

City of Mississauga Department Comments

Date Finalized: 2023-06-14	File(s): B44.22 A390.22 A391.22 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-06-22 3:30:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

B44.22

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 9.7m (approx. 31.8ft) and an area of 379.8sq m (approx. 4088.1sq ft).

A390.22

The applicant requests the Committee to approve a minor variance on the subject property, being the retained lands of application B44/22, proposing:

1. A lot area of 358.7sq m (approx. 3861.0sq ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 460.0sq m (approx. 4951.4sq ft) in this instance;
2. A lot frontage of 9.7m (approx. 31.8ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 12.0m (approx. 39.4ft) in this instance;
3. A side yard setback to a single storey portion of an attached garage of 0.65m (approx. 2.13ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance;
4. A height to the highest ridge of a sloped roof of 10.99m (approx. 36.06ft) whereas By-law 0225-2007, as amended, permits a maximum height to the highest ridge of a sloped roof of 9.50m (approx. 31.17ft) in this instance;
5. A height to the underside of eaves of 9.37m (approx. 30.74ft) whereas By-law 0225-2007, as amended, permits a maximum height to the underside of eaves of 6.40m (approx. 21.00ft) in this instance; and,
6. A driveway width of 5.38m (approx. 17.65ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 4.85m (approx. 15.91ft) in this instance.

A391.22

The applicant requests the Committee to approve a minor variance on the subject property, being the severed lands of application B44/22, proposing:

1. A lot area of 379.8sq m (approx. 4088.1sq ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 460.0sq m (approx. 4951.4sq ft) in this instance;
2. A lot frontage of 9.7m (approx. 31.8ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 12.0m (approx. 39.4ft) in this instance;
3. A side yard setback to a single storey portion of an attached garage of 0.65m (approx. 2.13ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance;
4. A height to the highest ridge of a sloped roof of 10.98m (approx. 36.02ft) whereas By-law 0225-2007, as amended, permits a maximum height to the highest ridge of a sloped roof of 9.50m (approx. 31.17ft) in this instance;
5. A height to the underside of eaves of 9.36m (approx. 30.71ft) whereas By-law 0225-2007, as amended, permits a maximum height to the underside of eaves of 6.40m (approx. 21.00ft) in this instance; and,
6. A driveway width of 5.38m (approx. 17.65ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 4.85m (approx. 15.91ft) in this instance.

Amendments

The Building Department is processed an application under file PREAPP 22-1466.

We advise that the following variance should be amended for both lots as follows:

2. A lot frontage of 9.74m (approx. 31.96ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 12.0m (approx. 39.4ft) in this instance;

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A390.22 and A391.22 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A390.22 and A391.22 shall lapse if the consent application under file B44.22 A390.22 A391.22 is not finalized within the time prescribed by legislation.

Background

Property Address: 29 Harrison Ave

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: PREAPP 22-1466

Site and Area Context

The subject property is located within the Port Credit Neighbourhood West Character Area, northeast of the Benson Avenue and Lakeshore Road West intersection. The immediate neighbourhood contains residential, commercial and employment uses. The residential uses consist of a mix of detached and semi-detached dwellings. The immediate neighbourhood contains a mix lot sizes and frontages. Frontages in the area range from 6.92m (22.70ft) to 20.45m (67.09ft). The subject property contains an existing one-storey detached dwelling with little vegetation in the front and rear yards.

The applicant is proposing to sever the lot, creating two new parcels for the purpose of developing detached dwellings. The development proposal requires variances related to lot frontage, lot area, front and side yard setbacks and driveway width.



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 Committee deferred the above noted variances on August 17th, 2022.

Staff noted no concerns with the proposed severance scheme in their previous comment report. Zoning staff identified concerns regarding the accuracy of the requested variances and Transportation and Works staff requested a noise/vibration study to determine the feasibility of the proposed severance.

Zoning staff request that the above noted variances be added to the application. Furthermore, the applicant has provided a noise report, satisfying Transportation and Works staff's request, however, a revised site/grading plan is required.

Planning staff has identified concerns with variances #4 and 5. Staff are of the opinion that the variances are excessive. Furthermore, the heights proposed will create significant massing and negatively impact the streetscape and abutting neighbours.

As such, Planning staff recommend that the applications be deferred to allow the opportunity for the applicant to address comments noted above.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Should the Committee see merit in the applicant's request and the application move forward, the following conditions will be required:

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. The plan is to show the overall drainage for both lots and include any catch basins and easements that may be required to in order to keep the lots self contained.

This plan is also to include the appropriate acoustical measures (fencing/berming) that will be made available through the required Acoustical Feasibility Study for noise and vibration emanating from the neighboring Metrolinx tracks.

2. Overall Site Servicing Plan

We request that the applicant submit a Site Servicing Plan prepared by a Consulting Engineer for this department's review/approval. The Site Servicing Plan is to confirm that all the necessary municipal services can be provided for the dwellings to be constructed on the subject lands.

3. Municipal Address Requirement

Prior to the issuance of final consent, satisfactory arrangements are to be made with the 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

4. Acoustical Report and Vibration Study

We have reviewed the revised Noise Report prepared by Jade Acoustics dated April 26, 2023. We advise that we find Table 'A' with a sound barrier of 3.1m high to achieve a 59.79dBA sound level for the outdoor living areas is acceptable. However, we do not see a revised site/grading plan that shows the fence locations along the property limits as was asked for in the previous comments. Revised plans must be uploaded to the Sharepoint file.

We are also noting for the owner's information that securities will be required to ensure that any noise attenuation measures such as air conditioning units or acoustical attenuation walls are installed for the dwellings to be constructed. These securities, if required will be secured through a Development Agreement.

5. Development Agreement

The owner will be required to enter into a Development Agreement which is to be registered against title of the subject lands. It is to include the appropriate Warning Clauses as set out in the Noise Report. The said agreement is to advise any prospective purchasers that, despite the inclusion of noise control features, noise levels emanating from the Metrolinx Tracks may continue to be of concern, occasionally interfering with some of the activities of the dwelling occupants as the noise exposure level may exceed the noise criteria of the municipality and the Ministry of the Environment and Climate Change.

In view of the above, the applicant should contact this Department with regard to the process of initiating the Development Agreement preparation and processing.

6. Fee Requirements as Per Fees and Charges By-Law

As per the City of Mississauga's Fees and Charges By-law there will be fees required to be paid to the Legal Services Department for their services, in particular for the preparation of documents required for items pertaining to a Development Agreement and/or road widening. The fee amounts payable will be in accordance with the current fees and charges bylaw.

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

This department's comments/requirements with respect to the minor variance applications will be addressed through the Consent Application File 'B' 66/21.

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. The applicant will be required to apply for Access Modification Permits prior to Site Plan Approval and/or Building Permit Issuance. 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 property is the existing 300mm Dia. Storm sewer located on Harrison 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 is processing an application under file PREAPP 22-1466. Based on review of the information currently available in this application, the following variances, as requested are correct:

B44.22

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 9.7m (approx. 31.8ft) and an area of 379.8sq m (approx. 4088.1sq ft).

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1. A lot area of 358.7sq m (approx. 3861.0sq ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 460.0sq m (approx. 4951.4sq ft) in this instance;

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6. A driveway width of 5.38m (approx. 17.65ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 4.85m (approx. 15.91ft) in this instance.

We also advise that the following variance should be amended for both lots as follows:

2. A lot frontage of 9.74m (approx. 31.96ft) 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 remaining 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 04/05/2022 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 advises as follows:

City of Mississauga Forestry Staff have attended the site and identified the following City owned trees within the municipal boulevard on Harrison Ave.:

- Eastern White Cedar (3) – 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 \$3,100.00 for the preservation of the municipal trees.
2. The applicant shall provide a cash contribution of \$644.09 for the planting of one (1) street tree on Harrison 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. The applicant shall provide framed tree hoarding at the dripline of the above noted trees 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.
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 payment process.
3. 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

29 Harrison Ave

Metrolinx is in receipt of the consent application and two minor variance applications for 29 Harrison Ave to facilitate the severance of the land for the creation of a new lot and to facilitate the construction of a new single family detached dwelling on both the subject property being retained and 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 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.
- Metrolinx notes that an Environmental Noise Report was prepared for this application prepared by Jade Acoustics dated April 26, 2023. We note that Metrolinx Rail-Data acquired from September 14, 2022 was utilized in the Report.
 - Metrolinx notes that their Forecast Rail-Data has been updated as of December 2022. We recommend that the Noise Study is revised to reflect the most up to date Rail-Data as the train trip volume has increased significantly since September 2022. The proponent may obtain Metrolinx's most up to date rail forecast by submitting a request to raildatarequests@metrolinx.com.

Comments Prepared by: Farah Faroque, Project Analyst

Appendix 5- Region of Peel

Minor Variance and Consent Applications: A-22-390M, A-22-391M & B-22-044M – 29 Harrison Avenue

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

Comments:

- Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. 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.
- 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.
- 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.

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.

Planning: Patrycia Menko (905) 791-7800 x3114

Comments:

- The subject land is located in the regulated area of the Credit Valley Conservation Authority (CVC). 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 Town 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.

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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" A390-391/23)
 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 June 14, 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 June 14, 2023.
 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 June 9, 2023.
 7. A letter shall be received from Metrolinx indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated June 9, 2023.