

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2020-10-21	File(s): B38/20 A201-202/20
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-10-29

## Consolidated Recommendation

The City has no objections to the requested consent and associated minor variance applications. The applicants may choose to defer the application to verify the accuracy of the requested variances.

## Application Details

The applicant requests the approval 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 6.74m (22.11ft) and an area of approximately 291.44sq.m (3,137.03sq.ft).

A minor variance is requested for the Retained lands (A201/20) to allow the construction of a semi-detached dwelling proposing:

1. A side yard of 1.00m (approx. 3.28ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (approx. 3.94ft) in this instance; and
2. A building depth of 21.20m (approx. 69.55ft) whereas By-law 0225-2007, as amended, permits a maximum building depth of 20.00m (approx. 65.62ft) in this instance.

A minor variance is requested for the Severed lands (A202/20) to allow the construction of a semi-detached dwelling proposing:

1. A lot frontage of 6.74m (approx. 22.11ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 6.80m (approx. 22.31ft) in this instance;
2. A side yard of 1.00m (approx. 3.28ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (approx. 3.94ft) in this instance; and
3. A building depth of 21.20m (approx. 69.55ft) whereas By-law 0225-2007, as amended, permits a maximum building depth of 20.00m (approx. 65.62ft) in this instance.

## Amendments

"[Enter amendments to variances]"

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

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A201/20 & A202/20 must be finalized
- "[Enter terms and conditions here]"

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

- Variance(s) approved under file(s) A201/20 & A202/20 shall lapse if the consent application under file B38/20 is not finalized within the time prescribed by legislation.
- "[Enter terms and conditions here]"

## **Background**

**Property Address:** 40 Pine Avenue North

### **Mississauga Official Plan**

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

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

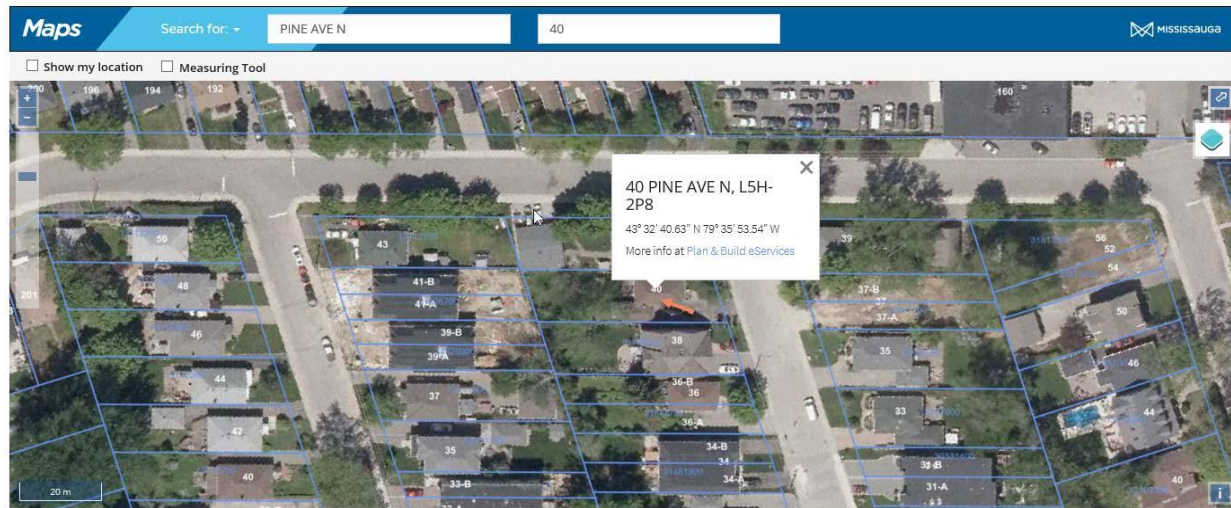
**Zoning:** RM7-5 (Residential)

### **Other Applications**

Pre-Application: 20-723

### **Site and Area Context**

The subject property is located within the Port Credit Neighbourhood Character Area, west of Mississauga Road and Lakeshore Road West. Currently the subject property contains a detached dwelling and detached garage with little mature vegetation. The surrounding area includes a mix of residential uses, including detached and semi-detached and apartment dwellings with little mature vegetation. The residential lots contain an eclectic lot fabric with frontages ranging from approximately 6.30 m to 14 m. Northeast of the subject property are motor vehicle related uses along Queen Street West. The subject property contains an existing one storey dwelling with little vegetation.



## 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 2014 (PPS 2014) 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 retained parcel proposes a lot frontage of 6.80 m and a lot area of approximately 294.15 m<sup>2</sup>. The severed parcel proposes a lot frontage of 6.74 m and lot area of 291.44 m<sup>2</sup>. The zoning by-law requires a lot frontage of 6.80 m and a lot area of 280 m<sup>2</sup>.

Since 1961, the Village of Port Credit Zoning By-law No. 1227 has permitted a variety of housing types for the subject lands including detached, duplex, triplex, double duplex, double triplex, fiveplex, converted dwelling and boarding or lodging house. In 1997, City Plan (the Official Plan) was adopted, permitting detached, semi-detached, duplex and other forms of dwellings with individual frontages on a public street. In 2007, the City undertook a zoning bylaw conformity and consolidation exercise including public consultation, which adopted the current RM7 zone provisions.

The subject property is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP) which permits detached, semi-detached and duplex, triplex and other forms of low rise dwellings with individual frontages. The subject property is located within the North Residential Neighbourhood Precinct (Shawnmarr/Indian Heights) of the Port Credit Local Area Plan. Section 16.1.2.1 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. Furthermore, Section 10.3 (Neighbourhood Character Area) of the Port Credit Local Area Plan intends to ensure development is sensitive to the existing low rise context and to reinforce the planned character of the area. The official plan and zoning by-law envisions a mix of dwelling types and an eclectic lot fabric within the surrounding area. The proposed parcels of land would be consistent with semi-detached lots within the immediate area and will not negatively impact the character streetscape.

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 is suitable to accommodate the proposed semi-detached dwellings.

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

Variance #1 on application A 202/20 proposes a lot frontage of 6.74 m whereas 6.80 m is required. 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 frontage maintains the existing and planned area context and is consistent with other severances, maintaining the lot fabric of the surrounding neighbourhood. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

The minor variance applications propose a dwelling depth of 21.20 m whereas a maximum of 20 m is permitted. The intent of the zoning by-law is to minimize impacts of long walls on neighbouring lots as a direct result of the building massing. In this instance, a portion of the dwelling on the adjoining interior lot line projects further than the remaining portion of the front

façade of the dwelling, limiting the impact of a long continuous wall on and does not have significant adverse impact to neighbouring properties. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

The deficient side yard is a minor deviation from the zoning regulation and will not cause any additional undue impact from what the by-law permits. As such, staff is of the opinion that the proposed 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 dwelling maintains the context of the existing and planned neighbourhood and will not have any significant adverse impacts to neighbouring lots as a portion of the dwelling depth projects further out than the remaining portion of the front façade on the adjoining lot line. As a result, the massing impact of a long continuous wall is minimized on neighbouring properties. Finally, the proposed lot frontage maintains the lot fabric of the surrounding area and represents a minor deviation from the zoning by-law that will not have an impact on the streetscape character. Staff is of the opinion that the application represents orderly development of the lands and is minor in nature.

## Conclusion

The Planning and Building Department has no objections to the requested consent and associated minor variance applications. The applicants may choose to defer the application to verify the accuracy of the requested variances.

Comments Prepared by: Lucas Petricca, Committee of Adjustment

## Appendices

### Appendix 1 – Transportation and Works Comments

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

#### 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](mailto: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](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

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 is advised that the Lakeshore Connecting Communities Transportation Master Plan has been endorsed by Council which sets out a long-term vision for transit and corridor improvements along Lakeshore Road. Further information can be found at: <http://www.mississauga.ca/portal/residents/lakeshore-connecting-communities>

### 4. Storm Sewer Outlet

The storm sewer outlet for this property is the existing 450mm Dia. Storm sewer located on Pine Avenue North. Please note that a rear lot catch basin may be required. Where existing sewer capacity exists, applicants are encouraged to design the basement elevation to be at least 1.0 meter above the elevation of the on-street storm sewer obvert to eliminate the need for a sump pump. In situations where a sump pump is required and where a high groundwater table may exist, the sump pump may run continuously. The applicants are encouraged to design the weeping tile elevation to be at least 1.0 meter above the seasonal groundwater elevation. The owner is advised that the City has no obligations to address any concerns related to the operation of private sump pump systems.

Comments Prepared by: David Martin, Supervisor Development Engineering

## **Appendix 2 – Zoning Comments**

The Planning and Building Department is currently processing a building permit application under file 20-723. Based on review of the information currently available for this building permit, we advise that more information is required to verify the accuracy of the requested variances or determine whether additional variances will be required.

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: Adam McCormack, Zoning Examiner

## **Appendix 3 – Parks, Forestry & Environment**

The Park 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 tree within the municipal boulevard:

- Pear Tree – Fair Condition

Given the subject lands are not subject to site plan control, should the application be approved, Community Services wishes to impose the following conditions:

1. The Municipally owned Pear Tree will need to be removed to accommodate the proposed driveway; the applicant is required to provide tree removal fees in the amount of \$1,661.41. Please call Ryan Cormier at 905-615-3200 ext. 4580 to arrange the tree removal.
2. The applicant shall provide a cash contribution of \$589.44 for planting of one (1) street trees on Pine Avenue North. 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:

- Payment for street tree fees and 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 payable to the City of Mississauga. Please contact Jim Greenfield regarding the Covid-19 interim payment process.
- 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 Jim Greenfield, Park Planner, Community Services Department at 905-615-3200 ext. 8538 or via email [jim.greenfield@mississauga.ca](mailto:jim.greenfield@mississauga.ca).

Comments Prepared by: Jim Greenfield, Park Planner

## **Appendix 5 – Region of Peel Comments**

### **Development Engineering: Camila Marczuk (905) 791-7800 x8230**

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. 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 call our Site Servicing Technicians at 905.791.7800 x7973 or by email at [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca)

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)

Regional Planning staff have reviewed the applications listed on the October 29<sup>th</sup>, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

**Deferred Applications:** DEF-A-425/19, DEF-A-201/20, DEF-A-202/20

**Consent Applications:** B-49/20, B-50/20

**Minor Variance Applications:** A-330/20, A-331/20, A-334/20

Comments Prepared by: Diana Guida, Junior Planner

**Appendix A – Conditions of Provisional Consent**

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.
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 October 21, 2020.
5. A letter shall be received from the City of Mississauga, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated October 21, 2020