

City of Mississauga Department Comments

Date Finalized: 2024-06-12	File(s): B36.24 A261.24 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-06-20 1:00:00 PM

Consolidated Recommendation

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

Application Details

B36/24

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 6.85m (approx. 22.47ft) and an area of approximately 310.26sq m (3339.61sq ft).

A261/24

The applicant requests a minor variance for the severed lands of B36/24 proposing:

1. An exterior side yard setback of 1.21m (approx. 3.97ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 4.50m (approx. 14.76ft) in this instance; and,
2. A lot frontage (corner lot) of 6.85m (approx. 22.47ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage (corner lot) of 9.80m (approx. 32.15ft) in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File A261.24 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variances approved under file A261.24 shall lapse if the consent application under file B36.24 is not finalized within the time prescribed by legislation.

Background

Property Address: 39 Pine Ave N

Mississauga Official Plan

Character Area: Port Credit Neighbourhood (West)
Designation: Residential Low Density II

Zoning By-law 0225-2007

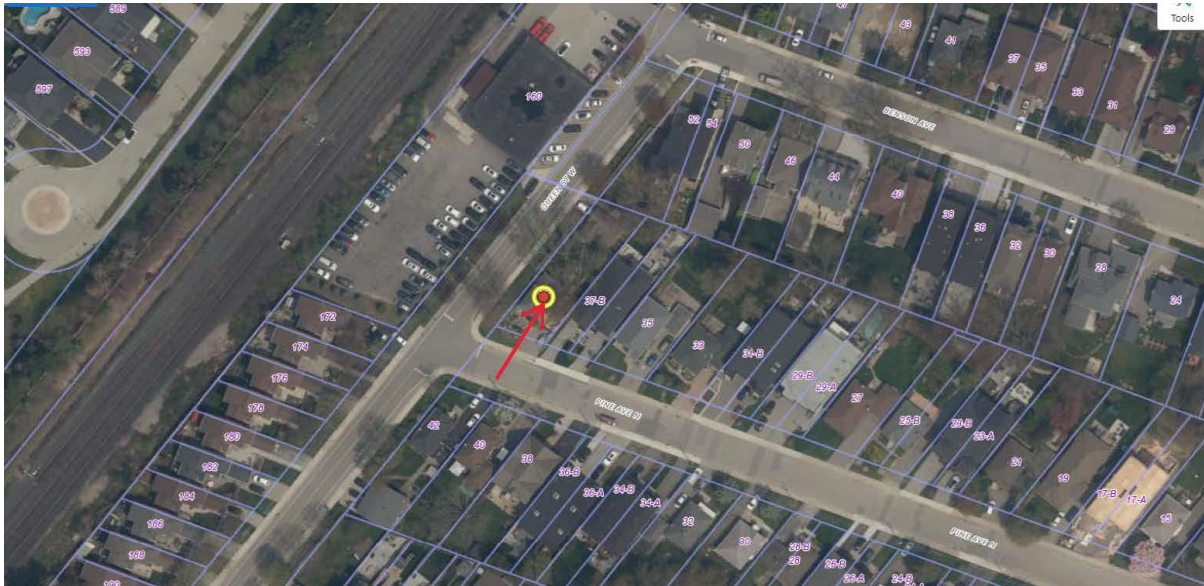
Zoning: RM7-5-Residential

Other Applications: none

Site and Area Context

The subject property is located within the Port Credit Neighbourhood Character Area, west of Mississauga Road and Lakeshore Road West. The surrounding area includes a mix of residential uses, including detached, semi-detached and apartment dwellings with little mature vegetation in the front yards. The residential lots consist of an eclectic lot fabric with frontages ranging from approximately 6.30m (20.67ft) to 14m (49.93ft). Northeast of the subject property are motor vehicle related uses along Queen Street West.

The subject property contains an existing one-storey detached dwelling with vegetation in the front yard. The applicant is proposing to sever a parcel of land for the creation of a single detached new lot requiring variances for lot frontage and exterior side yard setback for the 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.

Staff comments concerning the applications for consent and the four tests to the minor variance request 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 envision a mix of dwelling types with an eclectic lot fabric in the surrounding area. The proposed parcels are consistent with semi-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, note 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 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 semi-detached dwellings.

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

Variance #1 for the severed lands relates to lot frontage. 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. Through a comprehensive review of the surrounding lands, the proposed lot frontage is consistent with lots in the immediate area. Staff also note that the wide municipal boulevard visually adds to the property's frontage, reducing the impact of the variance.

Variance #2 for the severed lands relates to an exterior side yard setback. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between the massing of primary buildings. The requested setback reduction is generally consistent with setbacks to dwellings found in the immediate neighbourhood. Further, the municipal boulevard is wide, providing additional buffering between the public realm and the dwelling. The impact of this variance is negligible.

As such, staff are of the opinion that the proposal meets the general intent and purpose of the zoning by-law.

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 is capable of reasonably accommodating new semi-detached dwellings. Furthermore, the proposed lot sizes and frontages for the retained and severed properties are consistent with existing properties in the area. As such, it is staff's opinion that the proposed development is appropriate and represents a sensitive form of intensification that is minor in nature.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We are noting that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 36/24.

Should the Committee see merit in the applicant's request and the application move forward, the following conditions will be required:

A. Items Required Prior to the Issuance of Final Consent

1. Overall Grading and Drainage Plan/Servicing 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 Site Servicing information is to confirm that all the necessary municipal services can be provided for the dwellings to be constructed on the subject lands.

2. Access Review

Our Traffic Planning Section has concerns regarding the proposed severance. The northerly access on Pine Avenue North does not meet the minimum corner clearance of eleven (11) metres for residential driveways near a minor intersection in accordance with TAC guidelines. Inadequate corner clearances can create traffic safety and operational concerns on the municipal roadways. We request that an Access Review be completed by a qualified Transportation Consultant, to the satisfaction of the City of Mississauga.

For further clarification on this matter please contact Yousef Hereich at x8363.

3. Municipal Address Requirement

Prior to the issuance of final consent, satisfactory arrangements are to be made with the 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

4. Acoustical Report and Vibration Study

Due to the proximity and noise emanating from the nearby Metrolinx tracks, the owner will be required to retain the services of an Acoustical Consultant to prepare a detailed Acoustical

Report and Vibration Study for the subject lands and make comments/recommendations in support of this severance application. This report is to determine the need for the implementation of any noise attenuation measures that are to be incorporated into the construction of the site works to achieve the City's and the M.O.E.'s current noise level objectives. The scope of this report is to define the minimum noise attenuation requirements for the control of outdoor and indoor environmental sound levels.

5. Development Agreement

Upon the review of the Acoustical Report which would contain the appropriate Warning Clauses, the owner may be required to enter into a Development Agreement which is to be registered against title of the subject lands. The said agreement is to advise any prospective purchasers that, despite the inclusion of noise control features, noise levels emanating from the Metrolinx tracks may continue to be of concern, occasionally interfering with some of the activities of the dwelling occupants as the noise exposure level may exceed the noise criteria of the municipality and the Ministry of the Environment and Climate Change.

In view of the above, the applicant should contact this Department with regard to the process of initiating the Development Agreement preparation and processing.

6. Fee Requirements as Per Fees and Charges By-Law

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

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

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

The applicant will be required to apply for Access Modification Permits prior to Building Permit Issuance.

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 driveways), 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.

4. Storm Sewer Outlet

Based on the information available, the retained and severed parcels drain to the existing 450mm storm sewer on Pine Avenue North. 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 with the operating conditions of private sump pump systems.

Enclosed for Committees easy reference are photos depicting the subject property.

G. Russell,
Supervisor, Development Engineering South
905-615-3200, ext. 5833"[Enter T&W staff comments]"

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: Brooke Herczeg, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

Park Planning

The Parks and Culture Planning Section of the Community Services Department has reviewed the consent application and advises as follows:

1. 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

Forestry

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 Queen Street West:

- Silver Maple (100cm DBH) – Good Condition – \$16,700.00

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 \$16,700.00 for the preservation of the municipal trees.
2. The applicant shall provide a cash contribution of \$1, 699.82 for the planting of two (2) street trees on Queen Street West. This figure is subject to the most recent Fees and Charges By-law at the time of payment and is therefore subject to change.

In addition, Forestry notes the following:

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. Please note if a tree is identified as a shared tree with the adjacent property owner, and the applicant intends to apply for a Tree Removal Permit, written consent must be obtained by both parties.

4. 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.
5. 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.

A Tree Removal Application to Permit the Injury or Destruction of Trees on Public and Private Property can be found at <https://www.mississauga.ca/publication/application-to-permit-the-injury-or-destruction-of-trees-on-public-and-private-property/>.

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

Comments Prepared by: Rita Di Michele, By-law Inspector

Appendix 4 – Metrolinx

Metrolinx is in receipt of the Consent and Minor Variance application for 39 Pine Ave N to facilitate the severance of the lands for the creation of a new lot and to facilitate the construction of a new 3-storey semi-detached dwelling on both the lots severed and retained, as circulated on May 23, 2024 and to be heard at Public Hearing on June 20, 2024 at 1PM. Metrolinx's conditional comments on the subject application are noted below:

GO/HEAVY-RAIL – CONDITIONS OF APPROVAL COMMENTS

- 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.

Should you have any questions or concerns, please contact farah.faroque@metrolinx.com.

Comments Prepared by: Farah Faroque, Project Analyst

Appendix 5 – Region of Peel

Applications: B-24-036M, A-24-261M / 39 Pine Avenue North
Development Engineering: Brian Melnyk (905) 791-7800 x3602

Comments:

- Please note that severing the lands may adversely affect the existing location of the water and sanitary sewer services, if any exist. The result of this may require the applicant to install new water / sanitary servicing connections to either the severed or retained lands in compliance with the Ontario Building Code. The applicant may require the creation of private water / sanitary sewer servicing easements.

Conditions (provided by Alexandra Maria (905) 791-7800 x7991):

- Arrangements satisfactory to the Region of Peel, Public Works Department shall be made with respect to servicing the severed and retained parcels.

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" 261/24)
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 12, 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 12, 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 June 5, 2024.