

City of Mississauga Department Comments

Date Finalized: 2022-10-26	File(s): B61.22 A482.22 A483.22 Ward: 6
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-11-03 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that 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 11.86m (approx. 39.91ft) and an area of 589.00sq m (approx. 6339.94sq. ft).

A482.22

The applicant requests the Committee to approve a minor variance on the subject property, being the retained lands of application B61/22, proposing:

1. A lot frontage of 15.24m (approx. 50.00ft) whereas By-law 0225-2007, as amended, requires a lot frontage of 22.50m (approx. 73.82ft) in this instance;
2. A side yard setback of 1.50m (approx. 4.92ft) whereas By-law 0225-2007, as amended, requires a side yard setback of 4.20m (approx. 13.78ft) in this instance;
3. A height of 11.06m (approx. 36.29ft) whereas By-law 0225-2007, as amended, permits a height of 10.70m (approx. 35.10ft) in this instance; and,
4. A lot coverage of 31.66% whereas By-law 0225-2007, as amended, requires a lot coverage of 25% in this instance.

A483.22

The applicant requests the Committee to approve a minor variance on the subject property, being the severed lands of application B61/22, proposing:

1. A lot frontage of 11.86m (approx. 38.91ft) whereas By-law 0225-2007, as amended, requires a lot frontage of 22.50m (approx. 73.82ft) in this instance;
2. A lot area of 589.00sq m (approx. 6339.94sq. ft) whereas By-law 0225-2007, as amended, requires a lot area of 750.00sq m (approx. 8072.93sq ft) in this instance; and,
3. A side yard setback of 1.40m (approx. 4.59ft) whereas By-law 0225-2007, as amended, requires a side yard setback of 4.20m (approx. 13.78ft) in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance applications approved under File(s) A482/22 & A483/22 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A482/22 & A483/22 shall lapse if the consent application under file B61/22 is not finalized within the time prescribed by legislation.

Background

Property Address: 1623 Eglinton Ave W

Mississauga Official Plan

Character Area: East Credit Neighbourhood
Designation: Residential Low Density I & Greenlands

Zoning By-law 0225-2007

Zoning: R1 - Residential

Other Applications:**Site and Area Context**

The subject property is located on the north side of Eglinton Avenue West, east of the intersection with Mississauga Road. It currently contains a two-storey detached dwelling with an attached garage. The property has a lot area of +/- 1,421.7m² (15,303ft²) and a lot frontage of +/- 27.43m (90ft). Some mature vegetation is present on the subject property, backing onto the Credit River. The surrounding area context is predominantly residential, consisting of a mix of detached, semi-detached and townhouse dwellings on lots of varying sizes.

The applicant is proposing to sever the existing lot to create a new parcel, requiring variances for lot frontage, lot area, side yard setbacks, lot coverage, and height.



Comments

Planning

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.

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*.

Staff comments concerning the applications for consent and the four tests to the minor variance request are as follows:

Planning Staff note that the current consent and minor variance applications for the above-noted property were previously brought before Committee as part of the January 24th, 2019 agenda (applications 'B' 010/19, 'A' 028/19, and 'A' 029/19) and the August 11th, 2020 agenda

(applications 'B' 031/20, 'A' 154/20, and 'A' 155/20). The applications received full support from Staff, and subsequent approval from Committee. The conditions, however, were never fulfilled, with approval for the proposed consent applications lapsing.

Planning Staff note that the applications are substantially similar to those that were previously approved, with the addition of two variances on the retained parcel for height and lot coverage. The proposed height variance is for the existing house which is to remain unchanged, and the proposed lot coverage remains appropriate and characteristic of the surrounding context. Staff note that the abutting property to the immediate west zoned R4-14 permits an as of right lot coverage of 40% of the lot area.

The purpose of the current applications are to simply reinstitute the aforementioned previous approval, with slightly modified variances. Based upon the proceeding, the Planning Department has no objection to the request.

For the sake of completeness, Planning Staff have included their original comments (Schedule 1) attached to this Report.

Based on the preceding information, the Planning and Building Department is of the opinion that the applications, as amended, have due regard for the criteria found within Section 51(24) and Section 45(1) of the *Planning Act*. The applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This application is identical to Consent Application 'B'31/20 which the Transportation and Works Department approved, however we assume that application lapsed prior to the applicant fulfilling all the conditions of approval. We also note that previous to the 'B' 31/20 application we also processed application, 'B' 10/19 where various other required reports were reviewed.

As a condition of 'B' 31/20 the owner dedicated to the City Greenbelt Lands currently in the 'G1 Zone' and identified as Parts 3 & 4, Plan 43R-39621. Acknowledging that these lands are currently under City ownership, we noted from our site inspection that there is currently some encroachments (some debris, unlicensed vehicle, concrete foundation pad, etc.) which need to be removed as no encroachments onto city property is permitted.

In view of the above we would request that the applicant take some action to remove any encroachments within the city owned lands.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – 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.

Comments Prepared by: Richard Thompson, 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.

The lands to the rear of the property are City owned lands, classified as a Significant Natural Area within the City's Natural Heritage System and zoned G1. Section 6.3.24 of the Mississauga Official Plan states that the Natural Heritage System will be protected, enhanced, restored and expanded through the following measures:

- a) ensuring that development in or adjacent to the Natural Heritage System protects and maintains the natural heritage features and their ecological functions through such means as tree preservation, appropriate location of building envelopes, grading, landscaping...;
- b) placing those areas identified for protection, enhancement, restoration and expansion in public ownership, where feasible.

All lands below the greatest environmental constraint at the rear of the property (top-of-bank, long-term stable slope, or natural features), including associated 10 meter buffer, have been gratuitously dedicated to the City for conservation purposes. Placing the natural hazard lands into public ownership was to contribute to the protection and enhancement of the Natural Heritage System.

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

1. A 1.5 metre high, black vinyl chain-link fence shall be built to current municipal standards. The fencing is to be located 0.15 metres inside the lands that have been dedicated to the City.
2. The applicant shall provide fencing securities in the amount of \$3125.00. The fencing will be erected and maintained to the satisfaction of the Community Services Department - Park Planning Section. Gates will not be permitted in the fence.
3. Fencing certification shall be provided upon installation. Contact Nicholas Rocchetti for a site inspection once installed.
4. Securities, in the amount of \$5000.00, are to be provided to ensure the required clean-up, as well as the preservation and protection of the adjacent City owned land to the satisfaction of the Community Services' Department – Park Planning Section.

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 – 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- CVC

Credit Valley Conservation (CVC) staff have reviewed the subject application and offer comments based on the following roles and responsibilities:

1. Watershed Based Resource Management Agency and Public (commenting) Body under the *Planning Act* - providing comments based on CVC's Board approved policies;
2. Planning Advisory Services - providing environmental planning and technical advice/comments based on service agreements or memorandum of understanding;
3. Delegated Responsibilities – providing comments representing the provincial interest regarding natural hazards (except forest fires) as identified in Section 3.1 of the *Provincial Policy Statement (2020)*;
4. Regulatory Responsibilities – providing comments to ensure the coordination of requirements under the *Conservation Authorities Act Section 28 regulation*, to eliminate unnecessary delay or duplication in process;
5. Source Protection Agency – providing advisory comments to assist with the implementation of the *CTC Source Protection Plan* under the *Clean Water Act*, as applicable.

Site Characteristics:

The subject property is regulated for floodplain and valley slope associated with the Credit River. Other natural heritage features of CVC interest on and adjacent to the property include the Region of Peel Core Greenlands, Significant Natural Site of the City of Mississauga Natural Heritage System (NHS), and the Credit River Watershed NHS (CRWNHS).

It is the policy of CVC and the Province of Ontario to conserve and protect the significant physical, hydrological and biological features associated with the functions of the above noted characteristics and to recommend that no development be permitted which would adversely affect the natural features or ecological functions of these areas.

Ontario Regulation 160/06:

The property is subject to the Development, Interference with Wetlands, and Alterations to Shorelines & Watercourses Regulation (Ontario Regulation 160/06). This regulation prohibits altering a watercourse, wetland or shoreline and prohibits development in areas adjacent to the Lake Ontario shoreline, river and stream valleys, hazardous lands and wetlands, without the prior written approval of CVC (i.e. the issuance of a permit).

Proposal:**B 61/22**

It is our understanding that 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 11.86m (approx. 39.91ft) and an area of 589.00sq m (approx. 6339.94sq ft).

A 482/22

It is our understanding that the applicant requests the Committee to approve a minor variance on the subject property, being the retained lands of application B 61/22, proposing:

1. A lot frontage of 15.24m (approx. 50.00ft) whereas By-law 0225-2007, as amended, requires a lot frontage of 22.50m (approx. 73.82ft) in this instance;
2. A side yard setback of 1.50m (approx. 4.92ft) whereas By-law 0225-2007, as amended, requires a side yard setback of 4.20m (approx. 13.78ft) in this instance;
3. A height of 11.06m (approx. 36.29ft) whereas By-law 0225-2007, as amended, permits a height of 10.70m (approx. 35.10ft) in this instance; and,
4. A lot coverage of 31.66% whereas By-law 0225-2007, as amended, requires a lot coverage of 25% in this instance.

A 483/22

It is our understanding that the applicant requests the Committee to approve a minor variance on the subject property, being the severed lands of application B 61/22, proposing:

1. A lot frontage of 11.86m (approx. 38.91ft) whereas By-law 0225-2007, as amended, requires a lot frontage of 22.50m (approx. 73.82ft) in this instance;
2. A lot area of 589.00sq m (approx. 6339.94sq ft) whereas By-law 0225-2007, as amended, requires a lot area of 750sq m (approx. 8072.93sq ft) in this instance; and,
3. A side yard setback of 1.40m (approx. 4.59ft) whereas By-law 0225-2007, as amended, requires a side yard setback of 4.20m (approx. 13.78ft) in this instance.

Comments:

As part of a past severance application (B 19/010) CVC staff have previously staked the top of bank and dripline associated with the Credit River valley and have reviewed a slope stability assessment delineating the long term stable slope line. It is typically our expectation that hazard lands and natural heritage features, with appropriate buffers, be off-lot and remain on the retained parcel thus not fragmenting the features. Based on our review of the provided Site Plan Dwg A1.0 (prepared by Radeff Architect Ltd., dated November 2021) and Plan of Survey (Plan 43R-39621, dated September 29, 2020), it appears that the hazard lands have been/will be

dedicated to the City with additional buffering and protective zoning in place for the long term protection and maintenance of the natural hazards and natural heritage features.

Additionally, the proposed house on the lot to be severed appears to be sufficiently setback from the features of concern and located outside of the Regulated Area; a CVC permit will not be required for the development as proposed. Following the approval of these applications, CVC staff can provide a stamped clearance for the proposed development.

Based on the above, CVC staff have **no concerns** and **no objection** to the requested severance and minor variances by the Committee at this time.

Please be advised that both the severed and retained parcels are partially located within the Regulated Area and approval from CVC may be required for any future development proposed on the property.

I trust that these comments are sufficient. Please do not hesitate to contact the undersigned at 905-670-1615 (ext. 236) should you have any further questions or concerns.

Please circulate CVC any future correspondence regarding this application.

Comments Prepared by: Elizabeth Paudel, Planner

Appendix 6- Region of Peel

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.

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.

Development Planning: Patrycia Menko (905) 791-7800 x3114

Comment: Please be advised that a portion of the subject property is located within an area the Regional Official Plan (ROP) designates as a Core Area - Woodland of the Greenlands System in Peel, under Policy 2.3.2. The subject property is also located within the limits of the regulated area of the Credit Valley Conservation (CVC).

Within the above-mentioned designations, ROP policies seek to protect environmental resources. The Region relies on the environmental expertise of the CVC for the review of applications located within or adjacent to Core Areas of the Greenlands Systems in Peel and their potential impacts on the natural environment. Regional Planning Staff, therefore, request that the Committee and City staff consider comments from the CVC and incorporate their conditions of approval appropriately.

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. ("A482-A483" /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 October 26, 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 October 26, 2022.
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 October 26, 2022.
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 24, 2022.
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 October 21, 2022.

Schedule 1

Previous Comments – Planning and Building Department

City of Mississauga

Planning and Building Department

Date: January 18, 2019

File: C of A – 'B' 10/19, 'A' 28/19 & 'A' 29/19
(Ward 6 – 1623 Eglinton Avenue West)

Agenda: January 24, 2019

New Item

Recommendation

The Planning and Building Department has no objections to the consent and associated minor variance applications. The applicant may choose to defer the application to ensure that no other variances are required and that the variances requested are correct.

Background

Mississauga Official Plan

Character Area: East Credit Neighbourhood
Designation: Residential Low Density I & Greenlands

Zoning By-law 0225-2007

Zoning: R1, G1, G2 (Residential, Greenlands)

Comments

Zoning

This Division notes that a building permit application is required. In the absence of a building permit application we are unable to confirm the accuracy of the requested variances. The applicant is advised that a full zoning review has not been completed; however, in reviewing the variances as outlined in this application, it was apparent that the following variances should be amended as follows in application "A" 28/19:

1. A frontage of 15.2m whereas By-law 225-2007 as amended requires a minimum lot frontage of 22.5m in this instance.

In application "A" 29/19:

1. A frontage of 12.2m whereas By-law 225-2007 as amended requires a minimum lot frontage of 22.5m in this instance.

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

Planning

The subject property is located within the East Credit Neighbourhood Character Area, near the intersection of Eglinton Avenue West and Mississauga Road. The area has a mix detached and townhouse dwellings.

The R1 zoning provisions apply to 4 lots in the neighbourhood, one being the subject property, and the remaining are the three lots east of the subject property. Of the remaining three lots that are zoned R1, one lot contains semi-detached dwellings and one contains a daycare. The lands east of the R1 zone contain blocks of townhouse dwellings and single detached dwellings that range in lot frontages from 7.40 m to 13.20 m. The adjacent lot west of the subject property was part of a rezoning application in 1993 which rezoned the property to the R4 zone. The R4 provisions permit, a detached dwelling with a minimum lot frontage of 12 m and minimum lot area of 365 m².

The applicant is proposing to sever a lot having a lot frontage of 12.20 m and a lot area of 434.50 m², while the retained portion of the lot will have a lot frontage of 15.20 m and a lot area of 612.50 m². The provisions within the R1 zone require a lot frontage of 22.50 m and lot area of 750 m².

As per section 16.1.2.1 of the Mississauga Official Plan, the 120 m test was conducted to compare the average lot frontage and lot area to the proposed consent and minor variance application. To better understand the neighbourhood, the analysis was expanded beyond 120 m and included the entire street from 1643 Eglinton Avenue West to 1509 Barbertain Road. The analysis is below.

	Proposed Severed Lands	Proposed Retained Lands	Average	Required
Lot Frontage (m)	12.2	15.2	13.9	22.5
Lot Area (m ²)	434.45	612.5	652.6	750

The analysis indicates that the retained lot would have a greater frontage than the average lot frontage and has a lot area approximately 6% less than the average. While the severed lands would have a lot frontage and area less than the neighbourhood average and significantly less than what is required in the zoning by-law, the lot fabric would be reflective of the diverse lot pattern as the character of the area contains a mix of dwelling types and lot sizes.

The applicant is also requesting a reduced side yard for both the retained and severed lots. In terms of the retained lot, the applicant is requesting a side yard of 1.5 m whereas 4.2 m is required. For the severed lot, the applicant is proposing one side yard of 1.8 m whereas 4.20 m is required and 1.5 m whereas 1.8 m is required. Due to the mix of zones and variety of dwelling types within the neighbourhood, staff is of the opinion that the reduction in side yards would not

have a negative impact on the character of the neighbourhood. The retained lot is only deficient in one side yard and maintains the requirement on the other. While the severed lot is deficient in both side yard requirements, it is important to note that it abuts an R4 zone which has a side yard requirement of 1.20 m. The severed lot provides for a greater side yard than the by-law requirement within the R4 zone.

The Provincial Policy Statement 2014 (PPS 2014) 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.

Comments related to the dedication of greenlands will be deferred to the Community Services Department.

Based on the preceding information, the Planning and Building Department has no objections to the consent and associated minor variance applications. The applicant may choose to defer the application to ensure that no other variances are required and that the variances requested are correct.