

City of Mississauga Department Comments

Date Finalized: 2024-09-18 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): B56.24 A402.24 A403.24 Ward: 1
	Meeting date:2024-09-26 1:00:00 PM

Consolidated Recommendation

The City has no objections to the requested consent and associated minor variance applications, as amended. 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

B56/24

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 11.57m (approx. 37.96ft) and an area of approximately 465.00sq. m (approx. 5005.26sq ft).

A402.24

The applicant requests the Committee to approve a minor variance for the retained lands of B56/24 proposing:

1. A lot frontage of 11.57m (approx. 37.96ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (approx. 49.22ft) in this instance;
2. An eaves height of 7.23m (approx. 23.72ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance;
3. A lot coverage of 37.47% (202.83sq m) whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% (186.96sq m) in this instance; and,
4. A walkway width of 1.77m (approx. 5.81ft) whereas By-law 0225-2007, as amended, permits a maximum walkway width of 1.50m (approx. 4.92ft) in this instance;
5. A side yard setback of 1.21m (approx. 3.97ft) whereas the By-law 0225-2007, as amended, requires a minimum side yard setback of 1.81m (approx. 5.91ft) in this instance; and,
6. A combined side yard width of 3.04m (approx. 9.97ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard width of 3.60m (approx. 11.81ft) in this instance.

A403/24

The applicant requests the Committee to approve a minor variance for the severed lands of B56/24 proposing:

1. A lot frontage of 11.57m (approx. 37.96ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (approx. 49.22ft) in this instance;
2. An eaves height of 7.08m (approx. 23.23ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance;
3. A lot coverage of 37.47% (202.83sq m) whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% (186.96sq m) in this instance; and,
4. A walkway width of 1.77m (approx. 5.81ft) whereas By-law 0225-2007, as amended, permits a maximum walkway width of 1.50m (approx. 4.92ft) in this instance;
5. A side yard setback of 1.21m (approx. 3.97ft) whereas the By-law 0225-2007, as amended, requires a minimum side yard setback of 1.81m (approx. 5.91ft) in this instance; and,
6. A combined side yard width of 3.04m (approx. 9.97ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard width of 3.60m (approx. 11.81ft) in this instance.

Amendments

While Planning staff are not in a position to provide a Zoning review, it appears that a variance would be required for lot area for both the severed and the retained lots.

The application proposes a lot area of 465.5 sq mt (5010.50 sq ft) whereas a lot area of 550 sq mt (approx. 5920 sq ft) is required.

Background

Property Address: 1517 Trotwood Ave

Mississauga Official Plan

Character Area: Mineola Neighborhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

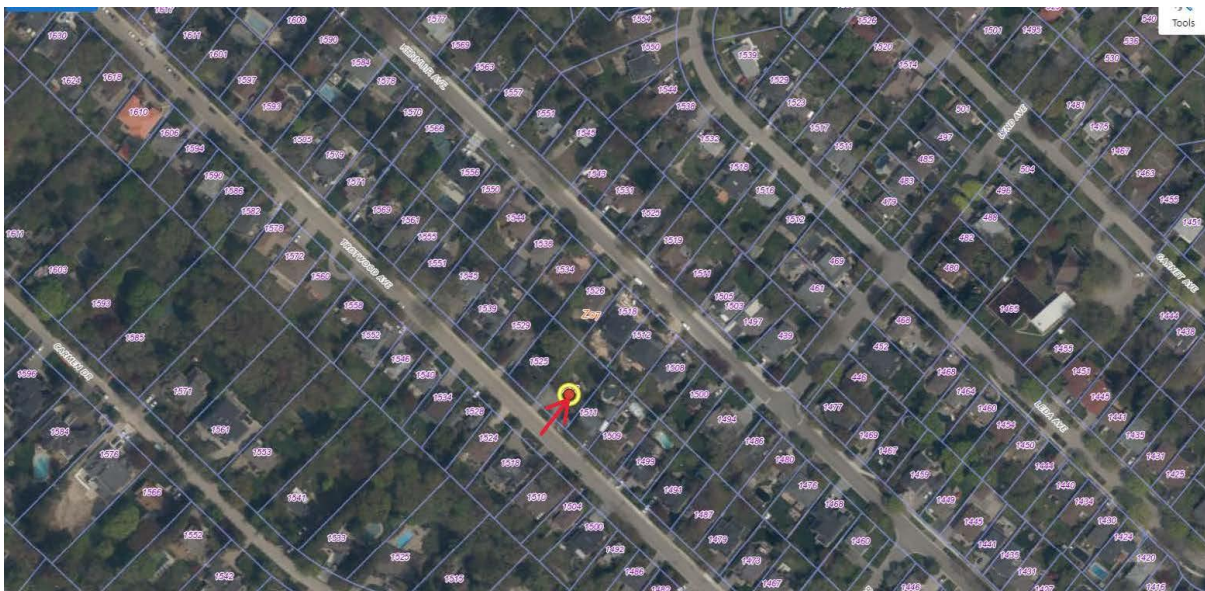
Zoning: R3-1 - Residential

Other Applications: None

Site and Area Context

The subject property is located in the Mineola Neighbourhood Character Area, southwest of the Kenmuir Avenue and South Service Road intersection. The immediate neighbourhood primarily consists of a mix of older and newer one and two-storey detached dwellings with mature vegetation in the front yards. The subject property contains a one-storey detached dwelling with mature vegetation in the front yard.

The applicant is proposing to sever the subject property in order to create two new parcels for the purpose of developing detached dwellings. Variances are requested for lot frontage, eave height, lot coverage, walkway width, side yard setback and combined side yard width.



Comments

Planning

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. Approval of applications must meet the requirements set out under 45(1) and/or 45(2) (a) or (b) 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, which permits detached dwellings only in this instance. The applicant is proposing to sever the subject property into two new lots for the purpose of constructing two-storey detached dwellings.

As per Section 16.1.2.1, 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 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 proposed severance represents sensitive intensification that is compatible with the area due to the eclectic lot fabric. The immediate area consists of lots that have frontages as low as approximately 11m (36ft). The proposed lots are generally in line with the existing and planned character of the area. Recognizing that intensification does not have to mirror existing development, the proposed severance is sensitive to the existing and planned character of the neighbourhood and will not result in significant adverse impacts to the community. Staff are 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 for the purpose of developing two detached dwellings.

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

While Planning staff are not in a position to complete a zoning review or provide interpretations of the zoning by-law, it appears that a variance is required for lot area.

Variance #1 (A402/24 and A403/24) pertains to lot frontage. The intent of the zoning by-law in regulating the lot frontage and area is to ensure that new lots are appropriately sized and fit within the context of the surrounding area. Staff are satisfied 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 11m (36ft) to 30m (98.42ft). Through a comprehensive review of the surrounding lands, planning staff are satisfied that the proposal is complementary to the existing and proposed lot fabric. Further, staff are satisfied that the proposed lots can accommodate detached dwellings that are in keeping with the character of the neighbourhood and will not pose negative impacts to the surrounding area from a streetscape perspective.

Variance #2 (A402/24 and A403/24) 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 overall dwelling height meets the

zoning by-law and does not require a variance. The proposed dwelling incorporates a variety of architectural materials and design features that visually breaks up the massing of the dwelling which helps to create an overall massing that is more inline with the 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 #3 (A402/24 and A403/24) pertains to lot coverage. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot which would impact the streetscape as well as abutting properties. Staff note the covered rear patio, garage and front entry contribute to approximately 5.6% of the lot coverage. It is staff's opinion that these structures are primarily open and have limited massing impacts. Further, no variance is requested for gross floor area, mitigating further impacts. As such, staff are satisfied that the proposal does not represent an overdevelopment of the subject property.

Variance #4 (A402/24 and A403/24) requests an increase in the walkway attachment width. While Planning staff are not in a position to provide a Zoning review, staff note that due to the orientation of the walkway, it would appear to be a part of the driveway which meets the by-law requirements. Staff are of the opinion that a variance may not be required in this instance. Staff have no concerns with the walkway being proposed and are satisfied that additional parking cannot be facilitated on the walkway.

Variances #5 and #6 (A402/24 and A403/24) request reduction in the side yard setback measured to the second storey and combined side yard width. 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. Staff note that the first storey meets the minimum requirements and that the second storey is aligned on top of the first. Planning staff are of the opinion that the proposed setbacks do not pose massing impacts to neighbouring lots. Lastly, the proposed side yards are consistent with setbacks found to detached dwellings within the immediate neighbourhood.

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 proposal maintains a sufficient buffer to the street and adjacent dwellings and does not represent overdevelopment. 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

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 the Corporate Services Department, Information Technology Division, Digital Workflows, Business Intelligence & Visualization Technologies Section, GIS Data Management 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 525mm diameter storm sewer on Trotwood Avenue. The applicant is encouraged to design the basement elevation 1 metre above the invert 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





Comments Prepared by: John Salvino, Development Engineering Technologist

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.

We note that a Building Permit is required. In the absence of a Building Permit we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed.

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

Comments Prepared by: Emily Majeed, Planner-in-Training

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.

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 Trotwood Avenue:

- Saucer Magnolia (26cm DBH) – Good Condition – \$1,500.00 (Boundary tree)

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 \$1,500.00 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 tree on Trotwood Avenue. 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 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. 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 Jamie Meston to request a Submission of Fees and Securities form and any other inquires 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 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-24-056M, A-24-402M, A-24-403M / 1517 Trotwood Avenue

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.
- 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.

Comments Prepared by: Petrele Francois, Junior Planner

City of Mississauga Department Comments

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"402-403/24)
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 19, 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 19, 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 19, 2024.