

# City of Mississauga Department Comments

Date Finalized: 2024-08-08	File(s): B41.24 A328.24 A329.24 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-08-15 1:00:00 PM

## Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the application meets the requirements of Section 45 (1) and Section 50(3) of the Planning Act.

## Application Details

B41/24

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 23.58m (approx. 77.36ft) and an area of approximately 491.50sq m (5290.46sq ft).

A328/24

The applicant requests a minor variance for the severed lands of B41/24 proposing:

1. A lot area of 491.50sq m (approx. 5290.51sq ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 550.00sq m (approx. 5920.20sq ft) in this instance;
2. A lot coverage of 39.10% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance;
3. A front yard setback of 6.00m (approx. 19.69ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.50m (approx. 24.61ft) in this instance;
4. An interior side yard setback of 1.71m (approx. 5.61ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81m (approx. 5.94ft) in this instance;
5. A rear yard setback of 5.83m (approx. 19.13ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.50m (approx. 24.61ft) in this instance;
6. A building height of 7.88m (approx. 25.85ft) whereas By-law 0225-2007, as amended, permits a maximum building height of 7.50m (approx. 24.61ft) in this instance;
7. A porch encroachment (inclusive of stairs) of 4.24m (approx. 13.91ft) whereas By-law 0225-2007, as amended, permits a maximum porch encroachment (inclusive of stairs) of 1.60m (approx. 5.25ft) in this instance; and,
8. A setback to the garage of 6.00m (approx. 19.69ft) whereas By-law 0225-2007, as

amended, requires a minimum setback to the garage of 7.50m (approx. 24.61ft) in this instance. A329/24

The applicant requests a minor variance for the retained lands of B41/24 proposing:

1. A lot area of 582.00sq m (approx. 6264.65sq ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 720.00sq m (approx. 7750.08sq ft) in this instance;
2. An interior side yard setback of 1.66m (approx. 5.45ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81m (approx. 5.94ft) in this instance;
3. A front yard setback of 4.60m (approx. 15.09ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 6.00m (approx. 19.69ft) in this instance;
4. A lot frontage of 13.54m (approx. 44.42ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 19.50m (approx. 63.98ft) in this instance; and,
5. A side yard setback of 4.03m (approx. 13.22ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 6.00m (approx. 19.69ft) in this instance.

### **Recommended Conditions and/or Terms of consent**

- Appendix A – Conditions of Provisional Consent

The variance application approved under File(s) "[A336.24 & A337.24]" must be finalized

### **Recommended Conditions and/or Terms of minor variance**

- Variance(s) approved under file(s) "[Enter file #]" shall lapse if the consent application under file B41.24 A328.24 A329.24 is not finalized within the time prescribed by legislation.

## **Background**

**Property Address:** 1474 Haig Blvd

### **Mississauga Official Plan**

Character Area: Lakeview Neighbourhood  
Designation: Residential Low Density I

### **Zoning By-law 0225-2007**

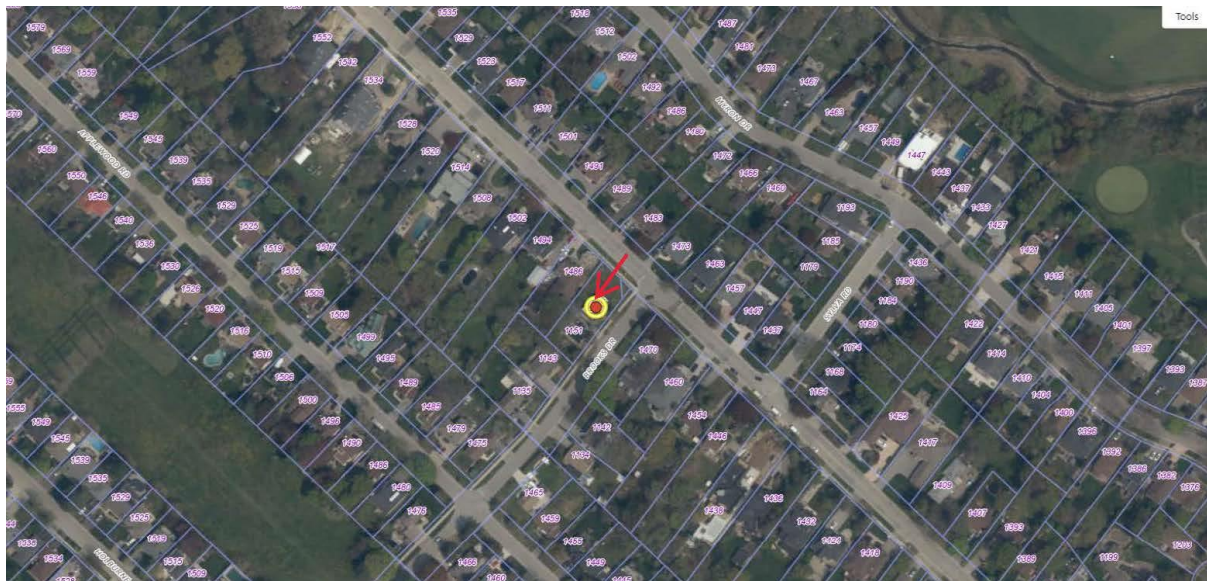
**Zoning:** R3-75-Residential

**Other Applications:** Building Permit application under file PREAPP 22-944

### **Site and Area Context**

The subject property is located within the Lakeview Neighbourhood Character Area, south of Haig Boulevard and South Service Road. The immediate area entirely consists of one and two storey detached dwellings with mature vegetation. Additionally, the immediate area contains lot frontages of approximately 14m (approx. 45.93ft) and greater, including lots that exceed by-law requirements. The subject property contains an existing one storey dwelling with vegetation throughout the lot.

The applicant is proposing to sever the property for the purpose of creating two new parcels for the construction of two new detached dwellings. Variances are required for lot area, frontage, deficient side, rear and front yard, lot coverage and 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*.

Staff comments concerning the applications for consent and minor variance request are as follows:

Staff note that an almost identical severance and minor variance application was approved by the Committee of Adjustment on July 21, 2022. Staff had recommended support of the application at the time. However, due to a minor technical error with the scaling of the lot for the site, the lot areas were not calculated correctly. As a result, the minor variances lapsed as the conditions for the severance could not be satisfied within the prescribed timeframe.

The lot area variances sought in this application are exceedingly negligible. The lot area for the severed lot has changed from  $491.89\text{m}^2$  ( $5294.65\text{ft}^2$ ) to  $491.5\text{m}^2$  ( $5290.46\text{ft}^2$ ). The lot area for the retained lot has changed from  $582.17\text{m}^2$  ( $6266.42$  sq ft) to  $582.0\text{m}^2$  ( $6264.6$  ft<sup>2</sup>). The rest of the variances are identical to the previous approvals. As such, staff have no concerns with the severance and the associated minor variance applications.

Through a detailed review, staff are of the opinion that the application is appropriate to be handled through the consent and minor variance process. Further, the application raises no concerns of a planning nature.

Comments Prepared by: Shivani Chopra, 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' 41/24.

We have reviewed the supplied documents with the application and advise that this is the same proposal as previously reviewed through application number B-13/21. Most of the Transportation and Works conditions that were asked for were fulfilled such as the overall Grading and Drainage plan, the overall Site Servicing Plan, Environmental Site Assessment and the dedication of a 7.5m sight triangle at the corner of Haig Boulevard and Brooks Drive. The applicant has supplied the same plans that were previously reviewed/approved.

The only outstanding item that was left for us to clear the application was the establishment of Municipal addressing.

Should Committee see merit in the proposal we have the following condition:

A. Items Required Prior to the Issuance of Final Consent

1. 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.

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

We advise the applicant that all costs incurred in providing any new driveway entrance(s) to the subject lands or any modifications/reinstatement required, would be at cost to the owner. We are also noting that should any utilities need to be relocated, all costs incurred will also be to the owner.

The Applicant shall ensure the proposed access provides sufficient corner clearance and sight lines such that views are not obstructed at the intersection.

4. Storm Sewer Outlet

The storm sewer outlet for the lands fronting Haig Boulevard is the existing 600mm diameter storm sewer system located on Haig Boulevard. 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 metre 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

### BP RECEIVED, AMEND VARIANCE

The Building Department is currently processing a building permit application under file PREAPP 22-944. Based on review of the information currently available for this building permit, we advise that the following variance(s) should be added/amended as follows:

#### A328/24

The applicant requests a minor variance for the severed lands of B41/24 proposing:

6. A Flat Roof height of 7.90m (approx. ft) whereas By-law 0225-2007, as amended, permits a maximum Flat Roof height of 7.50m (approx. 24.61ft) in this instance;

#### A329/24

The applicant requests a minor variance for the retained lands of B41/24 proposing:

1. A lot area of 610.05sq m (approx. sq ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 720.00sq m (approx. 7750.08sq ft) in this instance;

Variance 3. Is not required as the drawings provided identify a setback of 6.0m

Variance 4. Is not required as the drawings provided identify a frontage of 21.04m

Variance 5. Is not required as the drawings provided identify an exterior side yard setback of 6.00m

Our comments are based on the plans received by Zoning staff on 02/14/2024 for the above captioned building permit application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: A. McCormack, Zoning Examiner

## Appendix 3 – Parks, Forestry & Environment

### Park Planning

The Parks & 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 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 Brooks Dr. (along the frontage of 1474 Haig Blvd.):

- Eastern White Cedar (61 cm DBH) – Fair Condition – \$6,900.00

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 \$6,900.00 for the preservation of the municipal tree.
2. The applicant shall provide a cash contribution of \$1,699.82 for the planting of two (2) street tree on Haig Blvd. 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, Community Services notes the following:

1. No public trees shall be injured or removed. If public tree injury or 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. 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 Jamie Meston to request a Submission of Fees and Securities form and any other inquiries 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 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 – 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 Dougals, Heritage Analyst

#### **Appendix 5 – Region of Peel**

**Applications: B-24-041M, A-24-328M, A-24-329M / 1474 Haig Blvd.**

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.
- 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 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" 328-329/24)
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 August 8<sup>th</sup>, 2023.
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 August 8<sup>th</sup>, 2023.
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 August 8<sup>th</sup>, 2023.