

City of Mississauga Department Comments

Date Finalized: 2024-03-28 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): B53.23 A151.24 A152.24 Ward: 2
	Meeting date:2024-04-04 3:30:00 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

B53/23

The applicant requests the approval of Committee to sever a parcel of land for the creation of a new lot. The parcel of land has a frontage of approximately 15.24m (approx. 50.00ft) and an area of approximately 1047.14sq m (approx. 11,271.32sq ft).

A151/24

The applicant requests the Committee to approve a minor variance to allow the construction of a new dwelling proposing:

1. A lot frontage of 15.36 m (approx. 50.40 ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 18.00 m (approx. 59.06 ft) in this instance;
2. A side yard setback (to the walls of the first storey) of 1.525 m (approx. 5.003 ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.80 m (approx. 5.91 ft) in this instance;
3. A side yard setback (to the walls of the second storey) of 1.525 m (approx. 5.003 ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 2.41 m (approx. 7.91 ft) in this instance; and,
4. An eaves height of 6.63 m (approx. 21.75 ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40 m (approx. 21.00 ft) in this instance.

A152/24

The applicant requests the Committee to approve a minor variance to allow the construction of a new dwelling proposing:

1. A lot frontage of 15.36 m (approx. 50.40 ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 18.00 m (approx. 59.06 ft) in this instance;
2. A side yard setback (to the walls of the first storey) of 1.525 m (approx. 5.003 ft)

whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.80 m (approx. 5.91 ft) in this instance;

3. A side yard setback (to the walls of the second storey) of 1.525 m (approx. 5.003 ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 2.41 m (approx. 7.91 ft) in this instance; and,

4. An eaves height of 6.63 m (approx. 21.75 ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40 m (approx. 21.00 ft) in this instance.

Amendments

While Planning staff are not in a position to complete a zoning review or provide interpretations of the zoning by-law, it appears that the required frontage for lots in R2-5 zone is 30m (98.42ft). As such, Variance #1 for file A151.24 and A152.24 should be amended.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A151.24, A152.24 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A151.24, A152.24 shall lapse if the consent application under file B53.23 is not finalized within the time prescribed by legislation.

Background

Property Address: 1346 Lakeshore Road West

Mississauga Official Plan

Character Area: **Clarkson - Lorne Park Neighbourhood**
Designation: **Residential Low Density I**

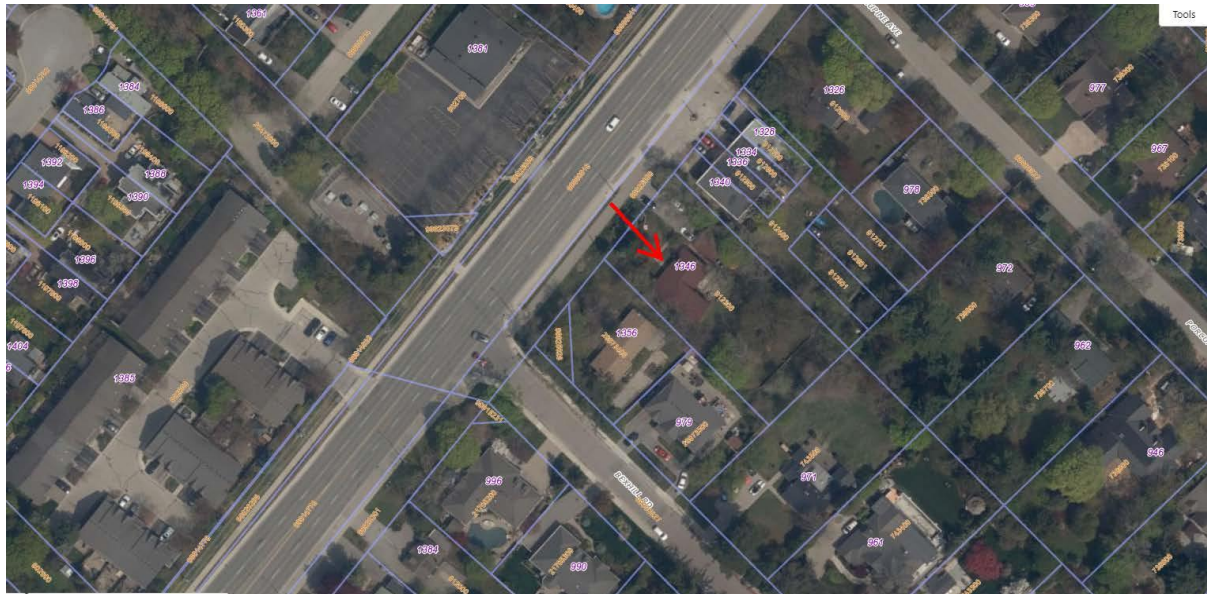
Zoning By-law 0225-2007

Zoning: R2-5- Residential

Other Applications: None

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, southwest of the Lakeshore Road West and Bexhill Road intersection. The surrounding area includes a mix of residential uses, including one and two-storey detached dwellings with mature vegetation in the front yards. The residential lots have frontages ranging from approximately 15m (49.21ft) to 30m (98.42ft). The subject property contains an existing one-story detached dwelling with mature vegetation in the front yard. The applicant is proposing to sever the parcel of land for the creation of a new lot for residential purposes.



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:

The application was previously deferred by on December 14, 2023, to allow the applicant an opportunity to prepare a survey to confirm the exact lot areas, frontages and measurements of the proposed lots.

The applicant has included a survey in their revised application package, satisfying staff concerns.

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

The subject property is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan, which permits detached, semi-detached and duplex dwellings. The applicant is proposing to sever the subject property into two new lots for the purpose of constructing two-storey detached dwellings.

Section 16.1.2.1 of the 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 envision a mix of dwelling types with an eclectic lot fabric in the surrounding area. The proposed parcels are generally consistent with other detached lots found within the immediate area and will 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 neighbourhood's existing and planned character. The proposed severance represents 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 (A151/24 and A152/24) pertains to lot frontage. While Planning staff are not in a position to complete a zoning review or provide interpretations of the zoning by-law, it appears that the required frontage for lots in R2-5 zone is 30m (98.42ft). 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 recognise that while the intent of the by-law is to maintain larger frontages in this particular zone, the proposed lot frontages are generally reflective of the existing area context due to the existing eclectic lot fabric, which contains frontages ranging from 15m (49.21ft) to 30m (98.42ft). Through a comprehensive review of the surrounding lands, planning staff are

satisfied that the proposal fits appropriately into the character of the surrounding area and is complementary to the existing and proposed lot fabric. Further, staff are satisfied that the proposal does not impact the character of the neighbourhood from a streetscape perspective.

Variances #2 and #3 (A151/24 and A152/24) request reduction in the side yard setback measured to the first and second storeys. The intent of the side yard regulations in the by-law is to ensure that an adequate buffer exists between the massing of primary structures on adjoining properties and to ensure access to the rear yard remains unencumbered. Planning staff are of the opinion that the proposed setbacks do not pose massing impacts to neighbouring lots. Furthermore, the proposed setbacks ensure access to the proposed rear yards is maintained. Lastly, the proposed side yards are consistent with setbacks found to detached dwellings within the immediate neighbourhood.

Variance #4 (A151/24 and A152/24) pertains 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. Staff note that the increase in eave height of 0.23m (0.75ft) is numerically minor. Furthermore, no variance is requested for overall dwelling height. The proposed dwelling incorporates a variety of architectural materials and design features that visually breaks up the massing of the dwelling which helps to create an overall massing that is more inline with the streetscape and neighbouring properties. Lastly, 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.

Given the above, 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 side yard setbacks 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: Shivani Chopra, Planning Associate

Appendices

Appendix 1 – Transportation and Works Comments

A151.24 and A152.24

We are noting that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' B53.23.

Should Committee see merit in the applicant's request we are providing the following conditions/requirements for Committee's consideration:

Should Committee see merit in the subject application we are providing the following conditions/requirements that will have to be addressed to the satisfaction of this department prior to the issuance of final consent:

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

B. GENERAL INFORMATION

1. Servicing

We note for the owner's information that all costs incurred in providing the required services (i.e., sanitary, water, storm, hydro, gas, etc.) to the subject lands will be the responsibility of the owner.

2. Access

We advise the applicant that all costs incurred in providing any new driveway entrances to the subject lands or any modifications/reinstatement required (including the existing driveway), 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. Driveway accesses shall maintain a 1.5m setback from aboveground features such as utilities and trees.

3. Lot Grading and Drainage

We advise the applicant that issuance of any building permits for any new dwellings 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.

4. Storm Sewer Outlet

Based on the information available, both the retained and severed parcels drain to the existing 300mm diameter storm sewer on Lakeshore Rd W. 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.

G. Russell

Supervisor, Development Engineering South
905-615-3200, ext. 5833

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 Lakeshore Road West:

- Colorado Spruce (27 cm DBH) – Good Condition – \$1,800.00
- Colorado Spruce (27 cm DBH) – Good Condition - \$ 1,800.00
- Colorado Spruce (19 cm DBH) – Good Condition - \$1000.00

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 \$4,600.00 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 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 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 – Bell

Bell Canada's response to the original circulation from November 2023 to kindly continue to be applied to the application at 1346 Lakeshore Rd.

Comments Prepared by: Carrie Gordon, Right of Way Associate

Appendix 6 – Region of Peel

Minor Variance and Consent: A-24-151M, A-24-152M & B-23-053M – 1346 Lakeshore Rd W.

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

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.

The applicant is advised that, arrangements satisfactory to the Region of Peel, Public Works, shall be made with respect to servicing the site, prior to obtaining the Building Permit.

- 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
- Proposals to connect to an existing service lateral require approval from a Region of Peel inspector at construction stage.
- 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

Comments Prepared by: Ayooluwa Ayoola, 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.

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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" 151/24, "A" -152/24)
 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 March 28, 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 March 28, 2024.
 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 March 28, 2024.
 7. A letter shall be received from Bell indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated March 4, 2024.