 6.5m (21.32ft) to 15.5m (50.85ft) The subject property contains a one-storey detached dwelling with mature vegetation in the front yard.

The applicant is proposing to demolish the existing dwelling and sever the property. The applicant requires variances for lot frontage, area, coverage, side yards, garage projection and eaves encroachment.



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 dwellings. 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 a sensitive intensification that is compatible with the area and does not negatively impact the established lot fabric of the neighbourhood. As such, staff are 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?

With respect to Variances #1 and 2 for the severed and retained lands, Planning staff have considered the proposed lots in conjunction with the existing lot pattern of the immediate neighbourhood, and note that the applicant's proposal is reflective of the existing lot pattern. Staff is of the opinion that the proposed lots are compatible with the surrounding context and can reasonably accommodate the development of dwellings that will fit the character of the area.

Variance #3 pertains to lot coverage. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lots. Staff note that a majority of the lot coverages proposed are attributed to the dwellings. However, staff is of the opinion that the dwellings proposed are not an overdevelopment of the lots, are consistent with dwellings found in the immediate area and do not present any planning concerns.

Variance #4, 8, 9, 10, 11, 12 and 13 are for setbacks and eave encroachments. Through a review of the immediate neighbourhood, similar deficiencies are common for detached

dwelling. Therefore, the proposed setbacks and encroachments are not out of character within the immediate neighbourhood. Additionally, the proposed setbacks maintain a sufficient buffer to the neighbouring properties, large enough to ensure access to the rear yard remains unencumbered.

Variances #5 and 6 are regarding eave heights and gross floor area. The intent of the infill regulations is to maintain compatibility between existing and new dwellings, while also lessening the visual massing of the dwelling by keeping the edge of the roof closer to the ground. This results in the dwelling maintaining a more human scale. The proposed dwelling incorporates various materials and architectural features, such as multiple rooflines and dormers, that break up the first and second storey, thereby minimizing the overall massing in relation to the streetscape and neighbouring properties. Additionally, the dwellings contain a staggered front façade, which further mitigates the overall visual massing of the dwelling. Lastly, the proposal is consistent with newer two storey dwellings in the immediate area and does not pose a negative impact to the establish neighbourhood character.

Variance #7 is for garage projections. The intent of the zoning by-law is to maintain a consistent streetscape, while ensuring the garage is not the dominant feature of the dwelling.

Architecturally, staff note that the front façade of the dwelling contains a roof that projects beyond the garage, connecting to a column to create a covered porch that projects the same distance as the garage, thereby mitigating any potential impact from the garage projection.

As such, staff is 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 detached 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 represents a sensitive form of intensification that 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

3. Acoustical Report

Due to the proximity and noise emanating from the nearby Metrolinx tracks, the owner will be required to retain the services of an Acoustical Consultant to prepare a detailed Acoustical Report for the subject lands and make comments/recommendations in support of this severance application. This report is to determine the need for the implementation of any noise attenuation measures that are to be incorporated into the construction of the site works to achieve the City's and the MECP's current noise level objectives. The scope of this report is to define the minimum noise attenuation requirements for the control of outdoor and indoor environmental sound levels.

We are also noting for the owner's information that securities will be required to ensure that any noise attenuation measures such as air conditioning units or acoustical fencing are installed for the dwellings to be constructed.

4. Development Agreement

Upon the review of the Acoustical Report which would contain the appropriate Warning Clauses, the owner may be required to enter into a Development Agreement which is to be registered

against title of the subject lands. The said agreement is to advise any prospective purchasers that, despite the inclusion of noise control features, noise levels emanating from the Metrolinx tracks, occasionally interfering with some of the activities of the dwelling occupants as the noise exposure level may exceed the noise criteria of the municipality and the Ministry of the Environment and Climate Change.

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 fees required to be paid to the Legal Services Department for their services, in particular for the preparation of documents required for items pertaining to a Development Agreement and/or land dedications. The fee amounts payable will be in accordance with the current fees and charges bylaw.

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.

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.

4. Storm Sewer Outlet

Based on the information available, both the retained and severed parcels ultimately drain to the existing 1500mm diameter storm sewer at the southwest corner of Spruce Park. 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.

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: Amy Campbell, Planner-in-Training

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:

- 12 cm DBH – White Birch – Good Condition
- 12 cm DBH – White Birch – Good Condition
- 21 cm DBH – White Spruce – Good Condition
- 17 cm DBH – White Pine – Good Condition

Given the property is subject to site plan control, should the application be approved, Community Services provides the following notes:

1. The lands adjacent of the subject property are owned by the City of Mississauga, known as Spruce Park (P-029).
2. Tree preservation hoarding and securities may be required as part of the site plan control process.
3. Construction access from the adjacent park/greenlands is not permitted.
4. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
5. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.

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 Nicholas Rocchetti 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 Nicholas Rocchetti, Park Planning Assistant, Community Services Department at 905-615-3200 ext. 4659 or via email Nicholas.Rocchetti@mississauga.ca.

Comments Prepared by: Nicholas Rocchetti, Park Planning Assistant

Appendix 4 – Metrolinx

Metrolinx is in receipt of one (1) consent and two (2) minor variance applications for 269 Troy St to facilitate the severance of the land into two lots and to facilitate the construction of a new two-storey single detached dwelling on the subject property being severed and further to facilitate the construction of a new two-storey single 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 Leah.ChishimbaSimwanza@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: Farah Faroque, Intern, Third Party Projects Review

Appendix 5- Region of Peel

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

Comment: 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.

Conditions: 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 Prepared by: Patrycia Menko, 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" 512-513/22)
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 November 2, 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 November 2, 2022.
6. A letter shall be received from Metrolinx indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated October 28, 2022.

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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 October 28, 2022.