

# City of Mississauga Department Comments

Date Finalized: 2024-07-10	File(s): B40.24 A300.24 A301.24 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-07-18 1:00:00 PM

## Consolidated Recommendation

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

## Application Details

### B40/24

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 7.62m (approx. 25.00ft) and an area of approximately 350.49sq m (3772.64sq ft).

### A300/24

The applicant requests a minor variance for the severed lands of B40/24 proposing a building height of 10.00m (approx. 32.81ft) whereas By-law 0225-2007, as amended, permits a maximum building height of 9.50m (approx. 31.17ft) in this instance.

### A301/24

The applicant requests a minor variance for the retained lands of B40/24 proposing a building height of 10.00m (approx. 32.81ft) whereas By-law 0225-2007, as amended, permits a maximum building height of 9.50m (approx. 31.17ft) in this instance.

## Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A300.24 and A301.24 must be finalized

## Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A300.24 and A301.24 shall lapse if the consent application under file B40.24 is not finalized within the time prescribed by legislation.

## Background

**Property Address:** 1039 Roosevelt Road

### Mississauga Official Plan

Character Area: Lakeview Neighbourhood

Designation: Residential Low Density II

### Zoning By-law 0225-2007

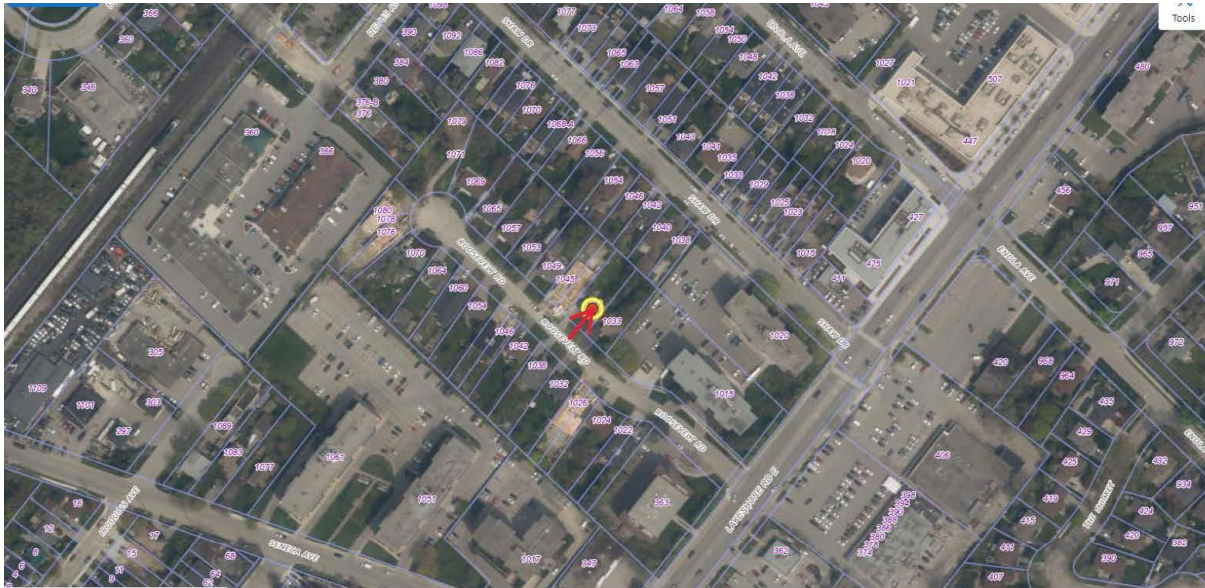
**Zoning:** RM2-42-Residential

**Other Applications:** None

### Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, northeast of Seneca Avenue and Lakeshore Road East. The immediate area consists of a mix of detached and semi-detached dwellings, a 7 and 8 storey apartment building and a commercial plaza. The low-density dwellings in the immediate area contain lot frontages ranging from approximately 7m (23ft) to 20m (65.6ft). The subject property contains an existing one-storey dwelling with mature vegetation in the front yard. The applicant is proposing to sever the existing lot to create two new parcels for the development of two new semi-detached dwellings.

The proposed development requires variances related to dwelling height.



## Comments

### Planning

#### Planning Act

Section 51 (24) of the *Planning Act* sets out the criteria for land division in the Province of Ontario. In evaluating such requests, the Committee needs to be satisfied that the proposal meets not only the criteria set out under Section 51(24), but also municipal requirements identify in local legislation.

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to grant relief from the requirements of a municipal zoning by-law. In evaluating such requests, the Committee needs to be satisfied that the proposal meets the four tests set out in the *Planning Act*.

#### Provincial Matters

The Provincial Policy Statement 2020 (PPS 2020) and Growth Plan for the Greater Golden Horseshoe promote efficient development and land use, directing the focus towards intensification and redevelopment. The proposal is consistent with the general directive in provincial policy.

The application proposes to sever the existing lot to create two new parcels for the purpose of developing semi-detached dwellings. Both the severed and retained parcels propose lot frontages of approximately 7.62m (approx. 25.00ft) and an area of approximately 350.49m<sup>2</sup> (3772.64ft<sup>2</sup>), which do not require variances for lot area and frontages.

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 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. Additionally, Section 5.3.5 (Neighbourhoods) states 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 neighbourhood consists of lots that range from approximately 7m (23ft) to 20m (65.6ft) in frontage. A majority of the lots in the neighbourhood contain semi-detached dwellings that have a frontage of approximately 7.5m (24.6ft), similar to the proposed severance. The consent application represents sensitive intensification that is compatible with the existing and planned lot fabric of the neighbourhood. The proposed parcels represent the lot size envisioned within the zoning by-law and will not result in adverse impacts to the existing community.

Based on the preceding information, staff are of the opinion that the application conforms to Section 51(24) of the Planning Act, more specifically, the application conforms to the official plan.

Applications A300.24 and A301.24 request variances for the proposed dwelling height for both the retained and severed lands.

The intent of restricting height to the highest ridge is to lessen the visual massing of the dwelling and keep the dwelling within human scale. The variances request an increase in height by 0.50m (1.64ft), which is exceedingly minor in staff's opinion. Staff are satisfied that the proposed increases in height are appropriate for the subject property. Further, staff are of the opinion that incorporation of architectural features in the dwelling design mitigate any massing impacts.

It is staff's opinion that the proposed development is sympathetic to the surrounding area and the proposed lots are capable of accommodating new semi-detached dwellings. 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

We are noting that any Transportation and Works Department concerns/requirements for A300.24 and A301.24 for this property will be addressed below under Consent Application 'B' 40/24.

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. 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](mailto:susie.tasca@mississauga.ca)

3. 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.

4. 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.

#### 5. 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](mailto: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

The applicant is advised that there is no storm sewer system available in front of the proposed lots on Roosevelt Road. In this regard, we advise that all dwellings to be constructed on the both the severed and retained lands will require a sump pump to discharge the weeping tile to grade. It is the full responsibility of the applicant to advise any prospective purchasers of the properties of this requirement.

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

Comments Prepared by: Geoff Russell, Supervisor, Development Engineering - South

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





## 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

### 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](mailto:Nicholas.Rocchetti@mississauga.ca).

Comments Prepared by: Nicholas Rocchetti, Planner in Training

### Forestry

The Forestry Section of the Community Services Department has no objections to the above noted minor variance 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. 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.

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 Jamie Meston, Landscape Architect Assistant, Forestry Section, Community Services Department at 905-615-3200 ext. 4264 or via email [jamie.meston@mississauga.ca](mailto:jamie.meston@mississauga.ca).

Comments Prepared by: Jamie Meston, Landscape Architect Assistant

## Appendix 4 – Region of Peel

**Applications: B-24-040M, A-24-300M, A-24-301M / 1039 Roosevelt Road**

Development Engineering: Brian Melnyk (905) 791-7800 x3602

**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.
- 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 at 905-791-7800 extension 7882 or by e-mail at [PWServiceRequests@peelregion.ca](mailto:PWServiceRequests@peelregion.ca).
- 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 at 905.791.7800 x7973 or by email at [siteplanservicing@peelregion.ca](mailto: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 at 905.791.7800 x7973 or by email at [siteplanservicing@peelregion.ca](mailto: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 at 905.791.7800 x7973 or by email at [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca).

Comments Prepared by: Petrele Francois, Junior Planner

**Appendix 5 – Bell**

Bell Canada has no concerns.

Comments Prepared by: Laurie-Ann Lee, Associate, External Liaison

**Appendix 6 – Metrolinx**

Metrolinx is in receipt of the Consent and Minor Variance applications for 1039 Roosevelt Road to facilitate the severance of the lands for the creation of a new lot and to facilitate the construction of a new semi-detached single family unit with a secondary basement suite on both the lots severed and retained, as circulated on June 16th, 2024 and to be heard at Public Hearing on July 18th 2024 at 1:00 PM. Metrolinx's comments on the subject application are noted below:

- The subject properties are located within 300m, adjacent to the Metrolinx Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.

**GO/HEAVY-RAIL – 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](mailto: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](mailto:farah.faroque@metrolinx.com).

Comments Prepared by: Farah Faroque, Project Analyst, Third Party Project Review

**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.

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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" 300-301/24)
  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 July 10, 2024.