

City of Mississauga Department Comments

Date Finalized: 2022-11-23 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): B36.22 A269.22 A270.22 Ward: 1
	Meeting date:2022-12-01 1:00:00 PM

Consolidated Recommendation

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

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 13.14m (43.11ft) and an area of approximately 338.21sq.m (3,640.46sq.ft).

A269/22:

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 B36/22, proposing:

1. A lot area of 310.25sq.m (approx. 3,339.50sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 365.00sq.m (approx. 3,928.83sq.ft) in this instance;
2. A height to eaves of 6.83m (approx. 22.41ft) whereas By-law 0225-2007, as amended, permits a maximum height to eaves of 6.40m (approx. 21.00ft) in this instance;
3. A lot frontage of 10.2m (approx. 33.5ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 12.0m (approx. 39.4ft) in this instance;
4. A lot coverage of 48.5% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 40.0% of the lot area in this instance;

A270/22:

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 B36/22, proposing:

1. A lot area of 338.21sq.m (approx. 3640.46sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 500sq.m (approx. 5,381.96ft) in this instance;
2. A height to eaves of 6.83m (approx. 22.41ft) whereas By-law 0225-2007, as amended, permits a maximum height to eaves of 6.40m (approx. 21.00ft) in this instance;
3. A lot frontage of 13.14m (approx. 43.11ft) whereas By-law 0225-2007, as amended,

requires a minimum lot frontage of 16.50m (approx. 54.14ft) in this instance;

4. A lot coverage of 44.7% whereas By-law 0225-2007, as amended, permits a lot coverage of 40% of the lot area in this instance;

5. A front yard setback of 3.56m (approx. 11.67ft) to the dwelling whereas By-law 0225-2007, as amended, requires a front yard setback of 6.00m (approx. 19.68ft) to the dwelling in this instance;

6. A front yard setback of 1.68m (approx. 5.51ft) to the porch whereas By-law 0225-2007, as amended, requires a front yard setback of 4.40m (approx. 14.43ft) to the porch in this instance;

7. An exterior side yard setback of 0.84m (approx. 2.75ft) to the roof overhang whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 4.05m (approx. 13.29ft) to a roof overhang in this instance;

8. An exterior side yard setback of 2.39m (approx. 7.84ft) to the building projection-bay window whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 3.89m (approx. 12.76ft) to a building projection-bay window in this instance;

9. An exterior side yard setback of 1.48m (approx. 4.85ft) to the dwelling whereas By-law 0225-2007, as amended, requires an exterior side yard setback of 4.5m (approx. 14.76ft) to the dwelling in this instance;

10. An exterior side yard setback of 1.94m (approx. 6.36ft) to the building projection-roof overhang whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 3.44m (approx. 11.29ft) to a building projection-roof overhang in this instance;

11. An exterior side yard setback of 3.00m (approx. 9.84ft) to the below grade entrance whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 4.50m (approx. 14.76ft) to a below grade entrance in this instance;

12. An exterior side yard setback of 1.68m (approx. 5.51ft) to the window well whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 3.89m (approx. 12.76ft) to a window well in this instance; and,

13. An exterior side yard setback of 0.74m (approx. 2.42ft) to the porch whereas By-law 0225-2007, as amended, requires an exterior side yard setback of 2.90m (approx. 9.51ft) to the porch in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under Files A269.22 and A270.22 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variances approved under files A269.22 and A270.22 shall lapse if the consent application under file B36.22 is not finalized within the time prescribed by legislation

Background

Property Address: 1242 Alexandra Ave

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: RM1-26 - Residential

Other Applications: PREAPP 21-9438

Site and Area Context

The subject property is located within the Lakeview Neighbourhood, north of the Alexandra Avenue and Lakeshore Road East intersection. The immediate neighbourhood is primarily residential consisting of one and two storey-detached dwellings on lots with vegetation in the front yards. Frontages in the immediate area range from approximately 8.72m (28.61ft) to 32.82m (107.68ft). The subject property contains a one-storey detached dwelling with a frontage of approximately 22.3m (73.16ft) with mature vegetation in the front yard. The subject property has an existing lot area of 676.74m² (approx. 7284ft²) and a frontage of 22.39m (approx. 73.5ft).

The applicant is proposing to sever the subject property for the purposes of constructing a new detached dwelling on both the proposed severed and retained lands requiring variances for lot frontages, coverages, areas, height, and setbacks.



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.

Background

The Committee of Adjustment deferred the above noted application on June 16th, 2022. Staff raised concerns with the number of variances sought by the applicant and the appropriateness of the property for the development of detached dwellings. Staff were of the opinion that the proposed setbacks and lot coverage proposed for the retained lands would result in an overdevelopment of the property and that the proposed lots would be more suitable for the development of semi-detached dwellings.

The applicant has revised the proposal for the retained and severed lands as follows:

Retained lands (A269.22)

The applicant has increased setbacks to the proposed dwelling on the retained lands, which has reduced the amount of variances requested from nine to four. The applicant has also decreased the proposed lot coverage on the retained lands from 53.9% to 48.5%.

Severed lands (A270.22)

The applicant has increased the interior side yard and rear yard setbacks on the severed lands, which has reduced the total amount of variances requested from 15 to 13. Staff note that eight of the requested variances (#3, 5, 6, 7 and 13), are required either solely or in part to staff's request for a dedication of a site triangle as a condition of approval.

Staff Comments

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 official plan and zoning by-law envisions a mix of dwelling types with an eclectic lot fabric in the surrounding area. The proposed parcels are generally consistent with detached lots found within the immediate area and contribute to the eclectic nature of the existing and planned community.

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. Staff is of the opinion that the consent application conforms to Section 51(24) of the Planning Act, more specifically that the application conforms to the official plan and the proposed parcels are suitable to accommodate detached dwellings.

Variance #2 is regarding eave heights. 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 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, further mitigating 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 #4 pertains to lot coverage. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lots. 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.

Variances #3, 5, 6, 7 and 13 for the severed lands are required either solely or in part to staff's request for a dedication of a site triangle as a condition of approval. Furthermore, these variances will not change the appearance of the dwelling or lot from a street view. While the City will retain ownership over the site triangle, the land within the sight triangle will visually appear as though it forms part of the lot

Variances #8, 9, 10, 11 and 12 for the severed lands pertain to exterior side yard setbacks. Through a review of the immediate neighbourhood, similar deficiencies are common for detached dwellings. Therefore, the proposed setbacks are not out of character within the immediate neighbourhood. Additionally, the proposed setbacks maintain a sufficient buffer to

the municipal right-of-way and are large enough to ensure access to the rear yard remains unencumbered.

As such, staff is of the opinion that the proposal maintains the general intent and purpose of the zoning by-law.

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/Servicing Plan

The applicant's consulting engineer will be required to prepare an Overall Grading and Drainage/Servicing Plan which contains sufficient details to ensure grading compatibility with the adjacent lands including servicing 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. Dedication of Site Triangle

The Owner will be required to gratuitously dedicate a 7.5m x 7.5m site triangle at the intersection of Atwater Ave. and Alexandra Ave. to the City of Mississauga. The applicant's surveyor is to prepare and submit two draft reference plans (detailing the required lands) to this section for review and approval. Following this approval, the applicant's surveyor should deposit the accepted draft reference plan and forward a copy of the registered plan to the City's Legal Services Section to finalize the process. This condition will be cleared upon receipt of confirmation from Legal Services identifying that the transfer has taken place and associated fees have been paid.

The dimensions related to the site triangle are to be verified by the City's O.L.S., Al Jeraj at 905-615-3200 ext. 5789.

This condition will be cleared upon receipt of confirmation from Legal Services identifying that the transfer has taken place and associated fees have been paid.

Should the applicant require more information with regards to the above, please contact Kate Vasilyev from our Traffic Section at 905 615-3200 ext. 8171 or kate.vasilyev@mississauga.ca.

4. Environmental Site Screening Questionnaire

As per the land dedication requirement, a completed Environmental Site Screening Questionnaire and Declaration (ESSQD) form (Rev. 2020 02), signed by a Commissioner of Oaths and the owner, must be submitted to the Transportation and Works Department for review.

For any clarification or questions regarding this requirement please contact Jessica Yong at x3174.

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 a fee required to be paid to the Legal Services Department for their services, in particular for the preparation of documents required for items pertaining to the required land dedication. The fee amount payable will be in accordance with the current Fees and Charges Bylaw and be submitted to the Transportation and Works Department in the form of a certified cheque.

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 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. The applicant will be required to apply for Access Modification Permits prior to Site Plan Approval and/or Building Permit Issuance.

4. Storm Sewer Outlet

The storm sewer outlet for this property is the existing 675mm Dia. Storm sewer located on Alexandra 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.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department has processed a Preliminary Zoning Review application under file PREAPP 22-3518. Based on review of the information currently available in this permit application, the following variances, as requested are correct:

B36.22:

The parcel of land has a frontage of approximately 13.14m (43.11ft) and an area of approximately 338.21sq.m (3,640.46sq.ft)

A269/22:

1. A lot area of 310.25sq.m (approx. 3,339.50sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 365.00sq.m (approx. 3,928.83sq.ft) in this instance;

A269/22:

3. A lot frontage of 10.2m (approx. 33.5ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 12.0m (approx. 39.4ft) in this instance;

We also advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Please note that comments reflect those provided through the above permit application submitted on 08/19/2022 and should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the application file noted above, these comments may no longer be valid. Any changes and/or updates to

information and/or drawings must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments.

Comments Prepared by: Jeanine Benitez, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has reviewed the consent application and advises as follows:

City of Mississauga Forestry Staff have attended the site and identified the following City owned tree within the municipal boulevard:

- White Elm – Good Condition

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 planting of two (2) street trees on Atwater 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.
2. The applicant shall provide tree protection securities in the amount of \$6,900.00 for the preservation of the municipal tree.

In addition, Community Services notes the following:

1. The applicant shall ensure that future driveways do not impact or require the removal of the above noted tree.
2. 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.
3. The applicant shall provide frame tree hoarding at the dripline of the above noted tree prior to any construction to the satisfaction of City of Mississauga Forestry Staff. Please call Ryan Cormier at 905-615-3200 ext. 4580 to arrange a hoarding inspection.
4. 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 3 – Region of Peel

Condition: 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: As per Peel Water Design Criteria Standard 4.3, “Hydrants near driveways shall be located a minimum of 1.25 m clear from the projected garage (or edge of driveway, whichever is greater) in residential applications...”

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

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" 269-270/22)
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 23, 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 23, 2022.
6. 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 November 18, 2022.