

# City of Mississauga Department Comments

Date Finalized: 2022-12-07	File(s): B19.22
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 objection to the consent and variance applications.

## Application Details

The applicant requests the approval of the Committee to sever a parcel of land for the creation of a new lot. The parcel of land has a frontage of approximately 11.43m (37.50ft) and an area of approximately 302.54sq.m (3,256.51sq.ft).

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 B19/22, proposing:

1. A lot frontage of 11.43m (approx. 37.50ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 12.00m (approx. 39.37ft) in this instance;
2. A lot area of 327.02sq.m (approx. 3,520.01sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 460.00sq.m (approx. 4,951.40sq.ft) in this instance;
3. An eaves height of 6.90m (approx. 22.63ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance.

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 B19/22, proposing:

1. A lot frontage of 11.43m (approx. 37.50ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 12.00m (approx. 39.37ft) in this instance;
2. A lot area of 302.54sq.m (approx. 3,256.51sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 460.00 (approx. 4,951.40sq.ft) in this instance;
3. An eaves height of 6.90m (approx. 22.63ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance.

## Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

City Department and Agency Comments	File:B19.22	2022/12/07	2
-------------------------------------	-------------	------------	---

---

- The variance application approved under File(s) A 105.22 and A 106.22 must be finalized

#### **Recommended Conditions and/or Terms of minor variance**

- Variance(s) approved under file(s) A 105.22 and A 106.22 shall lapse if the consent application under file B19.22 is not finalized within the time prescribed by legislation.

## **Background**

**Property Address:** 24 Pine Ave S

#### **Mississauga Official Plan**

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

#### **Zoning By-law 0225-2007**

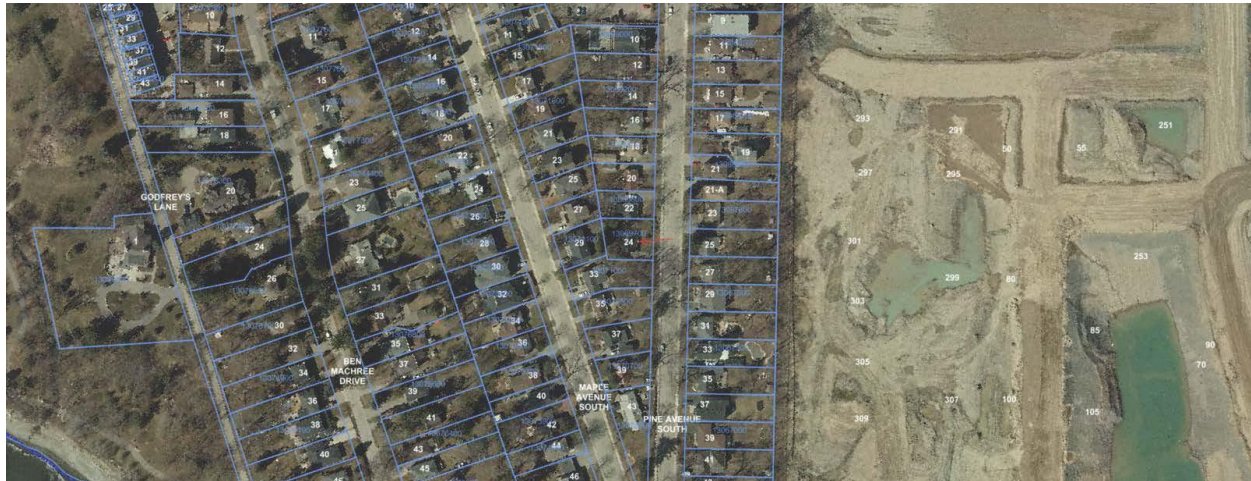
**Zoning:** R15-2 - Residential

**Other Applications:** None

#### **Site and Area Context**

The subject property is located within the Lakeview Neighbourhood, south of the Lakeshore Road West and Pine Avenue South intersection. The immediate neighbourhood is entirely residential consisting of one and two-storey detached dwellings and duplexes on lots with mature vegetation in both the front and rear yards. Frontages in the immediate area generally range from approximately 9m (29.53ft) to 24.5m (80.38ft) The subject property contains a one-storey detached dwelling with mature vegetation in the front yard.

The applicant is proposing to sever the property into two new lots. The applicant is proposing a new dwelling on both the retained and severed lands requiring variances for lot frontages, areas and eave heights.



## 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 applications on March 24<sup>th</sup>, 2022. Staff recommended refusal of the application, citing concerns with the variances requested for lot areas, rear yard setbacks and eave heights. Staff were of the opinion that the variances requested would result in the creation of two overdeveloped lots.

The applicant has made revisions to address concerns raised by staff, residents and the Committee of Adjustment. The proposal no longer requires variances for lot coverage or rear

yard setbacks. Furthermore, the eave heights of the proposed dwellings were reduced by 0.5m (1.64m), from 7.40m (24.28ft) to 6.90m (22.63ft).

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 I in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached and duplex dwellings. The subject property is also located within the South Residential Neighbourhood in Port Credit Neighbourhood West (Schedule 1 – Port Credit Local Area Plan).

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. While the proposed lot frontages and areas fall short of zoning by-law requirements, a through review of lots within the immediate area has found single detached lots with similar frontages. Furthermore, the proposed lot frontages and areas result in lots that can be developed with dwellings reflective of the neighbourhood. As per Section 5.3.5 (Neighbourhoods) of MOP, neighbourhoods are not meant to remain static, however, when new development occurs, it should be sensitive to the neighbourhoods existing and planned character. The proposed severance represents sensitive intensification that is compatible with the area and does not negatively impact the established lot fabric of the neighbourhood.

Based on the preceding information, staff is of the opinion that the application does conform to Section 51(24) of the Planning Act, and more specifically that the application meets the general intent and purpose of the official plan.

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

Variances #1 and #2 for both the severed and retained lands relate to lot frontage and lot area. The minimum lot frontage and area requirements are intended to establish an appropriate lot pattern and minimum standards for development that will result in a consistent form of development. The proposed lot frontages represent a minor deviation from the minimum requirements. A comprehensive review of the surrounding neighbourhood, has identified single detached lots in the area with similar frontages. While the requested lot area reductions are significantly smaller than the minimum requirements and are not consistent with lot areas found in the immediate area, staff note that the proposed dwellings are appropriately sized for the lots, reflect the dwellings in the neighbourhood and do not present any overdevelopment concerns. The lot areas will not pose any negative impacts to the abutting neighbours or streetscape, as the frontages proposed are consistent with frontages found in the immediate area. Furthermore, the applicant is not proposing reduced setbacks for either dwelling and no variances are being sought for increased gross floor area, lot coverage or overall dwelling height, which would be direct result of the smaller lots and can have the impact dwellings massing which would have exacerbates any impacts..

Variance #3 for both of the severed and retained lands relates to eave height. The intent of restricting height to the eaves is to lessen the visual massing of dwelling by bringing the edge of

the roof closer to the ground, thus keeping the dwelling within a human scale. Staff note that the proposed dwellings are not seeking additional variances for overall dwelling height. Further, the eave height increase represents a minor deviation from the zoning by-law requirements. Staff do not anticipate any negative impacts because of the variance requests.

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 detached dwellings that are reflective of the neighbourhood. Furthermore, the proposed lot frontages for the severed and retained properties are generally consistent with existing properties in the area. Lastly, the proposed dwellings are appropriately sized for the lots, and maintain the character of the surrounding neighbourhood. 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](mailto: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](mailto: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

The applicant will be required to apply for Access Modification Permits prior to Site Plan Approval and/or Building Permit Issuance. 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. Driveway accesses shall maintain a 1.5m setback from aboveground features such as utilities and trees. We are also noting that should any utilities need to be relocated, all costs incurred will also be to the owner.

### 4. Storm Sewer Outlet

The storm sewer outlet for this site is the existing 900mm storm sewer on Pine Ave. South. The applicant is encouraged to design the basement elevation 1 metre above the obvert of the storm sewer on the street to eliminate the need for a sump pump.

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.

For further information please contact Walter Copping at (905) 615-3200 ext. 5831.

Comments Prepared by: John Salvino, Development Engineering Technologist

## **Appendix 2 – Zoning Comments**

We have 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:

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

1. The applicant shall provide a cash contribution of \$1,250.66 for the planting of two (2) street trees on Pine Avenue South. This figure is subject to the most recent Fees and Charges By-Law at the time of payment and is therefore subject to change.

In addition, Community Services notes the following:

1. Payment for street tree fees and charges can be made at the Parks and Forestry customer service counter located at 950 Burnhamthorpe Road West in the form of a certified cheque, bank draft, or money order payable to the City of Mississauga. Please contact 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](mailto:Nicholas.Rocchetti@mississauga.ca).

Comments Prepared by: Nicholas Rocchetti, Park Planning Assistant

### **Appendix 4 - Bell**

Subsequent to review of the Severance Application by our local Engineering Department, it has been identified that Bell Canada will require a transfer of easement over these lands to protect existing aerial facilities, supply service to the properties, and to maintain service in the area. According to our records, Bell's aerial cable runs along the southwest property boundary as identified in the sketch provided.

Bell Canada would like to confirm that a blanket easement over the lands or a 3.0m wide corridor to be measured 1.5m on either side of the aerial cable, then to extend from any existing pole to a minimum of 1.0m past any existing anchor installation to be measured 0.5m on either side of the guy, as can be accommodated, would satisfy our needs.



Since the easement is necessary in order to provide and maintain service to this area, all costs associated with this transaction is the responsibility of the landowner. Compensation should be set to the nominal amount of \$2.00 for the acquisition of these rights. Additionally, Bell Canada requires separate, registered postponements for any mortgages and certification of title.

We hope this proposal meets with your approval and request a copy of the Committee of Adjustments decision. We look forward to the owners' Solicitor contacting us with a draft reference plan and accompanying draft easement and LTTS documents for our approval prior to registration, along with an acknowledgement and direction for our execution.

Comments Prepared by: Carrie Gordon, Right of Way Associate

## Appendix 5 – Region of Peel

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

**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:** 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](mailto: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](mailto: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.**

City Department and Agency Comments	File:B19.22	2022/12/07	10
-------------------------------------	-------------	------------	----

---

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" 105-106/22)
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 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 December 2, 2022.
7. A letter shall be received from Bell indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated December 2, 2022.