

City of Mississauga Department Comments

Date Finalized: 2024-09-13 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): B58.24 A419.24 A420.24 Ward: 1
	Meeting date:2024-09-19 1:00:00 PM

Consolidated Recommendation

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

Application Details

B58.24

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 10.60m (approx. 34.78ft) and an area of approximately 478.20sq. m (approx. 5147.34sq ft).

A419.24

The applicant requests the Committee to approve a minor variance to allow the construction of a new house on the severed lands of B58.24 proposing:

1. A northern interior side yard setback (measured to the second storey) of 1.50m (approx. 4.92ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81m (approx. 5.94ft) in this instance;
2. A southern interior side yard setback (measured to the second storey) of 1.20m (approx. 3.94ft) 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 height to underside of the roof soffit of 6.66m (approx. 21.85ft) whereas By-law 0225-2007, as amended, permits a maximum height of 6.40m (approx. 21.00ft) in this instance;
4. A lot frontage of 10.59m (approx. 34.75ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (approx. 49.22ft) in this instance; and,
5. A lot area of 477.87sq m (approx. 5143.79sq ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 550.00sq m (approx. 5920.20sq ft) in this instance.

A420.24

The applicant requests the Committee to approve a minor variance to allow the construction of a new house on the retained lands of B58.24 proposing:

1. A northern interior side yard setback (measured to the second storey) of 1.20m (approx.

3.94ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81m (approx. 5.94ft) in this instance;

2. A southern interior side yard setback (measured to the second storey) of 1.50m (approx. 4.92ft) 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 height to underside of the roof soffit of 6.69m (approx. 21.95ft) whereas By-law 0225-2007, as amended, permits a maximum height of 6.40m (approx. 21.00ft) in this instance;

4. A lot frontage of 10.59m (approx. 34.75ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (approx. 49.22ft) in this instance; and,

5. A lot area of 477.70sq. m (approx. 5141.96sq ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 550.00sq m (approx. 5920.20sq ft) in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) "A419.24 420.24" must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) "A419.24 420.24" shall lapse if the consent application under file B58.24 A419.24 A420.24 is not finalized within the time prescribed by legislation.

Background

Property Address: 1228 Haig Blvd

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3-75 - Residential

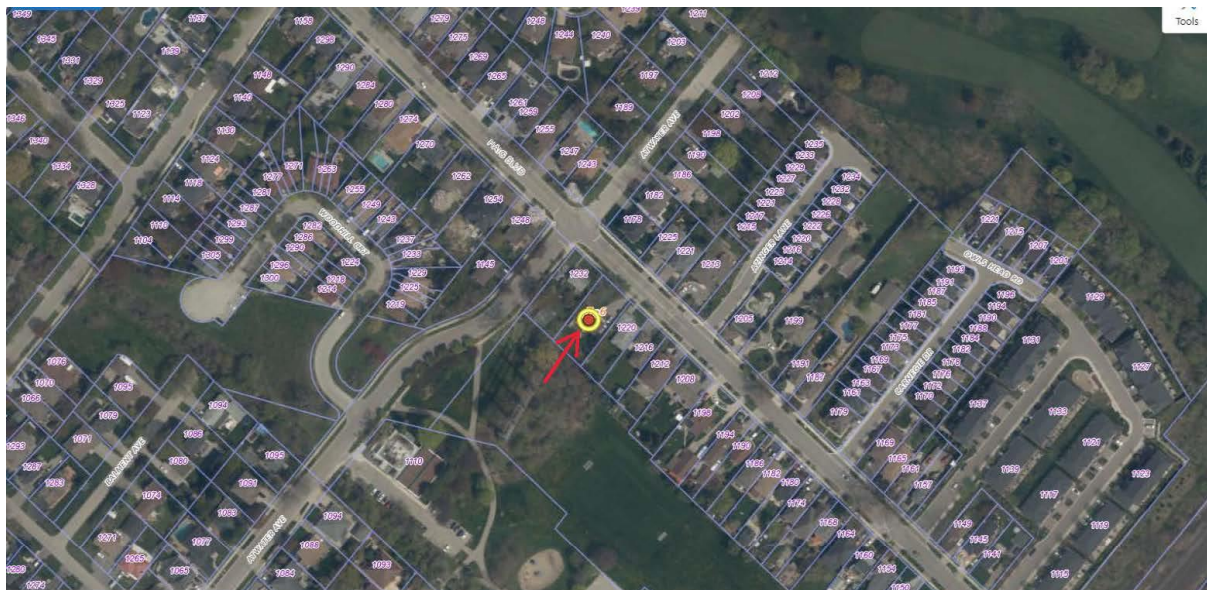
Other Applications: None

Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, southwest of South Service Road and Dixie Road intersection. The immediate area entirely consists of one

and two storey detached dwellings with mature vegetation. Additionally, the immediate area contains lot frontages of approximately 10.47m (34.35ft) and greater, including lots with a frontage of approximately 9.38m (30.77ft) in the vicinity. 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, eave height and second storey setbacks.



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 I in Schedule 10 of the Mississauga Official Plan, which permits detached, semi-detached and duplex dwellings. The applicant is proposing to sever the subject property into two new lots for the purpose of constructing a new two-storey detached dwelling on each lot.

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. The official plan and zoning by-law envision a mix of dwelling types with an eclectic lot fabric in the surrounding area. Staff are of the opinion that the proposed parcels are generally consistent with other detached lots found within the immediate area and will contribute to the eclectic nature of the existing and planned community.

As per Section 5.3.5 (Neighbourhoods) of MOP, neighbourhoods are not meant to remain static, however, when new development occurs, it should be sensitive to the neighbourhood's existing and planned character. The proposed severance represents 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 detached dwellings.

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

Variances #1 and #2 (A419/24 and A420/24) request a reduction in the side yard setbacks measured to the second storeys. The intent of the side yard regulations in the by-law is to ensure that an adequate buffer exists between the primary structures on adjoining properties. Planning staff note the first storey meets the required setbacks and the second storey is aligned on top. Staff are of the opinion that the proposed setbacks do not pose massing impacts to neighbouring lots. Furthermore, the proposed side yards are consistent with setbacks found to detached dwellings within the immediate neighbourhood.

Variance #3 (A419/24 and A420/24) pertains to eave height. The intent of the infill regulations is to maintain compatibility between existing and new dwellings, while also lessening the visual massing of the dwelling by keeping the edge of the roof closer to the ground. This results in the

dwelling maintaining a more human scale. Staff note that the increase in eave height of 0.29m (0.95ft) is numerically minor. Furthermore, no variance is requested for overall dwelling height. The proposed dwelling incorporates a variety of architectural materials and design features that visually breaks up the overall massing of the dwelling which helps to create an overall massing that is more inline with the streetscape and neighbouring properties. Lastly, the proposal is consistent with newer two-storey dwellings in the immediate area and does not pose a negative impact to the established neighbourhood character.

Variance #4 and #5 (A419/24 and A420/24) pertain to lot frontage and lot area. 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. Staff are of the opinion that the proposed lot frontages are generally reflective of the existing area context due to the existing eclectic lot fabric, which contains frontages ranging from approximately 9.37m (30.74ft) to 22m (72.17ft). Through a comprehensive review of the surrounding lands, planning staff are satisfied that the proposal fits appropriately into the character of the surrounding area and is complementary to the existing and proposed lot fabric. Further, staff are satisfied that the proposal does not impact the character of the neighbourhood from a streetscape perspective.

Given the above, staff are of the opinion that the general intent and purpose of the zoning by-law is maintained.

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 the proposed lots are capable of reasonably accommodating new detached dwellings. Furthermore, the proposed variances 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: 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' 58/24**.

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

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 Site Plan Approval and/or Building Permit Issuance. 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. Driveway accesses shall maintain a 1.5m setback from aboveground features such as utilities and trees. 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 750mm diameter storm sewer on Haig Blvd. 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.

For further information please contact Walter Copping at 905-615-3200 ext. 5831.

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.

Please note that prior to land division zoning clearance being issued the severed and retained lands must 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. Information on how to obtain a land division clearance letter can be found [here](#).

Comments Prepared by: Andrea Dear, MCIP, RPP, Zoning Supervisor

Appendix 3 - Parks Planning

The Parks & Culture Planning Section of the Community Services Department has no objections to the above noted consent application and notes:

The lands adjacent to the property are owned by Hydro One, leased by the City of Mississauga, identified as Serson Park (P-002) and zoned OS2 – Open Space – City Park and U – Utility.

Should the application be approved, Parks & Culture Planning wishes to impose the following conditions:

1. The installation of a fence is required between the subject property and City parkland. The fence is to be located entirely on private property, 0.15 metres inside the subject site. Please show fencing and associated detail on all applicable plans.
2. The applicant shall provide securities fencing in the amount of \$2,625.00. The fencing will be erected and maintained to the satisfaction of the Community Services Department – Parks & Culture Planning Section.

3. Prior to the release of securities, the applicant is to provide Community Services with written documentation, a survey plan and letter from a registered Ontario Land Surveyor confirming that the park chainlink fencing has been installed as per the required location.
4. Securities, in the amount of \$5,000.00, are to be provided to ensure the required clean-up, as well as the preservation and protection of the adjacent City leased lands to the satisfaction of the Community Services' Department – Parks & Culture Planning Section.
5. The applicant shall install hoarding with sediment control at the rear of the property abutting Serson Park (P-002) prior to any construction or preserving activities to the satisfaction of the Community Services Department - Parks & Culture Planning Section. Hoarding shall be installed entirely on private property, 1.0m inside the property line, or along the dripline of any city owned trees that are to be preserved in Serson Park. Hoarding shall be in accordance with the latest Community Services Standard Detail 02830-2 Solid Board Construction Hoarding. Please contact Nicholas Rochetti to arrange for a hoarding inspection.
6. Securities, in the amount of \$1,050.00 are to be provided to ensure the required hoarding is installed.

In addition, Parks & Culture Planning notes the following:

1. Construction access from the adjacent park/greenlands is not permitted.
2. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
3. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.
4. Payment for fees and securities can be made at the Parks & 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 Corporation of the City of Mississauga'. A Submission of Fees and Securities form is required to process payment. Please contact Nicholas Rocchetti to request a Submission of Fees and Securities form and any other inquires regarding the payment process.
5. 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 above noted consent application. Should the application be approved, Forestry wishes to impose the following conditions:

1. The applicant shall provide a cash contribution of \$1,699.82 for the planting of two (2) street trees on Haig Boulevard. 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.

An 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 Technician, Forestry Section, Community Services Department at 905-615-3200 ext. 4264 or via email jamie.meston@mississauga.ca.

Comments Prepared by: Jamie Meston, Landscape Technician

Appendix 3 – 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 Douglas, Heritage Analyst

Appendix 4 – Region of Peel

Applications: B-24-058M, A-24-419M, A-24-420M / 1228 Haig Boulevard

Development Engineering: Wendy Jawdek (905) 791-7800 x6019

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.
- 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 is 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.
- Installation of and alterations to property line water valves and chambers and sanitary/storm sewer maintenance holes require inspection by Region of Peel inspectors to confirm if these works are completed in accordance with Region of Peel Design Criteria, Standards, and Specifications.
- 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

Conditions (provided by Camila Marczuk):

- Arrangements satisfactory to the Region of Peel, Public Works shall be made with respect to the location of existing and installation of new services and/or possible required private service easements.

Comments Prepared by: Petrele Francois, Junior Planner

Appendix 5 – Hydro One

Please be advised that Hydro One Networks Inc. (“HONI”) has completed a preliminary review of the above noted consent to sever application. As the subject property is abutting and/or bisected by a HONI high voltage transmission corridor (the “transmission corridor”), HONI has no objection *in principle* to the proposed severance, provided HONI’s easement rights are protected and maintained.

Please be advised that any placement of permanent structures, facilities or landscaping within the transmission corridor is **prohibited** without the prior written approval of HONI.

If in the future the owner proceeds with a site plan, plan of subdivision and/or plan of condominium application, the owner must make arrangements satisfactory to HONI for lot grading and drainage, and any proposed uses on the transmission corridor. The costs of any relocations or revisions to HONI facilities which are necessary to accommodate this proposal will become the responsibility of the developer.

Our preliminary review only considers issues affecting HONI’s transmission facilities and transmission corridor lands. For any proposals affecting distribution facilities (low voltage), the developer should consult the local distribution supplier.

If you have any questions, please contact me at dennis.derango@hydroone.com or at 905-946-6237.

Comments Prepared by: Dennis De Rango, Specialized Services Team Lead

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" 419-420 /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 Sept 13, 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 Sept 13, 2024.
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 Sept 13, 2024.
7. A letter shall be received from the Region of Peel, Development Services/Public Works, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated Aug 28, 2024.
8. A letter shall be received from Hydro One indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated Aug 27, 2024.

City Department and Agency Comments

File:B58.24

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Enter date.

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