

City of Mississauga Department Comments

Date Finalized: 2024-06-05	File(s): B29.24 A156.24 A157.24
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2024-06-13 1:00:00 PM

Consolidated Recommendation

The City has no objections to the applications. The applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Application Details

B29/24

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 7.58m (approx. 24.87ft) and an area of approximately 253.50sq m (2728.65sq ft).

A156/24

The applicant requests a minor variance for the severed lands (left unit) of B29/24 proposing:

1. A lot frontage of 7.58m (approx. 24.87ft) whereas By-law 0225-2007, as amended requires a minimum lot frontage of 9.00m (approx. 29.53ft) in this instance;
2. A lot area of 253.50sq m (approx. 2728.65sq ft) whereas By-law 0225-2007, as amended requires a minimum lot area of 340.00sq m (approx. 3659.73sq ft) in this instance;
3. A lot coverage of 39.9% whereas By-law 0225-2007, as amended permits a maximum lot coverage of 35.0% in this instance;
4. An interior side yard setback of 1.24m (approx. 4.07ft) whereas By-law 0225-2007, as amended requires a minimum interior side yard setback of 1.80m (approx. 5.91ft) in this instance;
5. A setback to the railway of 11.07m (approx. 36.32ft) whereas By-law 0225-2007, as amended requires a minimum setback of 30.00m (approx. 98.43ft) in this instance;
6. A sloped roof building height of 9.98m (approx. 32.74ft) whereas By-law 0225-2007, as amended permits a maximum height of 9.50m (approx. 31.17ft) in this instance;
7. A flat roof building height of 9.47m (approx. 31.07ft) whereas By-law 0225-2007, as amended permits a maximum building height of 7.50m (approx. 24.61ft) in this instance;
8. An eaves height of 7.47m (approx. 24.51ft) whereas By-law 0225-2007, as amended permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance; and,
9. A front yard porch encroachment (including stairs) of 2.25m (approx. 7.38ft) whereas By-

law 0225-2007, as amended permits a maximum encroachment of 1.60m (approx. 5.25ft) in this instance.

A157/24

The applicant requests a minor variance for the retained lands (right unit) of B29/24 proposing:

1. A lot frontage of 7.58m (approx. 24.87ft) whereas By-law 0225-2007, as amended requires a minimum lot frontage of 9.00m (approx. 29.53ft) in this instance;
2. A lot area of 253.50sq m (approx. 2728.65sq ft) whereas By-law 0225-2007, as amended requires a minimum lot area of 340.00sq m (approx. 3659.73sq ft) in this instance;
3. A lot coverage of 39.9% whereas By-law 0225-2007, as amended permits a maximum lot coverage of 35.0% in this instance;
4. An interior side yard setback of 1.25m (approx. 4.10ft) whereas By-law 0225-2007, as amended requires a minimum interior side yard setback of 1.80m (approx. 5.91ft) in this instance;
5. A setback to the railway of 10.66m (approx. 34.97ft) whereas By-law 0225-2007, as amended requires a minimum setback of 30.00m (approx. 98.43ft) in this instance;
6. A sloped roof building height of 9.98m (approx. 32.74ft) whereas By-law 0225-2007, as amended permits a maximum height of 9.50m (approx. 31.17ft) in this instance;
7. A flat roof building height of 9.47m (approx. 31.07ft) whereas By-law 0225-2007, as amended permits a maximum building height of 7.50m (approx. 24.61ft) in this instance;
8. An eaves height of 7.47m (approx. 24.51ft) whereas By-law 0225-2007, as amended permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance; and,
9. A front yard porch encroachment (including stairs) of 1.96m (approx. 6.43ft) whereas By-law 0225-2007, as amended permits a maximum encroachment of 1.60m (approx. 5.25ft) in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A156.24 and A157.24 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A156.24 and A157.24 shall lapse if the consent application under file B29.24 is not finalized within the time prescribed by legislation.

Background

Property Address: 958 Fourth Street

Mississauga Official Plan

Character Area: Lakeview Neighbourhood

Designation: **Residential Low Density II**

Zoning By-law 0225-2007

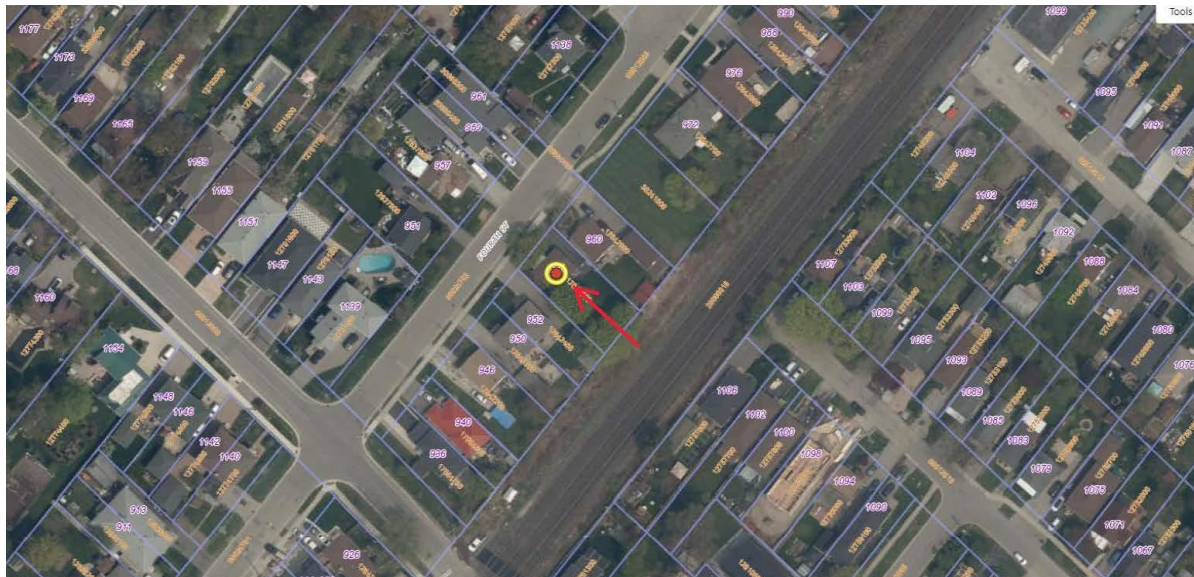
Zoning: **RM1-26- Residential**

Other Applications:

Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, north of the Lakeshore Road East and Alexandra Avenue intersection. The neighbourhood contains a mix of detached and semi-detached dwellings with approximate frontages ranging from 6m (19.69ft) to 18m (59.1ft) with vegetation in the front yards. The subject property contains an existing one-storey detached dwelling with vegetation in the front yard.

The applicant is proposing to sever the existing lot for the purposes of developing semi-detached dwellings, requiring variances relating to lot frontage, lot area, coverage, setbacks, heights and porch encroachments.



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 request are as follows:

The applicant is proposing to sever the subject property to create two new parcels having lot frontages of 7.58m (24.87ft) and lots areas of 253.40 m² (2728.65ft²)

The zoning by-law requires lot frontages of 9m (29.93ft) and lot areas of 340 m² (3659.73ft²).

The subject applications were deferred by the Committee on April 4, 2024. The subject property abuts the Metrolinx railway corridor which has significant railway traffic volumes and noise levels. As such, Planning staff requested deferral of the application to satisfy Transportation and Work's staff's request for a noise and vibration impact study to determine the feasibility of the proposed severance. Planning staff also noted concerns regarding the proposed dwelling heights and insufficient information regarding lot coverage.

The applicant has submitted the requested information above and has submitted a revised application with reduced roof heights identified in variances #6 and 7. The revised proposal has sloped roof heights of 9.98m (approx. 32.74ft) and flat roof heights of 9.47m (31.07ft). The previous proposal was a sloped roof building heights of 10.77m (35.33ft) and flat roof building heights of 9.68m (31.76ft).

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. As stated in the MOP, 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 subject property is located within the Cawthra Village boundary of the Central Residential Neighbourhood Precinct. The MOP notes that neighbourhoods are not meant to remain static, however, when new development occurs, it should be sensitive to the neighbourhoods existing

and planned character. The surrounding neighbourhood contains a mix of lot frontages ranging approximately 6m (19.69ft) to 18m (59.1ft). Staff are of the opinion the application contributes to the overall eclectic nature of the neighbourhood. Furthermore, the proposed lots can accommodate semi-detached dwellings that are in scale with other semi-detached dwellings in the neighbourhood, preserving the existing streetscape character.

Staff is 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 that the lot sizes are compatible with the surrounding area.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

Variance #1 and 2 are for both minor variance applications which propose deficient lot frontages and areas. 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. The proposed lot frontages generally maintain the existing and planned area context due to the eclectic lot fabric. The proposal is consistent with other lots within the immediate area and does not significantly impact the character of the neighbourhood from a streetscape perspective.

Variance #3 proposes increased lot coverage on both lots. The intent in restricting lot coverage is to control the massing of a dwelling and ensure that there isn't an overdevelopment of the lot. The subject property is zoned RM1-26 (Residential) permits a maximum lot coverage of 35%. The applicant is proposing lot coverages of 39.9%, which is generally consistent with lot coverages found on parcels in the immediate area. Furthermore, the overall massing of the dwellings does not represent overdevelopment of the lots.

Variances #4 and 5 and 9 are for reduced setbacks and an encroachment variance on each lot. The reduced side yards and encroachment represent common characteristics throughout the surrounding area. As such, staff are of the opinion that these variances are appropriate to be handled through the minor variance process and raise no concerns of a planning nature.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

The proposed lot frontages are appropriate, given the eclectic nature of the surrounding neighbourhood that contains a mixture of frontages. The proposed lots are generally consistent with other semi-detached lots within the immediate area and do not pose any significant adverse impact to the community. The proposed lot coverage does not significantly impact the character of the existing streetscape as the proposed semi-detached dwellings are compatible with newer two-storey dwellings within the immediate area. Furthermore, the proposal maintains appropriate setbacks measured to all lot lines and does not represent overdevelopment of the lot. As such, staff are of the opinion that the applications represent orderly development of the lands and are minor in nature.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

A156-157.24 - We are noting that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B'-29.24.

We note for Committee's information that the applicant has now supplied this Department with the Noise and Vibration Study that was asked for in our initial comments for the March 4, 2024 hearing. The report (prepared by HGC Engineering dated April 29, 2024) clearly states that the standard outdoor living areas in the proposed rear yards cannot achieve the maximum required MECP noise level of 59dBA due to the abutting Metrolinx rail line. Unmitigated levels of up to 78dBA were noted in the report.

Considering the small amount of rear yard frontage for the two lots along the rail track, a proper acoustical barrier (berm and fence) is not feasible. The report mentions that a stand alone 6m high fence (which is not practical) would reduce the noise levels down to only 75dBA.

As such, the report proposes front yard amenity areas which will be attenuated by the proposed dwellings themselves in order to meet the MECP maximum guideline noise levels of 59dBA.

Should Committee see merit in the applicant's request we supply the following conditions:

A. Items Required Prior to 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. The plan must include the proposed 2m high acoustical fence that is recommended in the Noise Report.

2. Development Agreement

The owner will be required to enter into a Development Agreement with the City of Mississauga which is to be registered on title of the subject lands. The said Agreement is to advise any prospective purchasers of the existing and potential impacts of rail use and operations and location of outdoor living areas. The said Agreement will also contain warning clauses and notice provisions relating to the MECP noise guidelines that cannot be achieved due to the abutting Metrolinx rail line.

3. Outdoor Living Rear Warning Clause

The Noise Report recommends several noise warning clauses that must be included within Schedule 'B' of the Development Agreement. In addition, the following clause advising any perspective purchasers about the front yard amenity area is to be included:

"Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to existing and increasing Metrolinx rail traffic may on occasions interfere with some activities of the dwelling occupants in the outdoor living areas as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment."

4. Fee Requirements as Per Fees and Charges Bylaw

As per the City of Mississauga's Fees and Charges by-law there will be a fee required to be paid to the Legal Services Department for their services, in particular for the preparation of documents required for the items pertaining to the Development Agreement. The fee amount payable will be in accordance with the current Fees and Charges By-law.

5. 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. 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 access 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 storm sewer outlet for this site is the existing 825mm storm sewer on Fourth Street. 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.

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, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

The Forestry 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 Fourth Street:

- Norway Maple (47 cm DBH) – Good Condition – \$4,300.00

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 \$4,300.00 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 Rita Di Michele to request a Submission of Fees and Securities form and any other inquires regarding the payment process.

Should further information be required, please contact Rita Di Michele, By Law Officer, Community Services Department at 905-615-3200 ext. 5872 or via email rita.dimichele@mississauga.ca.

Comments Prepared by: Rita Di Michele, By Law Officer

Appendix 4 – Region of Peel

Minor Variance and Consent: A-24-156M, A-24-157M, B-24-029M / 958 Fourth Street
Development Engineering: Wendy Jawdek (905)-791-7800 x6019

Comments:

- We have no objection with the adjustment of the lots provided water services curb stops and boxes are in grass areas and minimum 1.0m from the edge of the driveway. Water services and appurtenances must have horizontal separation of minimum 1.2m from all utilities and structures.
- 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

Planning: Ayooluwa Ayoola (905) 791-7800 x8787

Comments:

- The subject land is in the regulated area of the Credit Valley Conservation Authority (CVC). We rely on the environmental expertise of the CVC for the review of development applications located within or adjacent to the regulated area in Peel and the impact of natural hazards on proposed development. We therefore request that the City staff consider comments from the CVC and incorporate their requirements appropriately. Final approval of this application requires all environmental concerns to be addressed to the satisfaction of the CVC.

Comments Prepared by: Petrele Francois, 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" 156-157/24)
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 June 5, 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 June 5, 2024.