

# City of Mississauga

Memorandum:

## City Department and Agency Comments

Date Finalized: 2024-12-04	File(s): B71.24 A532.24 A533.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:12/12/2024 3:30:00 PM

### Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the Applicant and area residents when assessing if the application, as requested, meets the requirements of Section 45(1) and Section 51(24) of the Planning Act. The applicant may wish to defer the application to ensure that all required variances have been accurately identified.

### Application Details

#### **B71/24**

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 4.26m (13.98ft) and an area of approximately 303.4sq.m (3,265.77sq.ft)

#### **A532/24**

The applicant request the Committee to approve a minor variance to allow the construction of a semi-detached dwelling on the severed lands of application B71/24 proposing:

1. A lot coverage of 46.77% of the lot area whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 45.00% of the lot area in this instance;
2. An interior lot frontage for a through lot of 4.26m (approx. 13.98ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 6.80m (approx. 22.31ft) in this instance;
3. A setback to the garage face of 5.61m (approx. 18.41ft) whereas By-law 0225-2007, as amended, requires a minimum setback to the garage face of 6.00m (approx. 19.69ft) in this instance;
4. An interior side yard measured to the garage of 0m whereas By-law 0225-2007, as amended, requires a minimum interior side yard measured to the garage of 0.61m (approx. 2.00ft) in this instance;
5. A window well encroachment of 5.54m (approx. 18.18ft) whereas By-law 0225-2007, as

amended, permits a maximum window well encroachment of 0.61m (approx. 2.00ft) in this instance; and

6. A detached garage whereas By-law 0225-2007, as amended, does not permit a detached garage in this instance.

**A533/24**

The applicant request the Committee to approve a minor variance to allow the construction of a semi-detached dwelling on the retained lands of application B71/24 proposing:

1. A lot coverage of 48.55% of the lot area whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 45.00% of the lot area in this instance;
2. A lot area of 274.72sq.m (approx. 2,957.06sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 280.00sq.m (approx. 3,013.89sq.ft) in this instance;
3. A lot frontage of 7.59m (approx. 24.90ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 9.80m (approx. 32.15ft) in this instance;
4. A setback to the garage face of 5.61m (approx. 18.41ft) whereas By-law 0225-2007, as amended, requires a minimum setback to the garage face of 6.00m (approx. 19.69ft) in this instance;
5. An exterior side yard of 1.24m (approx. 4.07ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 4.50m (approx. 14.76ft) in this instance;
6. An interior side yard of 0m whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 0.61m (approx. 2.00ft) in this instance;
7. A window well encroachment into the exterior side yard of 5.54m (approx. 18.18ft) whereas By-law 0225-2007, as amended, permits a maximum window well encroachment into the exterior side yard of 0.61m (approx. 2.00ft) in this instance; and
8. A detached garage whereas By-law 0225-2007, as amended, does not permit a detached garage in this instance.

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

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A532.24 & A533.24 must be finalized

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

- Variance(s) approved under file(s) A532.24 & A533.24 shall lapse if the consent application under file B71.24 is not finalized within the time prescribed by legislation.

## **Background**

**Property Address: 28 Mohawk Ave**

## Mississauga Official Plan

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

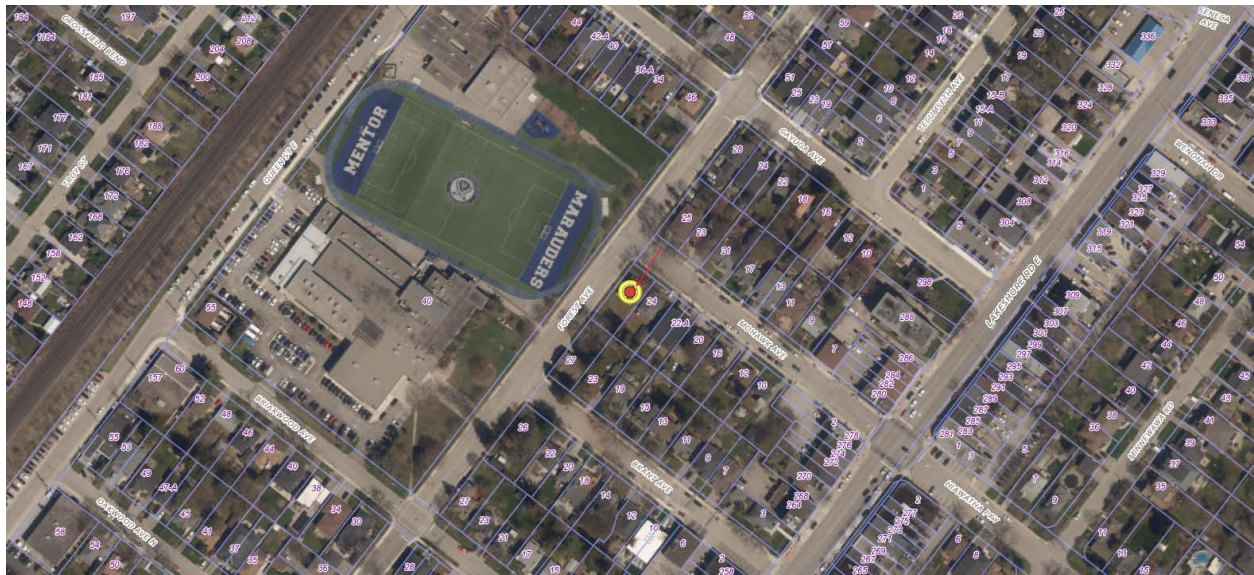
## Zoning By-law 0225-2007

Zoning: **RM7-5 - Residential**

## Site and Area Context

The subject property is located within the Port Credit Neighbourhood (East), northeast of Hurontario Street and Lakeshore Road East. The neighbourhood is entirely residential consisting of newer and older one and two-storey detached, semi-detached, duplex, and triplex dwellings on lots with mature vegetation in the front yards. The subject property is a one-storey detached dwelling on a corner lot with minimal vegetation in the front yard.

The applicant is proposing to sever the subject property to construct semi-detached dwellings requiring variances pertaining to lot coverage, lot frontages, lot area, setbacks, window well encroachments and a detached garage.



## 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 minor variance request are as follows:

Planning staff note a similar application for severance and associated minor variances was before the Committee of Adjustment on December 16, 2021. Planning staff had recommended support of the application at the time and the application was approved by the Committee.

Approval of the original consent under file B71.21.A554.21.A555.21 lapsed, as the conditions of provisional approval were not fulfilled within the legislated two-year period. As such approval of new application is required to sever the property into two new parcels.

Planning staff were supportive of application B71.21.A554.21.A555.21 in 2021. The current application proposes similar lot lines and minor variances to facilitate the severance. As such, staff has no objection to the subject application.

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

Comments Prepared by: Shivani Chopra, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

We note that this property has come in once before under File: B-71/21. It seems that the proposal is exactly the same.

Should Committee see merit in the subject application we are providing the following conditions/requirements that will have to be addressed to the satisfaction of this department prior to the issuance of final consent:

A. Items Required Prior to the Issuance of Final Consent

1. Overall Servicing Proposal

We request that the applicant submit a Functional Servicing Proposal prepared by a Consulting Engineer for this department's review/approval to confirm that all the necessary municipal services can be provided for any dwellings to be constructed on the subject lands.

2. 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.

Upon the review of an Overall Grading and Drainage Plan it may be determined that catch basins may be required and satisfactory arrangements will have to be made for the construction of any required catch basins.

3. Overall Site Plan

The applicant will be required to provide for our review/approval a more detailed conceptual site plan which must include the location of all utilities on site as well as the proposed locations of the driveway entrances, proposed building footprints and location of all easements required for the site.

4. 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)

## 5. Easement Requirement

Maintenance/access easements will be required for the garages in favour of both parcels.

Upon review of the items requested in Section A, Items 1, 2 and 3 above, we advise that any easements that may be required for either drainage, servicing or maintenance purposes will need to be addressed as part of this severance application. The applicant/owner is to provide a Draft Reference Plan that shows the new easements as parts along with a letter prepared by their Solicitor which describes any new private easement(s) to be established. It should be acknowledged that any documentation received will be forwarded as an attachment to our clearance memo to the Committee of Adjustment so that any new proposed private easement can be identified and also be incorporated into the Certificate of Secretary-Treasurer.

### B. GENERAL INFORMATION

#### 1. Servicing

We note for the owner's information that all costs incurred in providing the required services (i.e., sanitary, water, storm, hydro, gas, etc.) to the subject lands will be the responsibility of the owner.

#### 2. Access

We advise the applicant that all costs incurred in providing any new driveway entrances to the subject lands or any modifications/reinstatement required (including the existing driveway), 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. Driveway accesses shall maintain a 1.5m setback from aboveground features such as utilities and trees.

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>

#### 3. Lot Grading and Drainage

We advise the applicant that issuance of any building permits for any new dwellings 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.

#### 4. Storm Sewer Outlet

The applicant is advised that there is no storm sewer system available in front of the proposed lot on Mohawk Avenue. In this regard, we advise that all dwellings to be constructed on the subject lands will require a sump pump to discharge the weeping tile to grade. It is the full responsibility of the applicant to advise any prospective purchasers of the properties of this requirement. 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.

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: Crystal Abainza, Zoning Examiner

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

#### Park Planning Comments

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 – Park Planning, Community Services Department at 905-615-3200 ext. 4659 or via email [nicholas.rocchetti@mississauga.ca](mailto:nicholas.rocchetti@mississauga.ca).

Comments Prepared by: Nicholas Rocchetti, Planner

#### Forestry Comments

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 \$4,249.55 for the planting of five (5) street trees on Mohawk Ave. and Forest Ave. 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 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](mailto:jamie.meston@mississauga.ca).

Comments Prepared by: Jamie Meston, Landscape Technician

#### **Appendix 4 – Region of Peel Comments**

##### **Applications: B-24-071M, A-24-532M, A-24-533M / 28 Mohawk Avenue**

Development Engineering: Wendy Jawdek ([wendy.jawdek@peelregion.ca](mailto:wendy.jawdek@peelregion.ca))(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.
- 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](mailto:siteplanservicing@peelregion.ca).
- 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](mailto:PWServiceRequests@peelregion.ca)
- All works associated with the servicing of this site will be at the applicant's expense. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca).

##### **Conditions:**

- Arrangements satisfactory to the Region of Peel, Public Works shall be made with respect to the location of existing and installation of new services. Private servicing easements may be required.

Comments Prepared by: Petrele Francois, Junior Planner

## Appendix 5 – Metrolinx

Metrolinx is in receipt of the Consent and two Minor Variance applications for 28 Mohawk Ave sever the lands for the creation of a new lot and to construct a new semi-detached dwelling on both the lots severed and retained as circulated on November 13, 2024, and to be heard at Public Hearing on December 12, 2024, at 3:30 PM. Metrolinx's comments on the subject application are noted below:

- The subject property is located in within 300m of the Metrolinx Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.

## GO/HEAVY-RAIL – CONDITIONS OF APPROVAL

- As per section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, the Owner shall grant Metrolinx an environmental easement for operational emissions. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property. A copy of the form of easement is included for the Owner's information. The applicant may contact [Farah.Faroque@metrolinx.com](mailto:Farah.Faroque@metrolinx.com) with questions and to initiate the registration process. (It should be noted that the registration process can take up to 6 weeks).
- The Proponent shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the Railway Corridor:
  - **Warning:** The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity,

notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

Should you have any questions or concerns, please contact [Farah.Faroque@metrolinx.com](mailto:Farah.Faroque@metrolinx.com).

Comments Prepared by: Farah Faroque, Project Analyst



**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. (A532/24 & A533/24)
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 December 4, 2024.
5. A letter shall be received from the City of Mississauga, Forestry Division, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated December 4, 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 December 4, 2024.
7. A letter shall be received from Metrolinx indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated December 4, 2024.