

City of Mississauga Department Comments

Date Finalized: 2024-03-01	File(s): B58.23 A480.23 A481.23 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-03-07 1:00:00 PM

Consolidated Recommendation

The City has no objections to the requested consent and associated minor variance applications. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

Application Details

B58/23

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 12.50m (approx. 41.01ft) and an area of approximately 567.76 m (6111.32sq ft).

A480/23

The applicant requests a minor variance for the severed lands of B58/23 proposing:

1. A corner lot area of 567.76sq m (approx. 6111.32sq ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 720.00sq m (approx. 7750.02sq ft) in this instance;
2. A westerly exterior side yard setback of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 6.00m (approx. 19.69ft) in this instance;
3. An easterly interior side yard setback of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires a minimum easterly interior side yard setback of 1.81m (approx. 5.94ft) in this instance;
4. A lot frontage of 12.50m (approx. 41.01ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 19.50m (approx. 63.98ft) in this instance; and,
5. A gross floor area (infill) of 330.42sq m (approx. 3556.61sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 303.55sq m (approx. 3267.38sq ft) in this instance.

A481/23

The applicant requests a minor variance for the retained lands of B58/23 proposing:

1. A westerly exterior side yard setback of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 1.81m (approx. 5.94ft) in

this instance;

2. An easterly interior side yard setback of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires a minimum easterly interior side yard setback of 1.81m (approx. 5.94ft) in this instance;
3. A lot frontage of 12.50m (approx. 41.01ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15m (approx. 49.21ft) in this instance;
4. A gross floor area (infill) of 329.18sq m (approx. 3543.26sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 303.55sq m (approx. 3267.38sq ft) in this instance; and,
5. A minimum combined side yard width of 2.44m (approx. 8ft) whereas By-law 0225-2007, as amended, requires a combined side yard width of 3.6m (approx. 11.81ft) in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A480.23 A481.23 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A480.23 A481.23 shall lapse if the consent application under file B58.23 A480.23 A481.23 is not finalized within the time prescribed by legislation.

Background

Property Address: 1203 Canterbury Road

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R3-1- Residential

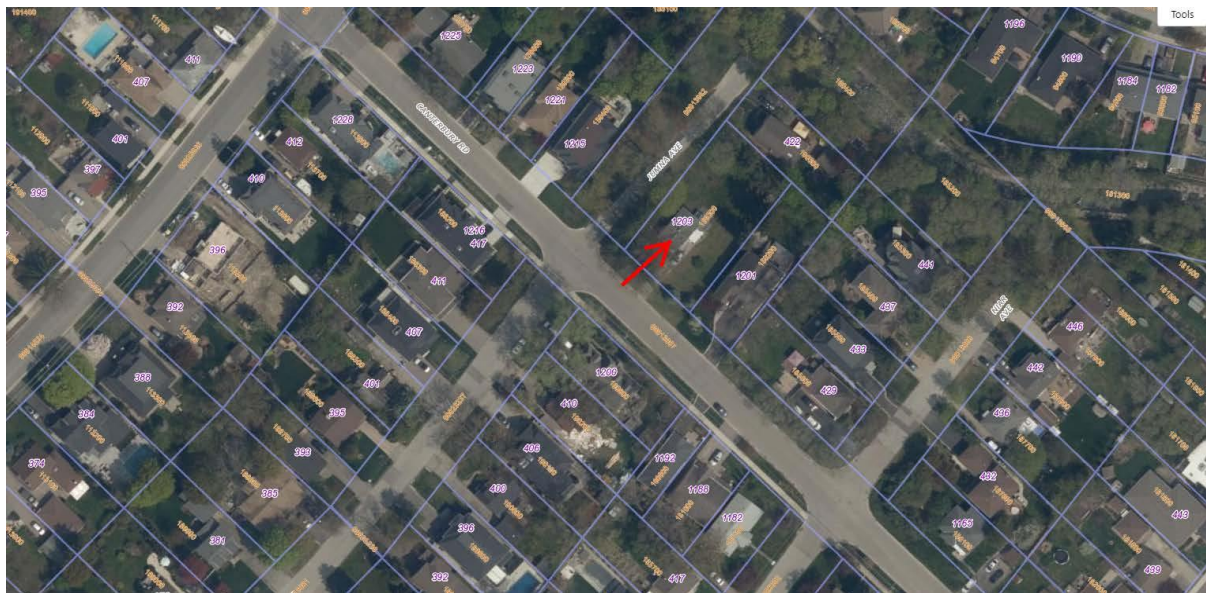
Other Applications: Building Permit under file PREAPP 23-10389.

Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, southeast of the Mineola Gardens and Atwater Avenue intersection. The immediate neighbourhood is entirely

residential consisting primarily of one and two storey-detached dwellings with limited mature vegetation in the front yards. Lot frontages containing single detached dwellings in the area generally range between approximately 12.3m (40.35ft) and 25m (82.02ft). The subject property contains an existing one-storey detached dwelling with mature vegetation in the front yard.

The applicant is proposing to sever the parcel of land creating a new and retained lot for the construction of a new two-storey detached dwellings on each of the severed and retained parcels. The new dwelling will require variances related to lot frontage, gross floor area, side yard setbacks and lot area (severed lot).



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 application was previously before the Committee of Adjustment on December 14, 2023 wherein staff had no objections to the proposed severance and the associated variances for lot frontages, side yard setbacks and lot area for the severed lot. Staff note that a variance for increase in GFA was required for both of the proposed detached dwellings during the first submission but was not identified in the original application. The applicant deferred the amending file to add a GFA variance to both minor variance applications. The applicant further worked with Planning staff to reduce the proposed GFA by 11.84 m² (127.48 ft²) from the original proposal.

The intent in restricting gross floor area is to maintain compatibility between existing and new dwellings to ensure that the existing and planned character of a neighbourhood is preserved. Staff are of the opinion that the design of the proposed dwelling utilizes architectural elements like windows and different materials thereby limiting the impact of the visual massing, while maintaining appropriate front and rear setbacks. Staff are of the opinion that the proposed GFA for both the severed and the retained lots represent an appropriate balance between the existing and planned character of the area in this instance and that both the general intent and purpose of the zoning by-law are maintained.

There are no other changes to the proposal and as such, staff echo their comments from their previous report dated December 7, 2023. Staff are of the opinion that the severance has regard to criteria set out in Section 51(24) of the Planning Act as the site is appropriately serviced and is suitable for the planned use of the property. Staff remain of the opinion that the proposed lots are in line with other residential properties in the area and the proposed design will not negatively impact the character of the street or the area's lot fabric. Further, staff are satisfied that the minor variance applications maintain the general intent and purpose of both the official plan and zoning by-law, are minor in nature, and represent appropriate development of the subject property.

Comments Prepared by: Shivani Chopra, Planner in Training

Appendices

Appendix 1 – Zoning Comments

The Building Department is currently processing a Building Permit under file PREAPP 23-10389. Based on review of the information currently available in this permit application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required. Please note that comments reflect those provided through the above permit application 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.

While we have not received sufficient information to review nor confirm any of the variances requested, we can advise that the following variances are required for the proposed severance application:

-Insufficient Lot Area for Part 1 (Corner Lot). A proposed lot area of 567.76m sq for a corner lot, where a minimum lot area of 720m sq is required for a corner lot.

-Insufficient Lot Frontage for Part 1 (Corner Lot). A proposed lot frontage of 12.50m for a corner lot, where a minimum lot frontage of 19.50m is required for a corner lot.

-Insufficient Lot Frontage for Part 2 (Interior Lot). A proposed lot frontage of 12.50m for an interior lot, where a minimum lot frontage of 15.00m is required for an interior lot.

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: A. McCormack; Zoning Examiner

Appendix 2 – Parks, Forestry & Environment

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

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

- Sugar Maple (65 cm DBH) – Good Condition - \$8,800.00
- Norway Spruce (38 cm DBH) – Good Condition - \$2,800.00
- Norway Spruce (32 cm DBH) – Good Condition - \$2,100.00
- Norway Spruce (32 cm DBH) – Good Condition - \$2,100.00
- Norway Spruce (24 cm DBH) – Good Condition - \$1,300.00

- Norway Spruce (26 cm DBH) – Good Condition - \$1,400.00
- Norway Spruce (10 cm DBH) – Good Condition - \$644.09

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 \$19,144.09 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.

Comments Prepared by: Nicholas Rocchetti, Planner in Training

Appendix 3 – Metrolinx

1203 Canterbury Road - DEFERRED FILES - B58.23, A480.23, A481.23

Metrolinx is in receipt of the Consent and two Minor Variance applications for 1203 Canterbury Rd to facilitate the severance of the lands for the creation of a new lot and to facilitate the construction of a new single detached dwelling with a secondary basement 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

Appendix 4 – Region of Peel

Please apply previous comments.

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.