

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-11-11 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): B62/20 A373/20, A374/20 Ward: 1
	Meeting date: 2020-11-19

Consolidated Recommendation

The City has no objections to the requested consent and associated minor variances. The applicant may choose to submit a permit application and verify the requested variances.

Application Details

The applicant requests the approval of the Committee to sever a parcel of land for the creation of a new lot. The parcel of land has a frontage of approximately 8.4m (27.6ft) and an area of approximately 282.92sq.m (3,045.33sq.ft)

A minor variance is requested for the Severed lands (A373/20) proposing:

1. A lot frontage of 8.4m (approx. 27.6ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 9.8m (approx. 32.2ft) in this instance;
2. An exterior side yard of 2.0m (approx. 6.6ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 4.5m (approx. 14.8ft) in this instance; and
3. A rear yard measured to a deck accessible from above the first storey of 6.0m (approx. 19.7ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard of 7.5m (approx. 24.6ft) in this instance.

A minor variance is requested for the Retained lands (A374/20) proposing:

1. A lot coverage of 45.6% of the lot area whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 45.0% of the lot area in this instance; and
2. A rear yard measured to a deck accessible from above the first storey of 6.5m (approx. 21.3ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard of 7.5m (approx. 24.6ft) in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A373/20 & A374/20 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A373/20 & A374/20 shall lapse if the consent application under file B62/20 is not finalized within the time prescribed by legislation.

Background

Property Address: 2 Iroquois Avenue

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 Character Area, northwest of Lakeshore Road East and Seneca Avenue. The immediate neighbourhood consists of residential lots with frontages ranging from approximately 7.50 m to 15 m, containing a mix of detached and semi-detached dwellings with mature vegetation. An institutional use known as Mentor College abuts the subject property. The broader neighbourhood contains a mix of commercial uses and high-rise apartment buildings along Seneca Avenue. The subject property contains a one storey dwelling with mature vegetation within the front yard.

The application proposes to sever the lot to create two new parcels for the purpose of developing semi-detached dwellings. In addition to the concerns application, the application also requires variances for lot frontage, exterior side yard and rear yard 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 2014 (PPS 2014) and Growth Plan for the Greater Golden Horseshoe promote efficient development and land use, directing the focus towards intensification and redevelopment. The proposal is consistent with the general directive in provincial policy.

Staff comments concerning the applications for consent and the four tests to the minor variance request are as follows:

The applicant is proposing a lot frontage of 8.44 m and lot area of 282.92 m² for the severed lot and a retained lot with a lot frontage of 6.80 m and lot area of 227.94 m². The zoning by-law requires corner lots to have a frontage of 9.80 m and area of 280 m² while an interior lot is required to have a frontage of 6.80 m and a lot area of 200 m².

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

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

Staff is of the opinion that the application conforms to Section 51(24) of the *Planning Act*, more specifically that the application conforms to the official plan and is suitable to accommodate the proposed semi-detached dwellings.

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

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. In this instance, only the corner lot has a deficient lot frontage. The proposed lot size is appropriate within the context of the surrounding neighbourhood and is suitable to accommodate a semi-detached dwelling that fits within the context of other dwellings located on corner lots. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

For the remaining variances, the corner lot proposes a deficient exterior side yard setback and rear yard setback measured to a deck which is similar to the interior lot. The by-law requires the rear yard setbacks for the proposed dwellings be measured to the deck as the structure is considered to be part of the main dwelling. However, it must be noted that if the setback is measured to the dwelling, it would exceed by-law requirements. Finally, the exterior side yard setback represents existing conditions throughout the immediate area and is not out of context for corner lots. As such, staff is of the opinion that the remaining variances are appropriate to be handled through the minor variance process and raise no concerns of a planning nature in this instance.

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

The proposed lots are consistent with the existing and planned character of the area in terms of lot area and frontage. The application does not pose any significant impacts to the streetscape character. As such, staff is of the opinion that the application represents orderly development of the lands and is minor in nature.

Conclusion

The Planning and Building Department has no objections to the requested consent and associated minor variances. The applicant may choose to submit a permit application and verify the requested variances.

Comments Prepared by: Lucas Petricca, 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.

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

2. Overall Site Servicing Plan

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

3. 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

We advise the applicant that all costs incurred in providing any new driveway entrance(s) to the subject lands or any modifications/reinstatement required, would be at cost to the owner. We are also noting that should any utilities need to be relocated, all costs incurred will also be to the owner.

4. Storm Sewer Outlet

The storm sewer outlet for these lands is the existing 300mm diameter storm sewer system located on Cayuga Ave. If a new storm connection is required a downstream sewer analysis may be required. For further information please contact Ghazwan Yousif at ext. 3526.

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 metre 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.

We are noting that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 62/20.

Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

This Division is not in receipt of any permit application and therefore cannot confirm if the dwellings maintain the provisions within the by-law. We note that any deficiencies will require a variance application.

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

Comments Prepared by: Brian Bonner, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has reviewed the consent application and advises as follows.

City of Mississauga Forestry Staff have attended the site and identified the following City owned trees within the municipal boulevard:

- Norway Maple – Good Condition
- Ivory Silk Japanese Lilac – Good Condition
- Flowering Crab Apple – Good Condition

Should the application be approved, Community Services wishes to impose the following conditions:

1. The applicant shall ensure that future driveways do not impact or require the removal of the above noted trees.
2. The applicant shall provide a cash contribution of \$1,768.32 for planting of three (3) street trees on Iroquois Avenue and Cayuga 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.
3. The applicant shall provide tree protection securities in the amount of \$11,189.44 for the preservation of municipal trees.

In addition, Community Services notes the following:

1. Payment for street tree fees and charges can be made at the Parks and Forestry customer service counter located at 950 Burnhamthorpe Road West in the form of a certified cheque, bank draft, or money order payable to the City of Mississauga. Please contact Jim Greenfield regarding the Covid-19 interim payment process.
2. The applicant shall provide frame tree hoarding at the dripline of the above noted tree prior to any construction to the satisfaction of City of Mississauga Forestry Staff. Please call Ryan Cormier at 905-615-3200 ext. 4580 to arrange a hoarding inspection.

3. Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, C.P. 13, as amended) and in accordance with the City's policies and by-laws.

Should further information be required, please contact Jim Greenfield, Park Planner, Community Services Department at 905-615-3200 ext. 8538 or via email jim.greenfield@mississauga.ca.

Comments Prepared by: Jim Greenfield, Park Planner

Appendix 4 – Region of Peel Comments

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

Please note that severing the lands may adversely affect the existing location of the water and sanitary sewer services, if any exist. The result of this may require the applicant to install new water / sanitary servicing connections to either the severed or retained lands in compliance with the Ontario Building Code. The applicant may require the creation of private water / sanitary sewer servicing easements. An upgrade of your existing service may be required. All works associated with the servicing of this site will be at the applicant's expense. For more information, please call our Site Servicing Technicians at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca

Regional Planning staff have reviewed the applications listed on the November 19th, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Applications: DEF-A-54/20

Minor Variance Applications: A-358/20, A-373/20, A-374/20, A-377/20, A-378/20, A-382/20

Comments Prepared by: Diana Guida, Junior Planner

Appendix A – Conditions of Provisional Consent

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the conveyed land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no services easement(s) and/or right(s)-of-way, are necessary.
3. A letter shall be received from the City of Mississauga, Manager of Zoning Plan Examination, indicating that the conveyed land and retained lands comply with the provisions of the Zoning By-law, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding.
4. A letter shall be received from the City of Mississauga, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated November 11, 2020.
5. A letter shall be received from the City of Mississauga, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated November 11, 2020.