

City of Mississauga Department Comments

Date Finalized: 2023-09-13	File(s): B39.23
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-09-21 1:00:00 PM

Consolidated Recommendation

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

Application Details

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 7.62m (approx. 25.00ft) and an area of approximately 252.06sq.m (approx. 2,713.15sq.ft).

A330/23

The applicant requests the Committee to approve a minor variance to allow the creation of a new lot, being the severed lands of application B39/23, proposing:

1. A lot area of 252.06sq.m (approx. 2,713.15sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 340.00sq.m (approx. 3,659.73sq.ft) in this instance; and
2. A lot frontage of 7.62m (approx. 25.00ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 9.00m (approx. 29.53ft) in this instance.

A331/23

The applicant requests the Committee to approve a minor variance to allow the creation of a new lot, being the retained lands of application B39/23, proposing:

1. A lot area of 251.91sq.m (approx. 2,711.54sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 340.00sq.m (approx. 3,659.73sq.ft) in this instance; and
2. A lot frontage of 7.62m (approx. 25.00ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 9.00m (approx. 29.53ft) in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A330.23 and A331.23 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A330.23 and A331.23 shall lapse if the consent application under file B39.23 is not finalized within the time prescribed by legislation.

Background

Property Address: 876 Atwater Ave

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: RM1-26 - Residential

Other Applications: none

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 9m (29.53ft) to 22m (72.17ft). The subject property contains a one-storey detached dwelling.

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



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 application proposes lot frontages of 7.62m (25ft) for both parcels and areas of 252.06 (2,713.15ft²) for the severed lands and 251.91m² (2,711.54ft²) 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 semi-detached dwellings in the neighbourhood.

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 proposal does not respect the existing lotting pattern. Staff are unable to locate any lots in the immediate area containing semi-detached dwellings with similar lot areas and frontages. Furthermore, a majority of lots containing semi-detached dwellings comply with the minimum required frontage and area requirements. The smallest lots containing semi-detached dwellings appear to have areas greater than 303m² (3261.46m²) and frontages greater than 9m (29.53ft), which is much larger than the proposed lots.

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

We are noting that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 39/23.

Should Committee see merit in the applicant's request we are providing the following conditions/requirements for Committee's consideration:

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

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.

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.

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.

Storm Sewer Outlet

The storm sewer outlet for this site is the existing 600mm storm sewer on Atwater Ave. 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

Zoning has 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: Brooke Herczeg, 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 advises as follows:

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

Minor Variance: A-23-330M / A-23-331M / B-23-39M / 876 Atwater Ave

Development Engineering: Brian Melnyk (905)-791-7800 x3602

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.
- 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.

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.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner

Appendix 5 - Bell

***Subject: Application for Consent – Severance
876 Atwater Ave
CofA File: B39.23 Bell File: 905-23-317***

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 parallel to the rear 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 the pole to a minimum of 1.0m past any 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.

If you have any questions or concerns, please feel free to contact me.

Comments Prepared by: Carrie Gordon, Right of Way Associate



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" 330-331/23)
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 September 13, 2023.
5. A letter shall be received from Bell indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated August 17, 2023.