

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2024-11-27	File(s): B53.24 A395.24 A396.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:12/5/2024 1:00:00 PM

Consolidated Recommendation

The City has no objections to the consent and 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

B53.24

The applicant requests the Consent of the Committee to sever a parcel of land for the creation of a new lot. The parcel of land has a frontage of approximately 7.67m (approx. 25.17ft) and an area of approximately 204.40sq. m (approx. 2200.16sq ft).

A395.24

The applicant requests the Committee to approve a minor variance to allow for the construction of a semi-detached dwelling on the severed lands of B53/24 proposing:

1. A semi-detached dwelling on a CEC road whereas By-law 0225-2007, as amended, does not permit a semi-detached dwelling use in this instance;
2. A lot area of 204.4sq.m (approx. 2,200.1sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 400.0sq.m (approx. 4,305.6sq.ft) in this instance;
3. A lot frontage of 7.67m (approx. 25.16ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (approx. 49.21ft) in this instance;
4. A side yard on the attached side of 0m whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.8m (approx. 5.9ft) in this instance;
5. A flat roof height of 10.0m (approx. 32.8ft) whereas By-law 0225-2007, as amended, permits a maximum flat roof height of 9.0m (approx. 29.5ft) in this instance;
6. 3 storeys whereas By-law 0225-2007, as amended, permits a maximum of 2 storeys in this instance;
7. A rear yard encroachment of a porch/deck inclusive of stairs of 4.44m (approx. 14.57ft) whereas By-law 0225-2007, as amended, permits a maximum rear yard encroachment of

a porch/deck inclusive of stairs of 3.50m (approx. 11.48ft) in this instance;

8. A front yard landscaped area of 40% whereas By-law 0225-2007, as amended, requires a minimum front yard landscaped area of 45% in this instance; and

9. A front yard measured to the garage face of 5.5m (approx. 18.0ft) whereas By-law 0225-2007, as amended, requires a minimum front yard measured to the garage face of 6.0m (approx. 19.7ft) in this instance.

A396.24

The applicant requests the Committee to approve a minor variance to allow for the construction of a semi-detached dwelling on the retained lands of B53/24 proposing:

1. A semi-detached dwelling on a CEC road whereas By-law 0225-2007, as amended, does not permit a semi-detached dwelling use in this instance;

2. A lot area of 204.4sq.m (approx. 2,200.1sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 400.0sq.m (approx. 4,305.6sq.ft) in this instance;

3. A lot frontage of 7.67m (approx. 25.16ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (approx. 49.21ft) in this instance;

4. A side yard on the attached side of 0m whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.8m (approx. 5.9ft) in this instance;

5. A flat roof height of 10.0m (approx. 32.8ft) whereas By-law 0225-2007, as amended, permits a maximum flat roof height of 9.0m (approx. 29.5ft) in this instance;

6. 3 storeys whereas By-law 0225-2007, as amended, permits a maximum of 2 storeys in this instance;

7. A rear yard encroachment of a porch/deck inclusive of stairs of 4.44m (approx. 14.57ft) whereas By-law 0225-2007, as amended, permits a maximum rear yard encroachment of a porch/deck inclusive of stairs of 3.50m (approx. 11.48ft) in this instance;

8. A front yard landscaped area of 40% whereas By-law 0225-2007, as amended, requires a minimum front yard landscaped area of 45% in this instance; and

9. A front yard measured to the garage face of 5.5m (approx. 18.0ft) whereas By-law 0225-2007, as amended, requires a minimum front yard measured to the garage face of 6.0m (approx. 19.7ft) in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A395.24 and A396.24 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A395.24 and A396.24 shall lapse if the consent application under file B53.24 is not finalized within the time prescribed by legislation.

Background

Property Address: 1466 Moonbrook Road

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Medium Density

Zoning By-law 0225-2007

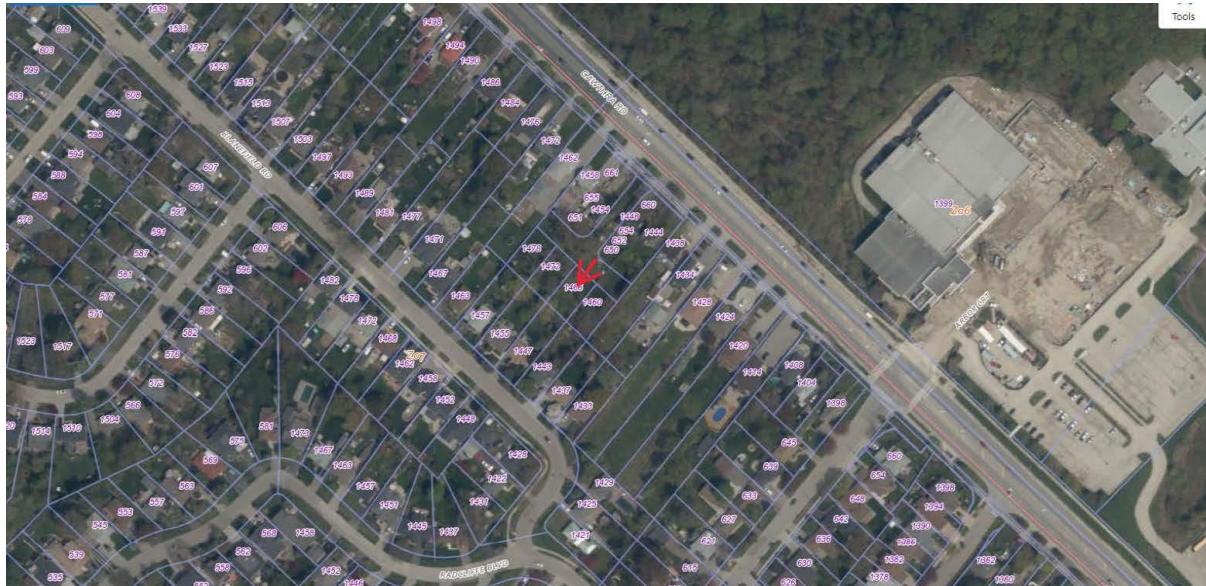
Zoning: RM6-24 - Residential
Other Applications: B52.24 A393.24 A394.24, B54.24 A397.24 A398.24, B55.24 A399.24 A400.24, 21T-M-19/002, OZ 18-010.

Site and Area Context

The subject property is located west of Cawthra Road and south of South Service Road in the Mineola Neighbourhood Character Area. The neighbourhood context consists mostly of low-density housing, with detached homes immediately abutting the subject site to the west.

The site recently went through an official plan amendment, rezoning and plan of subdivision application, under files OZ 18-010 W1 and T-M19002 W1, which resulted in an approval of 4 detached dwellings and 12 townhouses dwellings fronting onto a Common Element Condominium (CEC) road. The lot is currently vacant. The surrounding area context is predominantly residential, consisting of detached dwellings. The property is in close proximity to existing City parks and amenities. Some vegetative elements are present on the subject property.

The applicant is proposing to sever the lot to facilitate the development of two semi-detached dwellings. The proposal requests variances for lot area, frontage, height, number of stories, setbacks, rear yard encroachment, front yard setback and front yard landscaped area.



Comments

Planning

Provincial Matters

The Provincial Policy Statement 2024 (PPS 2024) promotes efficient development and land use, directing the focus towards intensification and redevelopment. The proposal is consistent with the general directive in provincial policy.

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 the four tests to the minor variance request are as follows:

The application seeks to sever the subject lot into two parcels for the development of two semi-detached dwellings, requiring a variance to permit a semi-detached dwelling use on the property whereas it is not permitted. Variances are also requested for lot area, frontage, height, number

of stories, setbacks, rear yard encroachment, front yard setback and front yard landscaped area.

Identical applications have been proposed on all 4 detached dwellings that are a part of the same subdivision with property addresses 1460, 1466, 1472 and 1478 Moonbrook Road. Applications B52.24 A393.24 A394.24, B53.24 A395.24 A396.24, B54.24 A397.24 A398.24 and B55.24 A399.24 A400.24 are in conjunction with each other and as such the same comments are applicable for all 4 applications.

These applications were before the Committee of Adjustment on September 19, 2024, with the same proposal. Staff had noted support for the introduction of semi-detached dwellings; however, the application was deferred to contemplate the zoning regulations that would apply in this case. The applicant has since worked with Planning and Zoning staff to address these concerns and accurately identify the applicable zoning regulations.

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject property is located in the Mineola Neighbourhood Character Area and is designated Residential Medium Density in Schedule 10 of the Mississauga Official Plan (MOP). The property is subject to Special Site 6 policies, which permits detached dwellings in addition to the townhouse dwellings permitted in parent land use designation. Section 9 of the MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with: the existing site conditions, the surrounding context, and the landscape of the character area.

The City is undertaking its ten year review and update of the Mississauga Official Plan (MOP). Amendments are proposed that will implement the Province's legislative requirements and prioritize providing a broader range of gentle infill housing options within low-rise residential neighbourhoods. The City has an ongoing study, Increasing Housing Choices in Neighbourhoods, as part of the Housing Action Plan, to introduce gentle density increase in the number and variety of homes in existing single detached neighbourhoods. Staff are of the opinion that the introduction of semi-detached homes aligns with the City's overall vision to increase housing.

Staff are satisfied that the proposed lot sizes are appropriate and will not negatively impact the character of the street or the area's lot fabric. Staff have no concerns with the severances regarding the criteria set out in Section 51(24) of the Planning Act.

Furthermore, staff are of the opinion that the proposal presents a built form that is in line with the planned character of the area and that the proposal respects the surrounding context. Staff are therefore satisfied that the general intent and purpose of the official plan are maintained.

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

Staff note the City is currently working on the Neighbourhood Zoning Review project, with the goal to expand low-rise housing options by removing barriers for semi-detached homes and houses on smaller lots. Notwithstanding this project, the current variances being proposed align with the zoning regulations stipulated under the RM2 zone for semi-detached dwellings. Further,

the variances respect the site-specific zone regulations in terms maintaining the building envelope.

Similar variances are requested for both the severed and the retained parcels.

Variance #1 requests permission for a semi-detached dwelling on a CEC road where it is not permitted. Staff are of the opinion that the proposal aligns with the City's approach to increase density while maintaining the character of the neighbourhood. Staff are satisfied that the semi-detached dwellings in this case are appropriate.

Variances #2 and #3 request relief in the lot area and frontage respectively. 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 frontages and areas are consistent with the requirements for a semi-detached dwelling. Additionally, no variances have been requested for lot coverage and gross floor area. Staff are satisfied that the proposed lots can adequately accommodate semi-detached dwellings.

Variances #4 requests a 0.0m side yard setback. Staff note this is technical in nature as this is accommodate the attached side of the semi-detached dwelling and have no concerns with the variance. The dwelling maintains the required setbacks from the other side.

Variance #5 pertains to flat roof height. Variance #6 requests 3 stories. Staff note the proposed height and number of stories are consistent with the surrounding townhouse dwellings that are a part of the approved subdivision. Staff also note that while the applicant requires a flat roof variance due to the definition of a flat roof and the design, the roof appears to be a sloped roof when viewed from the street. Staff are satisfied that the variances pose no concerns to the surrounding properties and the streetscape.

Variance #7 pertains to rear yard encroachment and Variance #9 requests a reduced front yard measured to the garage face. The intent of rear yard provisions is to ensure that an appropriate buffer between the massing of structures on abutting properties is provided and to maintain an appropriate rear yard amenity area. The proposed deck is not covered and does not create significant massing concerns for abutting properties. The intent of the front yard regulations is to ensure that a consistent character is maintained along the streetscape, a sufficient front yard space is incorporated into the design of neighbourhoods and that an appropriate buffer between the porch and lot lines is maintained. Staff note the reduction in the front yard arises due to the lot line not being parallel to the dwelling. Staff are satisfied that the deficiency is only for a small portion dwelling and is able to maintain a sufficient front yard space and provide appropriate buffer from the street. Staff are satisfied the character of the neighbourhood is maintained.

Variance #8 is regarding the front yard landscaped area. The intent of a soft landscape area is to help establish the character and identity of a neighbourhood, as well as ensure hardscaping does not dominate the lot frontage. The applicant has proposed a front yard soft landscape area of 40% whereas 45% is required. Staff note the driveway meets the by-law regulations, which limits excessive hardscaping impacts. Staff are satisfied the reduction in the landscaped area will not pose negative impacts from a streetscape perspective.

Given the above, staff are satisfied that the variances meet the general intent and purpose of the zoning by-law.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

Staff are satisfied that the application represents appropriate development of the subject lands. Staff are of the opinion that the variances, both individually and cumulatively, are minor in nature and will not create any undue impacts to adjoining properties or the planned or existing character of the area. The proposal maintains the building footprint of a detached dwelling that is permitted as of right. Staff are satisfied that the proposal is appropriate in this instance.

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 Applications 'B' 52-55/24 respectively.

We have reviewed the application and advise that the City has recently processed a Site Plan application (SP-22/143) and also a Plan of Subdivision for 4 detached dwellings and 12 townhouse dwellings fronting onto a Common Element Condominium (CEC) road which is now registered as 43M-1263 (21T-M-19/002) where all of our concerns would have been addressed.

The applicant is attempting to sever the 4 detached residential lots at the rear of the development to create semi detached dwellings for a total of 8 dwellings.

We have discussed the proposal with our Legal Section, and they have confirmed that all clauses registered on title through the previous registration of 43M-1263 will carry onto the newly created lots.

We question if the applicant has informed all Utility Providers that had previously reviewed/approved the servicing plans submitted through the registration of 43M-1263. The addition of 4 dwellings may present issues for utility providers, documentation of the accepted changes is recommended to be submitted as a condition of final approval.

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.

We note that the original grading plan that was reviewed/approved through the registration of the subdivision must be adhered to and that the new plan be prepared by the same Consultant.

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

3. Approval from the Utility Companies

The applicant's Consulting Engineer is to provide written certification that all of the necessary Utility Companies including The Region of Peel have been provided the opportunity to review the proposed changes to the original servicing drawings and that they are all in agreement with the changes.

4. Updated Plans

The plans that we currently hold on file for this project will need to be updated to reflect the new proposal. The applicant must provide this Department with an updated Site plan, Grading plan, Servicing plan and also a Parcels of tied land (P.O.T.L.) plan showing the proposed configurations.

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

Based on the information available, the retained and severed parcels drain to the private storm sewer system on Moonbrook Rd before ultimately discharging to the 1050mm diameter Regional storm sewer on Cawthra Rd.

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.

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 Comments

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

1. Given that the property is subject to a development application, SP 22 143, all of Community Services' comments and/or requirements are being addressed through the development application.
2. 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 – Park Planning, Community Services Department at 905-615-3200 ext. 4659 or via email Nicholas.Rocchetti@mississauga.ca.

Comments Prepared by: Nicholas Rocchetti, Planner

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 be

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 5 – Region of Peel Comments

Please note that our previous comments still apply.

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"395-396 /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 November 27, 2024.
5. 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 November 27, 2024.
6. 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 September 13, 2024.