

City of Mississauga Department Comments

Date Finalized: 2024-02-22	File(s): B15.24 A76.24 A77.24
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2024-02-29 3:30:00 PM

Consolidated Recommendation

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

Application Details

B15/24

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 10.72m (approx. 35.17ft) and an area of approximately 373.90sq m (4024.63sq ft).

A76/24

The applicant requests a minor variance for the severed lands of B15/24 proposing:

1. A lot area of 373.90sq m (4024.63sq ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 500.00sq m (approx. 5381.96sq ft) in this instance;
2. A lot frontage of 10.72m (approx. 35.17ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 16.50m (approx. 54.13ft) in this instance;
3. A front yard setback of 5.49m (approx. 18.01ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 6.00m (approx. 19.69ft) in this instance;
4. An exterior side yard setback of 3.50m (approx. 11.48ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 4.50m (approx. 14.76ft) in this instance;
5. An exterior side yard setback to the eaves of 3.195m (approx. 10.48ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 4.05m (approx. 13.29ft) in this instance;
6. An interior side yard setback of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.20m (approx. 3.94ft) in this instance;
7. An interior side yard setback to the eaves of 0.305m (approx. 1.00ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 0.75m (approx. 2.46ft) in this instance;
8. A height to the underside of the eaves of 7.106m (approx. 23.31ft) whereas By-law 0225-2007, as amended, permits a maximum height to the underside of the eaves of 6.40m

(approx. 21.00ft) in this instance; and,

9. A driveway parking space length of 5.49m (approx. 18.01ft) whereas By-law 0225-2007, as amended, requires a minimum parking spaces length of 6.00m (approx. 19.69ft) in this instance.

A77/24

The applicant requests a minor variance for the retained lands of B15/24 proposing:

1. A lot area of 290.50 m (3126.92sq ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 500.00sq m (approx. 5381.96sq ft) in this instance;
2. A lot frontage of 8.33m (approx. 27.33ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 12.00m (approx. 39.37ft) in this instance;
3. A front yard setback of 5.483m (approx. 18.01ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 6.00m (approx. 19.69ft) in this instance;
4. An interior side yard setback of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 3.00m (approx. 9.84ft) in this instance;
5. An interior side yard setback to the eaves of 0.305m (approx. 1.00ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 2.55m (approx. 8.37ft) in this instance;
6. A height to the underside of the eaves of 7.106m (approx. 23.31ft) whereas By-law 0225-2007, as amended, permits a maximum height to the underside of the eaves of 6.40m (approx. 21.00ft) in this instance; and,
7. A driveway parking space length of 5.483m (approx. 17.99ft) whereas By-law 0225-2007, as amended, requires a minimum parking spaces length of 6.00m (approx. 19.69ft) in this instance.

Amendments

On February 20, 2023, staff agreed to support the applicant's proposal, subject to the following revisions. The remaining variances are unchanged.

A76/24

1. A lot area of 331.78m² whereas By-law 0225-2007, as amended, requires a lot area of 460m² (approx. 4951.4 ft²);
2. A lot frontage of 9.07m whereas By-law 0225-2007, as amended requires a 12.00m (approx. 39.37ft) frontage;
4. An exterior side yard setback of 2.1m (approx. 6.89ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 4.50m (approx. 14.76ft) in this instance;
5. An exterior side yard setback to the eaves of 1.795m (approx. 5.89ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 4.05m (approx. 13.29ft) in this

6. An interior side yard setback of 0.91m (approx. 3.00ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.20m (approx. 3.94ft) in this instance;
7. An interior side yard setback to the eaves of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 0.75m (approx. 2.46ft) in this instance;

A77/24

1. A lot area of 332.73m² (3581.48ft²) whereas By-law 0225-2007, as amended, requires a lot area of 460m² (approx. 4951.4 ft²);
2. A lot frontage of 9.096m (approx. 29.84ft) whereas By-law 0225-2007, as amended requires a 12m (approx. 39.37ft) frontage;
4. An interior side yard setback of 0.91m (approx. 3.00ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.2m (approx. 3.93ft) in this instance;
5. An interior side yard setback to the eaves of 0.61m (approx. 2.00ft) where By-law 0225-2007, as amended, requires a minimum setback of 0.75m (approx. 2.46ft) in this instance;

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) "A76.24 and A77.24 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A76.24 and A77.24 shall lapse if the consent application under file B15.24 is not finalized within the time prescribed by legislation.

Background

Property Address: 39 Wesley 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 (West) Character Area, north of the Mississauga Road North and Lakeshore Road West intersection. The neighbourhood contains a mix of industrial, commercial and residential uses. The residential uses consist of one and two-storey detached dwellings and multi-unit residential buildings on lots with an eclectic lot fabric with frontages ranging from approximately 6.5m (21.33ft) to 29m (95.14ft).

The subject property contains an existing two-storey detached dwelling with vegetation in the front yard.

The applicant is proposing to sever the subject property for the purposes of developing two new detached dwellings. The proposal requires variances for lot area and frontage, eave height, driveway parking space length 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 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?

Variance #1 and #2 (A76/24 and A77/24) concern lot area and frontage. On February 20, 2024, the applicant submitted revised variances, adjusting the proposed lot line separating the proposed lots, northward. This move will create two more uniform lots in terms of frontage and area and will enhance interior side yard setbacks and preserve existing vegetation along the southerly lot line. In line with RM7-5 zoning, detached dwellings must adhere to R15 regulations. Unlike most low-density residential zones, the R15 zoning lacks differentiation for minimum frontage and area between interior and corner lots. Comparing original and revised severance application, the latter shows improved consistency in both frontage and area with the zoning regulations. Furthermore, a review of neighboring lands confirms the amended lot sizes align with nearby detached dwelling lots.

Variances #4, 5, 6, 7 (A76/24) and #4, 5 (A77/24) are regarding setbacks. In addition to the proposed lot line adjustment, the applicant has reduced the proposed exterior side yard setback by 1.5m (4.92ft) in an effort to improve the interior side yard setbacks located between the two new dwellings and the interior lot lines. Planning staff are of the opinion that the proposed lot lines will not pose massing impacts to future owners, existing adjacent property owners and the streetscape. Furthermore, the proposed setbacks ensure access to the proposed rear yards is maintained. Lastly the revised setbacks are consistent with setbacks found to detached dwellings in the immediate area.

Variances #8 (A76/24) and 6(A77/24) relate to eave 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 incorporates a variety of architectural materials and design features that visually breaks up the massing of the dwelling. The combination of these features help to create an overall massing that is more inline with 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 #9 (A76/24) and 7 (A77/24) are regarding driveway length. Staff are of the opinion that the proposed lengths represent a minor reduction from the minimum requirements. Furthermore, the proposed reductions are consistent with driveway lengths found in the immediate area. Lastly, the length of the driveway is able to accommodate the required number of parking spaces by including a parking space in the attached garage the existing municipal boulevard.

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

A76-77

We are noting that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 15/24.

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

3. Site Plan depicting Driveway Locations

In instances where redevelopment occurs on a corner lot, this department would have to ensure that any driveway location be located in accordance with the City's "Key Lot" Standard (T&W Standard Drawing Number 2212.01). The "Key Lot" Standard deals with driveway locations for properties which abut corner properties. Where possible, driveways should be located as far removed as possible from the intersection in order to achieve the best conditions possible for a vehicle entering and exiting the driveway safely. A plan is to be prepared showing the locations of the driveways for our review.

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 450mm storm sewer on Wesley 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.

Please note that prior to land division zoning clearance being issued the severed and retained lands must 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. Information on how to obtain a land division clearance letter can be found [here](#).

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 no objections to the above noted consent application and advises as follows:

1. 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.
2. 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.
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

39 Wesley Ave - B15.24, A76.24, A77.24

Metrolinx is in receipt of the Consent and two Minor Variance applications for 39 Wesley Ave 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 on the both the retained and severed lots. 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.

Appendix 5- Region of Peel

Minor Variance and Consent: A-24-076M, A-24-077M & B-24-015M / 39 Wesley Ave

Development Engineering: Wendy Jawdek (905)-791-7800 x6019

Comments:

- Installation of and alterations to property line water valves and chambers and sanitary/storm sewer maintenance holes require inspection by Region of Peel inspectors to confirm if these works are completed in accordance with Region of Peel Design Criteria, standards, and specifications.
- Proposals to connect to an existing service lateral require approval from a Region of Peel inspector at construction stage.
- 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 is 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.

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, 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" 76-77/24)
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 February 22, 2024.
5. 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 February 20, 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 February 16, 2024.