

City of Mississauga Department Comments

Date Finalized: 2023-01-11	File(s): B82.22 and B83.22
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date: 2023-01-19 1:00:00 PM

Consolidated Recommendation

The City recommends that the applications be deferred.

Application Details

B82/22

The applicant requests the Consent 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 13.72m (approx. 45.01ft) and an area of approximately 599.41sq m (6452.00sq ft).

A642/22

The applicant requests a minor variance for the severed lands of B82/22 proposing:

1. A hammerhead on a lot with a frontage of 13.72m (approx. 45.01ft) whereas By-law 0225-2007, as amended, permits a hammerhead on a lot with a frontage of 15.00m (approx. 49.21ft) in this instance;
2. A lot frontage of 13.72m (approx. 45.01ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (approx. 49.21ft) in this instance;
3. An eave encroachment of 0.46m (approx. 1.51ft) whereas By-law 0225-2007, as amended, permits a maximum eave encroachment of 0.45m (approx. 1.48ft) in this instance;
4. A side yard setback to the second storey of 1.20m (approx. 3.94ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback to the second storey of 1.81m (approx. 5.94ft) in this instance;
5. A setback to the A/C unit of 0.45m (approx. 1.48ft) whereas By-law 0225-2007, as amended, requires a minimum setback to the A/C unit of 0.61m (approx. 2.00ft) in this instance;
6. An accessory structure height of 3.17m (approx. 10.40ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure height of 3.00m (approx. 9.84ft) in this instance;
7. A lot coverage of 39.8% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35% in this instance;
8. An accessory structure area of 27.90sq m (approx. 300.31sq. ft) whereas By-law 0225-2007,

as amended, permits a maximum accessory structure area of 10.00 sq m (approx. 107.64sq ft) in this instance;

9. An eave height of 7.05m (approx. 23.13ft) whereas By-law 0225-2007, as amended, permits a maximum eave height of 6.40m (approx. 21.00ft) in this instance; and,

10. A dwelling depth of 21.32m (approx. 69.95ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance.

B83/22

The applicant requests the Consent 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 13.62m (approx. 44.69ft) and an area of approximately 633.66sq m (6820.66sq ft).

A643/22

The applicant requests a minor variance for the severed lands of B83/22 proposing:

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

2. A height of 7.70m (approx. 25.26ft) whereas By-law 0225-2007, as amended, permits a maximum height of 7.50m (approx. 24ft) in this instance;

3. A lot coverage of 37.7% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35% in this instance;

4. A hammerhead on a lot with a frontage of 13.62m (approx. 44.69ft) whereas By-law 0225-2007, as amended, permits a hammerhead on a lot with a frontage of 15.00m (approx. 49.21ft) in this instance;

5. A parapet height of 7.96m (approx. 26.12ft) whereas By-law 0225-2007, as amended, permits a maximum parapet height of 7.67m (approx. 25.16ft) in this instance;

6. A lot frontage of 13.62m (approx. 44.69ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (approx. 49.21ft) in this instance;

7. An accessory structure area of 27.80sq m (approx. 299.24sq ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 10.00sq m (approx. 107.64sq ft) in this instance and,

8. A balcony area above the garage of 15.50sq m (approx. 166.64sq ft) whereas By-law 0225-2007, as amended, permits a maximum balcony area above the garage of 10.00sq m (approx. 107.64sq ft) in this instance.

A644/22

The applicant requests a minor variance for the retained lands of B83/22 proposing:

1. A lot coverage of 39.1% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35% in this instance;

2. A dwelling depth of 20.63m (approx. 67.68ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance;

3. An interior side yard setback of 1.19m (approx. 3.90ft) whereas By-law 0225-2007, as amended, permits a maximum interior side yard setback of 1.80m (approx. 5.91ft) in this

instance;

4. A hammerhead on a lot with a frontage of 13.74m (approx. 45.08ft) whereas By-law 0225-2007, as amended, permits a hammerhead on a lot with a frontage of 15.00m (approx. 49.21ft) in this instance;

5. A flat roof height of 7.94m (approx. 26.05ft) whereas By-law 0225-2007, as amended, permits a maximum flat roof height of 7.50m (approx. 24.61ft) in this instance;

6. A frontage of 13.74m (approx. 45.08ft) whereas By-law 0225-2007, as amended, requires a minimum frontage of 15.00m (approx. 49.21ft) in this instance and,

7. A rear yard setback of 6.59m (approx. 21.62ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.50m (approx. 24.61ft) in this instance.

Amendments

Should the Committee see merit in the applicant's request, Planning staff recommend the following variance(s) are to be amended as follows:

A642/22 - 6. An accessory structure height of 2.95m whereas By-law 0225-2007, as amended, permits a maximum accessory structure height of 3.00m (approx. 9.84ft) in this instance;

A643/22 – 5. A parapet height of 7.96m (approx. 26.12ft) whereas By-law 0225-2007, as amended, permits a maximum height of 7.50m in this instance;

The following variance(s) are to be added:

A642/22 - Two kitchens proposed whereas By-law 0225-2007, as amended, permits a maximum of one kitchen in this instance;

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under Files A642.22, A643.22, and A644.22 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under Files A642.22, A643.22, and A644.22 shall lapse if the consent application under file B82.22 and B83.22 are not finalized within the time prescribed by legislation.

Background

Property Address: 1414 South Service Rd (new addresses 1408, 1412 and 1418 South Service Rd)

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3-75 - Residential

Other Applications: Building Permit under files BP 9NEW 21-8492 and BP 9NEW 21-6774

Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, east of South Service Road and Dixie Road. The immediate area consists of one and two storey-detached dwellings with mature vegetation. The subject property is a wide vacant lot with mature vegetation. The application proposes to sever the parent lot in order to create three lots to develop detached dwellings, requiring variances for hammerheads, deficient lot frontages, lot coverages, eave encroachments, setbacks, heights, dwelling depths, heights and areas of accessory structures and balconies.

The Committee of Adjustment previously approved a similar development scheme under files B11.20, B12.20, A68.20 and A70.20 on October 1st, 2020. The applicant failed to fulfill the conditions within the legislated timeframe therefore the approvals lapsed.

The applicant has re-applied to the Committee to sever the subject property. Staff note that the proposed lot areas and frontages generally align with the previous proposal, however, the design of the dwellings and requested variances have been modified.



Comments

Planning

Planning Act

Section 51 (24) of the *Planning Act* sets out the criteria for land division in the Province of Ontario. In evaluating such requests, the Committee needs to be satisfied that the proposal meets not only the criteria set out under Section 51(24), but also municipal requirements identify in local legislation.

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to grant relief from the requirements of a municipal zoning by-law. In evaluating such requests, the Committee needs to be satisfied that the proposal meets the four tests set out in the *Planning Act*.

Provincial Matters

The Provincial Policy Statement 2020 (PPS 2020) and Growth Plan for the Greater Golden Horseshoe promote efficient development and land use, directing the focus towards intensification and redevelopment. The proposal is consistent with the general directive in provincial policy.

Staff comments concerning the applications are as follows:

The subject property is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP) which permits detached, semi-detached and duplex dwellings. The official plan policies for lands within the Lakeview Neighbourhood Character Area are contained within the Lakeview Local Area Plan. The subject property is located within the Orchard Heights community boundary of the Central Residential Neighbourhood Precinct.

As noted above, the proposed severance scheme is generally the same as what was approved under applications B82.22 and B83.220. Therefore, Staff continue to support the applicant's proposal to sever the subject property and are of the opinion that the consent applications are suitable for the purpose of developing detached dwellings. Furthermore, the consent applications conform to Section 51(24) of the *Planning Act* and more specifically to the MOP. Staff has no concerns with the applicant's proposal in principle; however, Zoning staff has requested more information and revised plans in order to confirm the accuracy of the requested variances. As such, Planning staff are unable to assess the applicant's proposal.

Planning staff recommend that the application be deferred to allow the applicant an opportunity to address Zoning staff's comments provided through the open building permit application. Staff also recommend that the applicant discuss the proposal with Planning staff once variances are verified with Zoning staff, to ensure Planning staff has no concerns with the proposal.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This application is identical to Consent Application 'B' 11-12/20 which the Transportation and Works Department had previously given clearance for. The applicant had satisfied all of the conditions including review of a grading plan, providing a Functional Servicing Report, providing an Acoustical Report outlining any required warning clauses, satisfactory Site Plan for hammerhead driveway requirements, Municipal address requirement, MTO approval and Registration of a Development Agreement on title to the lands.

The only noticeable change is that the applicant has revised the grading plan to suit the new dwelling configurations. This will need to be reviewed.

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.

For further information regarding the above noted comments, please contact John Salvino at (905) 615-3200 ext. 5183 or john.salvino@mississauga.ca

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under files BP 9NEW 21-8492 and BP 9NEW 21-6774. Based on review of the information currently available for this Building Permit, we advise that the following variance(s) should be amended/added as follows:

The following variance(s) are to be amended as follows:

A642/22 - 6. An accessory structure height of 2.95m whereas By-law 0225-2007, as amended, permits a maximum accessory structure height of 3.00m (approx. 9.84ft) in this instance;

A643/22 – 5. A parapet height of 7.96m (approx. 26.12ft) whereas By-law 0225-2007, as amended, permits a maximum height of 7.50m in this instance;

The following variance(s) are to be added:

A642/22 - Two kitchens proposed whereas By-law 0225-2007, as amended, permits a maximum of one kitchen in this instance;

We note that further information has been requested to allow staff to confirm the requested variances, such as revised plans to confirm the balcony area for A643/22, and established grade and average grade calculations, as well as dwelling unit depth for A644/22.

Our comments are based on the plans received by Zoning staff for the above captioned building permit application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information.

Comments Prepared by: Adam McCormack, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has no objections to the above noted consent application and advises as follows:

Should the application be approved, Community Services provides the following notes:

1. 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 – Region of Peel

Consent Applications: B-22-082M, B-22-083M / 1414 South Service Road

Servicing: Bernadette Sniatenchuk (905) 791-5997 x8589

Comments:

- A revised engineering submission for the extension of municipal sanitary sewer required to service the retained and severed parcels is required to be submitted to the Region of Peel Public Works.
- The region shall be satisfied with the design prior to Regional site servicing connection approval.

Comments Prepared by: Patrycia Menko – Junior Planner, Planning and Development Services

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" /2642-644.22)
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 January 11, 2023.
5. 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 January 10, 2023.