

City of Mississauga Department Comments

Date Finalized: 2024-01-17 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): B9.24 A30.24 A31.24 Ward: 1
	Meeting date:2024-01-25 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

B9/24

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 6.97m (approx. 22.87ft) and an area of approximately 425.00sq m (4574.66sq ft).

A30/24

The applicant requests a minor variance for the severed lands of B9/24 proposing:

1. A lot coverage of 46.22% whereas the By-law 0225-2007, as amended, permits a maximum lot coverage of 45.00% in this instance;
2. An eave height of 6.83m (approx. 22.41ft) whereas the By-law 0225-2007, as amended, permits a maximum eave height of 6.40m (approx. 21.00ft) in this instance;
3. A flat roof height of 9.24m (approx. 30.31ft) whereas the By-law 0225-2007, as amended, permits a maximum flat roof height of 7.50m (approx. 24.61ft) in this instance;
4. An additional residential unit area of 59.10sq m (approx. 636.15sq ft) whereas the By-law 0225-2007, as amended, permits a maximum area of 55.00sq m (approx. 592.02sq ft) in this instance;
5. A flat roof height for the additional residential unit of 3.14m (approx. 10.30ft) whereas the By-law 0225-2007, as amended, permits a maximum height of 3.00m (approx. 9.84ft) in this instance; and,
6. A dwelling depth of 22.00m (approx. 72.18ft) whereas the By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance.

A31/24

The applicant requests a minor variance for the retained lands of B9/24 proposing:

1. A lot coverage of 46.12% whereas the By-law 0225-2007, as amended, permits a maximum lot coverage of 45.00% in this instance;
2. An eave height of 6.74m (approx. 22.11ft) whereas the By-law 0225-2007, as amended,

permits a maximum eave height of 6.40m (approx. 21.00ft) in this instance;

3. A flat roof height of 9.16m (approx. 30.05ft) whereas the By-law 0225-2007, as amended, permits a maximum flat roof height of 7.50m (approx. 24.61ft) in this instance;

4. An additional residential unit area of 59.10sq m (approx. 636.15sq ft) whereas the By-law 0225-2007, as amended, permits a maximum area of 55.00sq m (approx. 592.02sq ft) in this instance;

5. A flat roof height for the additional residential unit of 3.14m (approx. 10.30ft) whereas the By-law 0225-2007, as amended, permits a maximum height of 3.00m (approx. 9.84ft) in this instance; and,

6. A dwelling depth of 22.00m (approx. 72.18ft) whereas the By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A30.24 and A31.24 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A30.24 and A31.24 shall lapse if the consent application under file B9.24 is not finalized within the time prescribed by legislation.

Background

Property Address: 43 Broadview 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: None

Site and Area Context

The subject property is located within the Port Credit Neighbourhood Character Area, west of Mississauga Road and Lakeshore Road West intersection. The immediate area contains an eclectic lot fabric with lot frontages ranging from 6.50m (21.32ft) to 15m (49.21ft). The subject

property contains a 2-storey detached dwelling with a detached garage and little vegetation. The surrounding area includes a mix of residential uses, including detached and semi-detached and apartment dwellings with little mature vegetation. Commercial and high density residential uses are also present along Lakeshore Road West.

The applicant proposes to sever the lot for the purpose of constructing two semi-detached dwellings with additional residential units (ARUs), requiring variances for lot coverage, dwelling depth, flat roof height, eave height and ARU area and height.



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.

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 states that 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 application proposes to sever the subject property into two new lots proposing semi-detached dwellings. The zoning by-law requires a lot frontage of 6.80m (22.30ft) and lot area of 200 m² (2,152.78 ft²). The proposed retained parcel propose a lot frontage of 6.99m (22.93) and a lot area of 428m² (4,606.95ft²). The proposed severed parcel proposes a lot frontage of 6.97m (22.86ft) and lot area of 425 m² (4,574.66ft²) respectively. Both the proposed severed and retained lots meet by-law requirements.

The neighbourhood contains an eclectic lot fabric with lot frontages ranging from approximately 6.50m (21.32ft) to 15m (49.21ft). The immediate area contains a diverse mix of dwelling types as envisioned with the zoning by-law. The proposed lots are compatible with the surrounding neighbourhood and are similar in area and frontage to other lots that contain semi-detached dwellings.

Staff are of the opinion that the application conforms to Section 51(24) of the *Planning Act*, more specifically that the application conforms to the official plan and is suitable for the purpose of developing semi-detached dwellings.

Staff comments concerning the applications for the minor variance request are as follows:

Staff note that a similar application, file number B12.24 A40.24 A41.24, has been proposed for 19 Broadview Avenue. Both applications are in close proximity of one another and propose similar designs with similar variances, designed by the same architect and filed by the same agent. Staff note that while the proposed designs are almost identical. Due to the similarities between the applications, it is clear that identical variances are likely required for both the proposals.

Staff note there is a discrepancy in the proposed variances, particularly for the flat roof height for the main dwelling. Through the information provided, Planning staff are unable to accurately assess the design of the roof and determine if the roof itself is flat or sloped. Staff recommend the applicant verify roof calculations with zoning staff to determine whether a variance for dwelling height is required.

Further, while Planning staff are not in a position to provide a Zoning review, it appears the height of the proposed Additional Residential Unit (ARU) may be calculated incorrectly.

While Planning staff have no concerns with the proposed severance, staff recommend the application be deferred to allow the applicant an opportunity to submit a building permit application to confirm the accuracy of the variances requested and to determine if additional variances are required.

Comments Prepared by: Shivani Chopra, Planner in Training

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' 9/24.

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

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 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.

4. Storm Sewer Outlet

The storm sewer outlet for this site is the existing 375mm storm sewer on Broadview 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 note that a Building Permit is required. In the absence of a Building Permit we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed.

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

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 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 Broadview Avenue:

- Silver Maple (88 cm DBH) – Good Condition – \$8000.00

Should the application be approved, Community Services wishes to impose the following condition(s):

1. The applicant shall provide tree protection securities in the amount of \$8,000.00 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. 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.
2. 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 inquiries 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, Planner-in-Training/Park Assets, Community Services Department at 905-615-3200 ext. 4659 or via email Nicholas.Rocchetti@mississauga.ca.

Comments Prepared by: Nicholas Rocchetti, Planner-in-Training

Appendix 4 – Metrolinx

43 Broadview Ave - B9.24, A30.24, A31.24

Metrolinx is in receipt of the Consent and two Minor Variance applications for 43 Broadview Rd to facilitate the severance of the lands for the creation of a new lot and to facilitate the construction of a new two storey semi-detached dwelling and rear 1-storey garden suite on each the lot to be severed and retained. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of the Metrolinx Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.

Conditions of Approval:

- 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.

Comments Prepared by: Farah Faroque, Project Analyst- Third Party Projects Review

Appendix 5 – Region of Peel

Minor Variance: A-24-030M, A-24-031M, B-24-009M / 43 Broadview Avenue

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.
- 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.

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" 30-31/24)
4. A letter shall be received from the City of Mississauga, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated January 17, 2024.
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 January 17, 2024.
6. A letter shall be received from Metrolinx indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated January 10, 2024.