

City of Mississauga Department Comments

Date Finalized: 2022-12-07	File(s): B17.22
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2022-12-15 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 6.74m (22.11ft) and an area of approximately 291.44sq.m (3,137.03sq.ft).

A97/22: 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 B17/22 proposing:

1. A side yard of 1.00m (approx. 3.28ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (approx. 3.94ft) in this instance; and
2. A building depth of 21.20m (approx. 69.55ft) whereas By-law 0225-2007, as amended, permits a maximum building depth of 20.00m (approx. 65.62ft) in this instance.

A98/22: 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 B17/22 proposing:

1. A lot frontage of 6.74m (approx. 22.11ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 6.80m (approx. 22.31ft) in this instance;
2. A side yard of 1.00m (approx. 3.28ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (approx. 3.94ft) in this instance; and
3. A building depth of 21.20m (approx. 69.55ft) whereas By-law 0225-2007, as amended, permits a maximum building depth of 20.00m (approx. 65.62ft) in this instance.

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Amendments

While Planning staff are not in a position to provide an interpretation of the zoning by-law; staff would note variance #2 for application A 97.22 should be amended as follows:

2. A building depth of 21.8m (approx. 71.52ft) whereas By-law 0225-2007, as amended, permits a maximum building depth of 20.00m (approx. 65.62ft) in this instance.

While Planning staff are not in a position to provide an interpretation of the zoning by-law; staff would note variance #3 for application A 98.22 should be amended as follows:

3. A building depth of 21.84m (approx. 71.65ft) whereas By-law 0225-2007, as amended, permits a maximum building depth of 20.00m (approx. 65.62ft) in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A 97.22 and A 98.22 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A 97.22 and A98.22 shall lapse if the consent application under file B17.22 is not finalized within the time prescribed by legislation.

Background

Property Address: 40 Pine Avenue North

Mississauga Official Plan

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

Zoning By-law 0225-2007

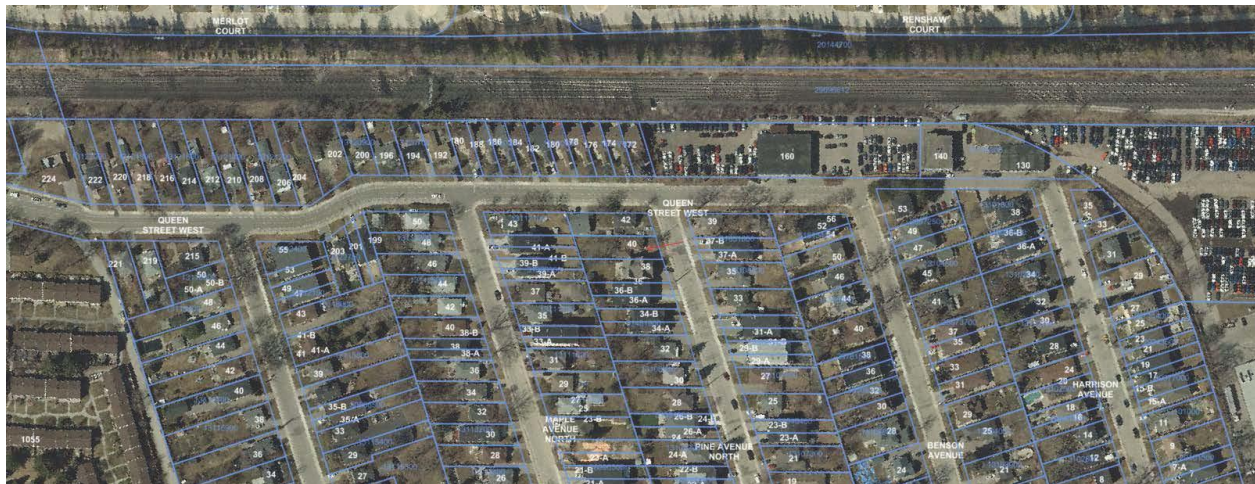
Zoning: RM7-5 - Residential

Other Applications: Preliminary Zoning Review application under file PREAPP 20-723

Site and Area Context

The subject property is located within the Port Credit Neighbourhood Character Area, west of Mississauga Road and Lakeshore Road West. The surrounding area includes a mix of residential uses, including detached and semi-detached and apartment dwellings with little mature vegetation in the front yards. The residential lots consist of an eclectic lot fabric with frontages ranging from approximately 6.30m (20.67ft) to 14m (49.93ft). Northeast of the subject property are motor vehicle related uses along Queen Street West. The subject property contains an existing one-storey detached dwelling with little vegetation.

The applicant is proposing to sever a parcel of land for the creation of a new lot and semi-detached dwellings requiring variances for lot frontage, setbacks and dwelling depths.



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 previously approved the above noted applications on October 29th, 2020. The applicant failed to fulfill the conditions within the legislated timeframe therefore the approvals lapsed. The applications returned to the Committee on March 3rd, 2022, and were deferred to allow the applicant an opportunity to confirm the accuracy of the variances with Zoning staff and to submit requested information.

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

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject property is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP), which permits detached, semi-detached, duplex, triplex and other forms of low-rise dwellings with individual frontages. Section 16.1.2.1 of MOP states, to preserve the character of lands designated Residential Low Density I and Residential Low Density II, the minimum frontage and area of new lots will be evaluated in the context of the existing lot pattern in the surrounding area. The 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 consistent with semi-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 semi-detached dwellings.

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

Variance #1 for the severed lands relates to lot frontage. 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. Through a comprehensive review of the surrounding lands, the requested lot frontage reduction is consistent with lots in the immediate area. Further, the proposed lot frontage represents a minor deviation from the zoning by-law requirements.

Variance #1 (retained lands) and variance #2 (severed lands) relates to an interior side yard setback. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between the massing of primary structures on adjoining properties, and that access to the rear yard ultimately remains unencumbered. The requested setback reductions are consistent with setbacks to semi-detached dwellings found in the immediate neighbourhood. Further, the proposed setbacks ensure access to the rear yards is maintained.

Variance #2 (retained lands) and variance #3 (severed lands) relate to dwelling depth. The intent of the zoning provisions for dwelling depth are to minimize impacts of long walls on neighbouring lots as a direct result of the building massing. Zoning staff have identified concerns with the applicant's calculation of dwelling depth. Upon review of the applicant's drawings, Planning staff confirmed that the variances are incorrect. Discussions with Zoning have determined that the variances should be amended as shown above. Staff are of the opinion that the visible dwelling depths represent a small deviation from the zoning by-law requirements and that the dwelling's northerly and southerly walls do not pose any massing concerns, as they are staggered and contain architectural features to breakup the first and second storeys.

As such, staff are of the opinion 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 semi-detached dwellings. Furthermore, the proposed lot sizes and frontages for the retained and severed properties are consistent with existing properties in the area. As such, it is staff's opinion that the proposed development is appropriate and 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

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 450mm Dia. Storm sewer located on Pine Avenue North. 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 is currently processing a Preliminary Zoning Review application under file PREAPP 22-1194. Based on review of the information currently available in this permit application, the following variances, as requested are correct:

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 6.74m (22.11ft) and an area of approximately 291.44sq.m (3,137.03sq.ft).

A97/22

1. A side yard of 1.00m (approx. 3.28ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (approx. 3.94ft) in this instance;

A98/22

1. A lot frontage of 6.74m (approx. 22.11ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 6.80m (approx. 22.31ft) in this instance;
2. A side yard of 1.00m (approx. 3.28ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (approx. 3.94ft) in this instance; and

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 05/09/2022 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:

- Ornamental Pear – Good Condition

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

1. The applicant shall provide tree protection securities in the amount of \$2,900.00 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 4 – Metrolinx

Metrolinx is in receipt of one (1) consent and two (2) minor variance applications for 40 Pine Ave N to facilitate the severance of the land for the creation of a new lot and to facilitate the construction of a new two-storey semi-detached dwelling on the subject property being retained and to facilitate the construction of a new two-storey semi-detached dwelling on the subject property being severed. Metrolinx's comments on the subject application are noted below

- The subject property is located within 300 meters of Metrolinx's Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.
- As per section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, the Owner shall grant Metrolinx an environmental easement for operational emissions. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property. A copy of the form of easement is included for the Owner's information. The applicant may contact 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:** The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit 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 or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

Form of Easement

WHEREAS the Transferor is the owner of those lands legally described in the Properties section of the Transfer Easement to which this Schedule is attached (the "**Easement Lands**");

IN CONSIDERATION OF the sum of TWO DOLLARS (\$2.00) and such other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Transferor, the Transferor transfers to the Transferee, and its successors and assigns, a permanent and perpetual non-exclusive easement or right and interest in the nature of a permanent and perpetual non-exclusive easement over, under, along and upon the whole of the Easement Lands and every part thereof for the purposes of discharging, emitting, releasing or venting thereon or otherwise affecting the Easement Lands at any time during the day or night with noise, vibration and other sounds and emissions of every nature and kind whatsoever, including fumes, odours, dust, smoke, gaseous and particulate matter, electromagnetic interference and stray current but excluding spills, arising from or out of, or in connection with, any and all present and future railway or other transit facilities and operations upon the lands of the Transferee and including, without limitation, all such facilities and operations presently existing and all future renovations, additions, expansions and other changes to such facilities and all future expansions, extensions, increases, enlargement and other changes to such operations (herein collectively called the "**Operational Emissions**").

THIS Easement and all rights and obligations arising from same shall extend to, be binding upon and enure to the benefit of the parties hereto and their respective officers, directors, shareholders, agents, employees, servants, tenants, sub-tenants, customers, licensees and other operators, occupants and invitees and each of its or their respective heirs, executors, legal personal representatives, successors and assigns. The covenants and obligations of each party hereto, if more than one person, shall be joint and several.

Easement in gross.

Comments Prepared by: Farah Faroque, Intern, Third Party Projects Review

Appendix 5 – Region of Peel

Please apply previous comments.

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.

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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" 97-98/22)
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 December 7, 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 December 7, 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 December 2, 2022.