

# City of Mississauga Department Comments

Date Finalized: 2023-05-03	File(s): B5.23
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-05-11 1:00:00 PM

## Consolidated Recommendation

The City recommends that the consent and associated minor variance applications be refused.

## Application Details

B5/23

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 9.10m (approx. 29.86ft) and an area of approximately 305.89sq m (3292.57sq ft).

A115/23

The applicant requests a minor variance for the severed lands of B5/23 proposing:

1. A lot area for a corner lot of 305.89sq m (approx. 3292.57sq ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 720.00sq m (approx. 7750.02sq ft) in this instance;
2. A lot coverage of 39.5% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35% in this instance;
3. A lot frontage of 9.10m (approx. 29.86ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 19.50m (approx. 63.98ft) in this instance;
4. An eaves height of 8.60m (approx. 28.22ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance;
5. An exterior side yard setback of 1.30m (approx. 4.27ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 6.00m (approx. 19.69ft) in this instance;
6. An interior side yard setback of 1.20m (approx. 3.94ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 2.42m (approx. 7.94ft) in this instance;
7. An interior side yard setback to the roof overhang of 1.00m (approx. 3.28ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback to the roof overhang of 1.97m (approx. 6.46ft) in this instance; and,
8. An exterior side yard setback to the roof overhang of 1.10m (approx. 3.61ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback to the roof

overhang of 5.55m (approx. 18.21ft) in this instance.

A116/23

The applicant requests a minor variance for the retained lands of B5/23 proposing:

1. A lot area for an interior lot of 301.94sq m (approx. 3250.06sq ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 550.00sq m (approx. 5920.15sq ft) in this instance;
2. A lot coverage of 40% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35% in this instance;
3. A lot frontage of 9.0m (approx. 29.52ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (approx. 49.21ft) in this instance;
4. An eaves height of 8.60m (approx. 28.22ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance;
5. An interior side yard setback of 1.20m (approx. 3.94ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 2.42m (approx. 7.94ft) in this instance; and,
6. An interior side yard setback to the roof overhang of 1.00m (approx. 3.28ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback to the roof overhang of 1.97m (approx. 6.46ft) in this instance.

### **Recommended Conditions and/or Terms of consent**

- Appendix A – Conditions of Provisional Consent
- The variance application approved under Files A115.23 and A116.23 must be finalized

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

- Variances approved under files A115.23 and A116.23 shall lapse if the consent application under file B5.23 is not finalized within the time prescribed by legislation.

## **Background**

**Property Address:** 1167 Strathy Ave

### **Mississauga Official Plan**

Character Area: Lakeview Neighbourhood  
Designation: Residential Low Density II

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

**Zoning:** R3-75 - Residential

**Other Applications:** Preliminary Zoning review application under file PREAPP 22-861.

### Site and Area Context

The subject properties are located within the Lakeview Neighbourhood Character Area, southeast of Cawthra Road and Atwater Avenue. The immediate neighbourhood is primarily residential, consisting of one and two-storey detached dwellings on lots with frontages ranging from approximately 11.5m (37.73ft) to 22m (72.17ft). The subject property contains a two-storey detached dwelling.

The applications propose a severance to create two new residential lots, requiring variances for lot area, coverage, frontage, eave 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.

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

The application proposes to sever the existing lot in to two new parcels for the purpose of developing a new detached dwelling on each lot.

The application proposes a lot frontage of 9.10m (29.86ft) and area of 305.89m<sup>2</sup> (3292.57ft<sup>2</sup>) for the severed lands, and a lot frontage of 9.0m (29.52ft) and area of 301.94m<sup>2</sup> (3250.06ft<sup>2</sup>) for the retained lands.

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, street townhouse and other forms of low-rise dwellings with individual frontages. The subject property is also located within the Central Residential Neighbourhood Precinct, in the Cawthra Village Sub-Area in the Lakeview Local Area Plan (Map 1 – Lakeview Local Area Plan Precincts and Sub Areas).

Section 5.3.5 (Neighbourhoods) of the MOP states that neighbourhoods are not meant to remain static, however, when new development occurs it should be sensitive to the neighbourhoods existing and planned character. Through a review of lots within the immediate area, staff note that the proposed lot areas and frontages are uncharacteristic for detached dwellings in the neighbourhood and result in variances being required to accommodate the detached dwellings due to the smaller lot sizes.

Section 9.2.2.3 of the MOP states that while new development need not mirror existing development; new development in Neighbourhoods will respect the existing lotting pattern; the continuity of rear yard setbacks and be designed to respect the existing scale, massing, character and grades of the surrounding area.

The proposal does not respect the existing lotting pattern. Staff are unable to locate any lots containing detached dwellings with similar lot areas or and frontages in the immediate area. The smallest lots appear to have areas greater than 400m<sup>2</sup> (4,843.76ft<sup>2</sup>) with frontages greater than 11.5m (37.73ft), which is much larger than the proposed lots. Furthermore, the proposed lots are smaller than lots containing semi-detached dwellings located in the immediate area. The proposed eave heights will create long walls that will create significant massing concerns that do not respect the existing scale, building massing and character of the detached dwellings in the immediate area.

Based on the preceding information, staff is of the opinion that the application does not conform to Section 51(24) of the Planning Act, more specifically that the application does not conform to the official plan.

As staff is not supportive of the consent application, the minor variance applications should also be refused

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

This Department has a concern with the proposed driveway setback for the corner lot. The current dwelling configuration poses an insufficient driveway setback to Sawyer Avenue. We ask that the application be **deferred** until such time as the applicant revise the plans to ensure that the proposed driveway for the corner lot provides a minimum 11.0m corner clearance to Sawyer Avenue, measured from the edge of the driveway to the near edge of pavement on Sawyer Avenue. The applicant shall maximize the corner clearance to the extent possible.

However, 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)

##### 3. Conceptual Site Plan Depicting Driveway Locations/Modifications Required

As a condition of approval, the applicant shall ensure that the proposed driveway for the corner lot provides a minimum 11.0m corner clearance to Sawyer Avenue, measured from the edge of the driveway to the near edge of pavement on Sawyer Avenue. The applicant shall maximize the corner clearance to the extent possible. The applicant shall submit revised site plan drawings demonstrating feasibility that the minimum 11.0m corner clearance is achievable.

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 is advised to consider future driveway locations and minimize required curb cut widths to maximize on-street visitor parking. The applicant will be required to apply for Access Modification Permits prior to Building Permit Issuance. 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.

4. Storm Outlet

Based on the information available, the severed parcel drains to the existing ditches/culverts on both Sawyer Ave and Strathy Ave, and the retained parcel drains to the existing ditches/culverts on Strathy Ave. 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.

Review from the Credit Valley Conservation Authority will be required as both parcels are entirely within their regulated area.

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the subject property are being addressed through Consent Application 'B' 5/23.

Comments Prepared by: John Salvino, Development Engineering Technologist

### **Appendix 2 – Zoning Comments**

The Building Department processed a Preliminary Zoning review application under file PREAPP 22-861. Based on review of the information currently available in this permit application, we 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 application submitted on 10/12/2022 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.

Please note that prior to land division zoning clearance being issued the severed and retained lands must 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. Information on how to obtain a land division clearance letter can be found [here](#).

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 wishes to impose the following condition(s):

1. The applicant shall provide a cash contribution of \$644.09 for the planting of one (1) street tree on Strathy 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.

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 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 – 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 Citizenship and Multiculturalism to determine the archaeological concerns related to the application. A letter from the Ministry of Citizenship and Multiculturalism 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- Credit Valley Conservation**

Although the property appears to be regulated based on our mapping, I can confirm we have updated information and that it is outside of CVC's regulated area. CVC review/approval are not required. As such, CVC will not be providing comments on the application.

Comments Prepared by: Beata Pakulski, Junior Planner

#### **Appendix 6- Metrolinx**

Metrolinx is in receipt of the consent application and two minor variance applications for 1167 Strathy Ave to facilitate the severance of the land for the creation of a new lot and to facilitate the construction of a new 2-storey detached dwelling on both the subject property being retained and the subject property being severed. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m 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 [Farah.Faroque@metrolinx.com](mailto:Farah.Faroque@metrolinx.com) with questions and to initiate the registration process. (It should be noted that the registration process can take up to 6 weeks).

- 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.

Comments Prepared by: Farah Faroque, Intern

## Appendix 7- Region of Peel

### Applications: B-5/23, A-115/23, A-116/23 – 1167 Strathy Avenue

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 905.791.7800 x7973 or by email at [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca).
- All unutilized water and sanitary services shall be abandoned in accordance with Region of Peel design specifications. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email 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. Site Servicing approvals are required prior to the local municipality issuing building

permit. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca).

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

**Comments:**

- The subject land is located in the regulated area of the Credit Valley Conservation Authority (CVC) and floodplain. We rely on the environmental expertise of the CVC for the review of development applications located within or adjacent to the regulated area in Peel and the impact of natural hazards on proposed development. We therefore request that the City staff consider comments from the CVC and incorporate their requirements appropriately. Final approval of this application requires all environmental concerns to be addressed to the satisfaction of the CVC.

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" 115-116/23)
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 May 3, 2023.

5. A letter shall be received from the City of Mississauga, Park Planning, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated May 3, 2023.
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 May 3, 2023.
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 April 28, 2023.
8. A letter shall be received from Metrolinx indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated April 28, 2023.
9. 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 April 28, 2023.