

# City of Mississauga Department Comments

Date Finalized: 2024-03-01 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): B23.24 and B24.24 Ward: 1
	Meeting date:2024-03-07 1:00:00 PM

## Consolidated Recommendation

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

## Application Details

### B23/24

The applicant requests the approval of Committee to sever a parcel of land for the purposes of a lot addition. The parcel has a frontage of approximately 4.47m (approx. 14.67ft) and a depth of approximately 45.22m (approx. 148.36ft). The new parcel will be added to the property immediately to the northeast known as 873 Aviation Road.

### B24/24

The applicant requests the approval of the Committee to sever a parcel of land for the purposes of a new lot. The parcel has a frontage of approximately 8.94m (approx. 29.33ft) and an area of approximately 404.46sq m (approx. 4353.57sq ft).

### A104/24

The applicant requests a minor variance for the retained lands of B23/24 proposing:

1. A lot area of 404.26sq m (approx. 4353.57sq 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 frontage of 8.94m (approx. 29.33ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (approx. 49.21ft) in this instance;
3. A north side yard setback of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.81m (approx. 5.94ft) in this instance;
4. A setback to the north eave of 0.814m (approx. 2.67ft) whereas By-law 0225-2007, as amended, requires a minimum setback to the eave of 1.36m (approx. 4.46ft) in this instance;
5. A south side yard setback of 1.219m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.81m (approx. 5.94ft) in this instance; and,
6. A setback to the south eave of 0.813m (approx. 2.67ft) whereas By-law 0225-2007, as amended, requires a minimum setback to the eave of 1.36m (approx. 4.46ft) in this instance.

### A105/24

The applicant requests a minor variance for the severed lands of B24/24 proposing:

1. A lot area of 404.26sq m (approx. 4353.57sq 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 frontage of 8.94m (approx. 29.33ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (approx. 49.21ft) in this instance;
3. A height of 7.58m (approx. 24.87ft) whereas By-law 0225-2007, as amended, permits a maximum height of 7.50m (approx. 24.61ft) in this instance;
4. A north side yard setback of 1.219m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.81m (approx. 5.94ft) in this instance;
5. A setback to the north eave of 0.813m (approx. 2.67ft) whereas By-law 0225-2007, as amended, requires a minimum setback to the eave of 1.36m (approx. 4.46ft) in this instance;
6. A south side yard setback of 1.219m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.81m (approx. 5.94ft) in this instance; and,
7. A setback to the south eave of 0.813m (approx. 2.67ft) whereas By-law 0225-2007, as amended, requires a minimum setback to the eave of 1.36m (approx. 4.46ft) in this instance.

A106/24

The applicant requests a minor variance for the retained lands of B24/24 proposing:

1. A lot area of 404.26sq m (approx. 4353.57sq 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 frontage of 8.94m (approx. 29.33ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (approx. 49.21ft) in this instance;
3. A height of 7.73m (approx. 25.36ft) whereas By-law 0225-2007, as amended, permits a maximum height of 7.50m (approx. 24.61ft) in this instance;
4. A north side yard setback of 1.219m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.81m (approx. 5.94ft) in this instance;
5. A setback to the north eave of 0.813m (approx. 2.67ft) whereas By-law 0225-2007, as amended, requires a minimum setback to the eave of 1.36m (approx. 4.46ft) in this instance;
6. A south side yard setback of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.81m (approx. 5.94ft) in this instance; and,
7. A setback to the south eave of 0.814m (approx. 2.67ft) whereas By-law 0225-2007, as amended, requires a minimum setback to the eave of 1.36m (approx. 4.46ft) in this instance.

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

- Appendix A – Conditions of Provisional Consent
- The variance applications approved under File(s) A.105.24 and A106.24 must be finalized.

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

- Variance(s) approved under file(s) A104.24, A105.24 and 106.24 shall lapse if the consent applications under files B23.24 and B24.24 ARE not finalized within the time prescribed by legislation.

## Background

**Property Address: 867 and 873 Aviation Road**

### Mississauga Official Plan

Character Area: **Lakeview Neighbourhood**  
Designation: **Residential Low Density II**

### Zoning By-law 0225-2007

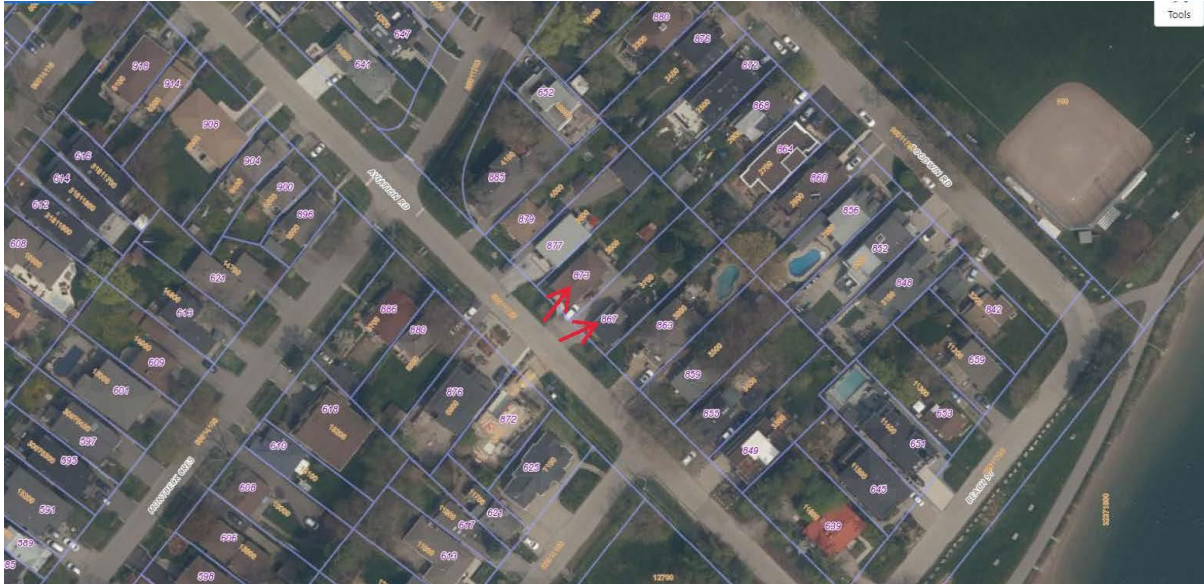
**Zoning: R3-75- Residential**

**Other Applications: none**

### Site and Area Context

The subject property is located within the Lakeview Character Area, east of the Aviation Road and Lakeshore Road East intersection. The neighbourhood primarily consists of residential uses in the form of one to three storey detached dwellings on lots with an eclectic lot fabric with frontages ranging from approximately 6m (19.69ft) to 19.6m (64.3ft). The subject properties contain existing one and two-storey detached dwellings with vegetation in the front yards.

The applicant's proposal is to sever portions of both 867 and 873 Aviation Road to form one new residential lot. The proposal will result in the creation of three new equal sized lots with three new detached dwellings. Variances are requested for lot frontage, area, flat roof 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.

The applicant's proposal is to sever portions of both 867 and 873 Aviation Road to form one new residential lot. The proposal will result in the creation of three new equal sized lots with three new detached dwellings.

**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 severances represent 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 #1 and 2 for all applications relate to lot frontage and area. 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. Staff have no concerns with the proposed variances, as the proposed lots appear to be capable of reasonably accommodating new dwellings. Furthermore, the proposed lots are reflective of the lots in the area and raise no concerns of a planner nature.

Variances # 4, 5, 6 and 7 for all applications are for setbacks. Staff note that the variances are required to accommodate setbacks to the second storeys and eaves of the dwellings. Staff has no concerns regarding these variances, as the setbacks to the first storey exceed the minimum requirements and detached dwellings in the immediate area generally maintain the same setback to the first storey as the second storey of the dwelling. Lastly, the proposed setbacks will ensure an adequate buffer is maintained between structures and dwellings on adjacent properties.

Variance #3 for applications A105.24 and 106.24 is for flat roof height. Staff note that the applicant is requesting flat roof height variances for two of the proposed lots. The flat roof heights proposed are 7.58m (24.87ft) under application A105.24 and A height of 7.73m (25.36ft). Staff note that all three detached dwellings contain sloped roofs and that the variances are only required to accommodate small flat roofed parapets. No overall height variances are required and the variances represent minor increases above the maximum requirements. As such staff are of the opinion that these variances are negligible.

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 the proposed lots are capable of reasonably accommodating new detached dwellings. 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 have reviewed the information submitted with this application and have no concern with the applicant severing a portion of the lands to attach to the lands located immediately to the east known as 873 Aviation Road, and then creating a new lot with the combined lands.

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. 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.

### 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. 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 applicant is advised that there is no storm sewer system available in front of the proposed lots on Aviation Road. In this regard, we advise that all dwellings to be constructed on the both the severed and retained lands will require a sump pump to discharge the weeping tile to grade. It is the full responsibility of the applicant to advise any prospective purchasers of the properties of this requirement.

For further information regarding the above noted comments, please contact John Salvino at (905) 615-3200 ext. 5129 or [john.salvino@mississauga.ca](mailto:john.salvino@mississauga.ca)

Comments Prepared by: Geoff Russell, Supervisor, Development Engineering - South

## 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 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 Aviation Road:

- Serviceberry (7 cm DBH) – Good Condition – \$849.91
- Norway Maple (10 cm DBH) – Good Condition - \$849.91

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 \$1,699.82 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 inquires 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](mailto:Nicholas.Rocchetti@mississauga.ca).

Comments Prepared by: Nicholas Rocchetti, Planner in Training

#### **Appendix 4 – Heritage**

The property has archaeological potential due to its proximity to a present or past watercourse or known archaeological resource. Due to the archaeological potential, an archaeological assessment must be completed. The applicant should contact the Ministry of Citizenship and Multiculturalism to determine if an archaeological assessment has been completed for this property. If an assessment has already been completed, please provide Heritage Planning with a letter from the Ministry confirming all archaeological resource concerns have met licensing and resource conservation requirements for the property. If an assessment has not been completed a licenced archaeologist with experience in (heritage resource management) must be retained by the property owner in order to meet the requirements of the Ministry.

Comments Prepared by: Andrew Douglas, Heritage Analyst

### **Appendix 5 – Region of Peel**

**Consent/ Minor Variance: A-24-104M, A-24-105M, A-24-106M, B-24-023M, B-24-024M /867 & 873 Aviation Rd.**

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](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).

#### **Conditions**

- 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.

Comments Prepared by: Ayooluwa Ayoola, Planner

# City of Mississauga Department Comments

## 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" /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 \_\_\_\_\_, 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 \_\_\_\_\_, 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 \_\_\_\_\_, 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 \_\_\_\_\_, 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 \_\_\_\_\_, 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 \_\_\_\_\_, 2023.