

City of Mississauga Department Comments

Date Finalized: 2023-11-29	File(s): B43.23
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-12-07 1:00:00 PM

Consolidated Recommendation

The City has no objections to the requested consent and variances.

Application Details

B43/23

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 10.67m (approx. 35.01ft) and an area of approximately 1001.00sq m (10,774.67sq ft).

A364/23

The applicant requests a minor variance for the severed lands of B43/23 proposing:

1. A side yard setback of 0.63m (approx. 2.07ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance;
2. An underside eaves height of 6.69m (approx. 21.95ft) whereas By-law 0225-2007, as amended, permits a maximum underside eaves height of 6.40m (approx. 21.00ft) in this instance;
3. A building height of 9.60m (approx. 31.50ft) whereas By-law 0225-2007, as amended, permits a maximum building height of 9.50m (approx. 31.17ft) in this instance;
4. A building depth (below the first floor) of 26.22m (approx. 86.02ft) whereas By-law 0225-2007, as amended, permits a maximum building depth of 20.00m (approx. 65.62ft) in this instance;
5. A lot frontage of 10.67m (approx. 35.01ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 12.00m (approx. 39.37ft) in this instance; and,
6. A side yard setback to the existing shed of 1.01m (approx. 3.31ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance.

A365/23

The applicant requests a minor variance for the retained lands of B43/23 proposing:

1. A lot frontage of 10.67m (approx. 35.01ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 12.00m (approx. 39.37ft) in this instance;
2. A north side yard setback to the existing house of 0m whereas By-law 0225-2007, as

amended, requires a minimum setback of 1.20m (approx. 3.94ft) in this instance;

3. A north side yard setback to the existing greenhouse of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.20m (approx. 3.94ft) in this instance; and,

4. A south side yard setback to the existing garage of 0.57m (approx. 1.87ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.20m (approx. 3.94ft) in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A364.23 and A365.23 shall lapse if the consent application under file B43.23 is not finalized within the time prescribed by legislation.

Background

Property Address: 1614 Northmount 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 property is located within the Lakeview Character Area, northeast of the Cawthra Road and South Service road intersection. The surrounding area includes a mix of residential uses, including detached, semi-detached and townhouse dwellings with mature vegetation in the front yards. The residential lots consist of an eclectic lot fabric with frontages ranging from approximately 10.25m (28.54ft) to 22m (72.2ft).

The subject property contains an existing two-storey detached dwelling with mature vegetation in the front yard. The applicant is proposing to sever the existing parcel of land for the creation of two new lots and to construct a new detached dwelling on the severed parcel.

The existing detached dwelling is proposed to remain on the retained lands. The proposal requires variances for lot frontage, dwelling depth, lot coverage, building height, 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:

Does the proposal maintain the general intent and purpose of the Official Plan?

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 and other forms of low-rise dwellings with individual frontages. 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. The official plan and zoning by-law envisions a mix of dwelling types with an eclectic lot fabric in the surrounding area. The proposed parcels are consistent with detached lots found within the immediate area and contribute to the eclectic nature of the existing and planned community.

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 a sensitive intensification that is compatible with the area and does not negatively impact the established lot fabric of the neighbourhood. Staff are of the opinion that the consent application conforms to Section 51(24) of the Planning Act, more specifically that the application conforms to the official plan and the proposed parcels are suitable to accommodate detached dwellings.

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

Variances #2 and 3 for the severed lands relate to height. The intent of the infill regulations is to maintain compatibility between existing and new dwellings, while also lessening the visual massing of the dwelling by keeping the edge of the roof closer to the ground. This results in the dwelling maintaining a more human scale. The proposed dwelling (severed lands) incorporates a variety of architectural materials and design features that visually breaks up the massing of the dwelling, such as multiple roofs with varying heights and a diverse set of building materials. The combination of these features help to minimize the overall massing in relation to the streetscape and neighbouring properties. Further, the proposal is consistent with newer two-storey dwellings in the immediate area and does not pose a negative impact to the established neighbourhood character.

Variance #4 for the severed lands relates to dwelling depth. The intent of the zoning provisions for dwelling depth are to minimize impacts of long walls on neighbouring lots resulting from the building massing. Upon review of the applicant's drawings, staff are of the opinion that the requested variance is to accommodate additional area below grade. Above grade, the visible dwelling depth is 21.49m (70.51ft), which represents a minor deviation from the maximum permission. Furthermore, staff are of the opinion that the proposed dwelling's exterior side walls

do not pose any massing concerns, as the northerly wall is staggered and both the northerly and southerly walls contain architectural features to breakup the first and second storeys.

Variance #5 (severed lands) #1 (retained lands) are regarding lot frontage. The intent of the zoning by-law is to ensure that new lots are appropriately sized and fit within the context of the surrounding area. Through a comprehensive review of the surrounding lands, the requested lot frontage reduction is consistent with lots in the immediate area. Further, the proposed lot frontages represent a minor deviation from the zoning by-law requirements.

Variances # 1 and 6 (severed lands), and 2, 3 and 4 (retained lands) are regarding setbacks.

Variances #1 (severed lands) and 4 (retained lands) are required to accommodate new interior side yard setbacks. Staff note that variance #1 is only required to accommodate a small portion of the dwelling's exterior side wall. The majority of the side wall maintains a 1.24m (4.1ft) setback from the southerly lot line, minimizing any massing impact to the adjacent property to the south. Furthermore, the northerly side of the proposed dwelling maintains a 1.2m (3.9ft) side yard setback, ensuring access to the rear yard is maintained. Staff has no concerns with respect to variance #4, as the garage is existing and is one-storey. Therefore the garage will not pose massing impacts to the future owner(s) of the severed lands. Lastly, the proposed setback will ensure access to the southerly wall of the garage for maintenance purposes.

Variances 6 (severed lands) and #2, 3 (retained lands) represent existing conditions. Staff note that the applicant's proposal does not reposition the existing northerly or southerly lot line. As such, approval of these variances will result in negligible impacts to the neighbouring properties to the north and south.

As such, staff are of the opinion that the general intent and purpose of the zoning by-law is maintained.

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 a new detached dwelling. Furthermore, the proposed lot sizes and frontages for the retained and severed properties are consistent with existing properties in the area. 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

We are noting that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 43/23.

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

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

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: Minan Song, Planner in Training

Appendix 3 – Parks, Forestry & Environment

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

The lands to the rear of the property are owned by the City of Mississauga, identified as Cathraw Park (P-074), classified as a Significant Natural Area within the City's Natural Heritage System, and zoned G2. Section 6.3.24 of the Mississauga Official Plan states that the Natural Heritage System will be protected, enhanced, restored and expanded through the following measures:

- a) ensuring that development in or adjacent to the Natural Heritage System protects and maintains the natural heritage features and their ecological functions through such means as tree preservation, appropriate location of building envelopes, grading, landscaping...;

City of Mississauga Forestry Staff have attended the site and identified the following City owned tree(s) within the municipal boulevard on Northmount Avenue:

- Scotch Pine (31 cm DBH) – Good Condition - \$1,600.00
- Sugar Maple (71 cm DBH) – Good Condition - \$11,300.00
- Linden Private (50 cm DBH) – Good Condition - \$4,900.00

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 \$17,800.00 for the preservation of the municipal trees.
2. No public trees shall be injured or removed. If public tree removal is required, a permit must be issued as per By-law 0020-2022.
3. No private trees shall be injured or removed. If a private tree with a diameter of 15 centimetres or greater on private property is to be injured or destroyed, a permit must be issued as per By-law 0021-2022.

In addition, Community Services notes the following:

1. Construction access from the adjacent park/greenlands is not permitted.

2. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
3. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.
4. 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 Matthew McMullen at 905-615-3200 ext. 3508 or Mike Newbold at 905-615-3200 ext. 8280 to arrange a hoarding inspection.
5. Payment for street tree fees and other 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 made payable to "The Corporation of the City of Mississauga". A Submission of Fees and Securities form is required to process payment. Please contact Nicholas Rocchetti to request a Submission of Fees and Securities form and any other inquires regarding the payment process.
6. 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 – CVC

Re: CVC File No. A23/364-365, B23/043
Municipality File No. A364.23, A365.23, B43.23
Krzysztof and Barbara Budziak
1614 Northmount Ave
Lot 9 Con 2 SDS
City of Mississauga

Credit Valley Conservation (CVC) staff have reviewed the subject application and offer comments based on the following roles and responsibilities:

1. Delegated Responsibilities providing comments representing the provincial interest regarding natural hazards (except forest fires) as identified in Section 3.1 of the Provincial Policy Statement (2020);
2. Regulatory Responsibilities providing comments to ensure the coordination of requirements under the Conservation Authorities Act Section 28 regulation, to

eliminate unnecessary delay or duplication in process;

3. Source Protection Agency providing advisory comments to assist with the implementation of the CTC Source Protection Plan under the Clean Water Act, as applicable.

CVC REGULATED AREA

Based on our mapping, the subject property is regulated due a provincially significant wetland (Cawthra Woods Wetland Complex) located at the back of the property. As such, the property is regulated by CVC under Ontario Regulation 160/06. As such, the property is subject to the Development, Interference with Wetlands, and Alterations to Shorelines & Watercourses Regulation (Ontario Regulation 160/06). This regulation prohibits altering a watercourse, wetland or shoreline and prohibits development in areas adjacent to the Lake Ontario shoreline, river and stream valleys, hazardous lands and wetlands, without the prior written approval of CVC (i.e. the issuance of a permit).

PROPOSAL:

B23/43

It is our understanding that the applicant is requesting the Committee to approve the consent to sever a parcel of land for the creation of a new lot. The parcel of land has a frontage of approximately 10.67m (approx. 35.01ft) and an area of approximately 1001.00sq m (10,774.67sq ft).

A23/364

The applicant requests a minor variance for the severed lands of B43/23 proposing:

1. A side yard setback of 0.63m (approx. 2.07ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance;
2. An underside eaves height of 6.69m (approx. 21.95ft) whereas By-law 0225-2007, as amended, permits a maximum underside eaves height of 6.40m (approx. 21.00ft) in this instance;
3. A building height of 9.60m (approx. 31.50ft) whereas By-law 0225-2007, as amended, permits a maximum building height of 9.50m (approx. 31.17ft) in this instance;
4. A building depth (below the first floor) of 26.22m (approx. 86.02ft) whereas By-law 0225-2007, as amended, permits a maximum building depth of 20.00m (approx. 65.62ft) in this instance;
5. A lot frontage of 10.67m (approx. 35.01ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 12.00m (approx. 39.37ft) in this instance; and,
6. A side yard setback to the existing shed of 1.01m (approx. 3.31ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance.

A365/23

The applicant requests a minor variance for the retained lands of B43/23 proposing:

1. A lot frontage of 10.67m (approx. 35.01ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 12.00m (approx. 39.37ft) in this instance;
2. A north side yard setback to the existing house of 0m whereas By-law 0225-2007, as

amended, requires a minimum setback of 1.20m (approx. 3.94ft) in this instance;

3. A north side yard setback to the existing greenhouse of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.20m (approx. 3.94ft) in this instance; and,

4. A south side yard setback to the existing garage of 0.57m (approx. 1.87ft) whereas Bylaw 0225-2007, as amended, requires a minimum setback of 1.20m (approx. 3.94ft) in this instance.

COMMENTS:

B23/43

As mentioned above, the property is regulated by CVC due to a provincial significant wetland (Cawthra Woods Wetland Complex) located off the rear of the property. Based on CVC's Watershed Planning and Regulation Policies, new lots should be set back at a minimum distance of 30m from the limit of a provincial significant wetland. CVC therefore recommends that a 5meter buffer be maintained from the rear lot line to provide buffer for the natural feature. Recognizing the adjacent lot configurations within the area and that the proposed lot is setback from the Provincially Significant Wetland, CVC therefore has no objection to the approval of the application by the Committee at this time. Please note that the 5meter buffer from the rear lot should be left to in a natural state to buffer and protect the Cawthra Woods feature.

A23/364-365

Based on the review of the information provided, CVC has no concern and no objection to the minor variances being proposed at this time.

The applicant is to note that the property is regulated by CVC and a CVC permit is required for the proposed development.

I trust that these comments are sufficient. Please do not hesitate to contact the undersigned at stuti.bhatt@cvc.ca or 905-670-1615 (ext. 350) should you have any further questions. Please circulate CVC on any future correspondence or applications regarding this site.

Comments Prepared by: Stuti Bhatt, Junior Planner

Appendix 5- Region of Peel

Minor Variance & Consent: A-23-364M, A-23-365M, B-23-043M / 1614 Northmount Ave
Development Engineering: Wendy Jawdek (905)-791-7800 x6019

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 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 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 by email at siteplanservicing@peelregion.ca
- The applicant shall verify the location of the existing service connections to the subject site and the contractor shall locate all existing utilities in the field. Requests for underground locates can be made at <https://www.ontarioonecall.ca/portal/>
- For location of existing water and sanitary sewer infrastructure please contact Records by e-mail at PWServiceRequests@peelregion.ca
- 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.
- All our Design Criteria, Standards, Specifications, Procedures and Report and submission requirements are found on-line at <https://www.peelregion.ca/public-works/design-standards/#procedures>
- Please refer and adhere to the Regional By-Laws that are applicable to your proposal, such as, but not limited to, the Water, Wastewater and Backflow Prevention By-Laws <https://www.peelregion.ca/council/bylaws/archive.asp>

Planning: Ayooluwa Ayoola (905) 791-7800 x8787

Comments:

- The subject land is 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 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: Ayooluwa Ayoola, 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" 364-365/23)
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 November 29, 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 November 29, 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 November 27, 2023.