

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-11-18 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): B63/20 A386/20, A387/20 Ward: 1
	Meeting date: 2020-11-26

Consolidated Recommendation

The City has no objections to the requested consent and associated minor variance applications. The applicant may choose to defer the applications to submit a permit application and verify the accuracy of the 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 7.55m (24.77ft) and an area of approximately 253.4sq.m (2,727.6sq.ft).

A minor variance is requested for the Severed lands (A386/20) proposing:

1. A lot frontage of 7.55m (approx. 24.77ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 9.00m (approx. 29.53ft) in this instance;
2. A lot area of 253.40sq.m (approx. 2,727.57sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 340.00sq.m (approx. 3,659.73sq.ft) in this instance;
3. A lot coverage of 39.7% of the lot area whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.0% of the lot area in this instance;
4. A side yard (detached side) of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.80m (approx. 5.91ft) in this instance; and
5. A front yard measured to a porch and steps of 3.57m (approx. 11.71ft) whereas By-law 0225-2007, as amended, requires a minimum front yard of 6.00m (approx. 19.69ft) in this instance.

A minor variance is requested for the Retained lands (A387/20) proposing:

1. A lot frontage of 7.55m (approx. 24.77ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 9.00m (approx. 29.53ft) in this instance;

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2. A lot area of 253.30sq.m (approx. 2,726.50sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 340.00sq.m (approx. 3,659.73sq.ft) in this instance;
3. A lot coverage of 39.8% of the lot area whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.0% of the lot area in this instance;
4. A side yard (detached side) of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.80m (approx. 5.91ft) in this instance; and
5. A front yard measured to a porch and steps of 4.20m (approx. 13.78ft) whereas By-law 0225-2007, as amended, requires a minimum front yard of 6.00m (approx. 19.69ft) in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A386/20 & A387/20 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A386/20 & A387/20 shall lapse if the consent application under file B63/20 is not finalized within the time prescribed by legislation.

Background

Property Address: 920 Fourth Street

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

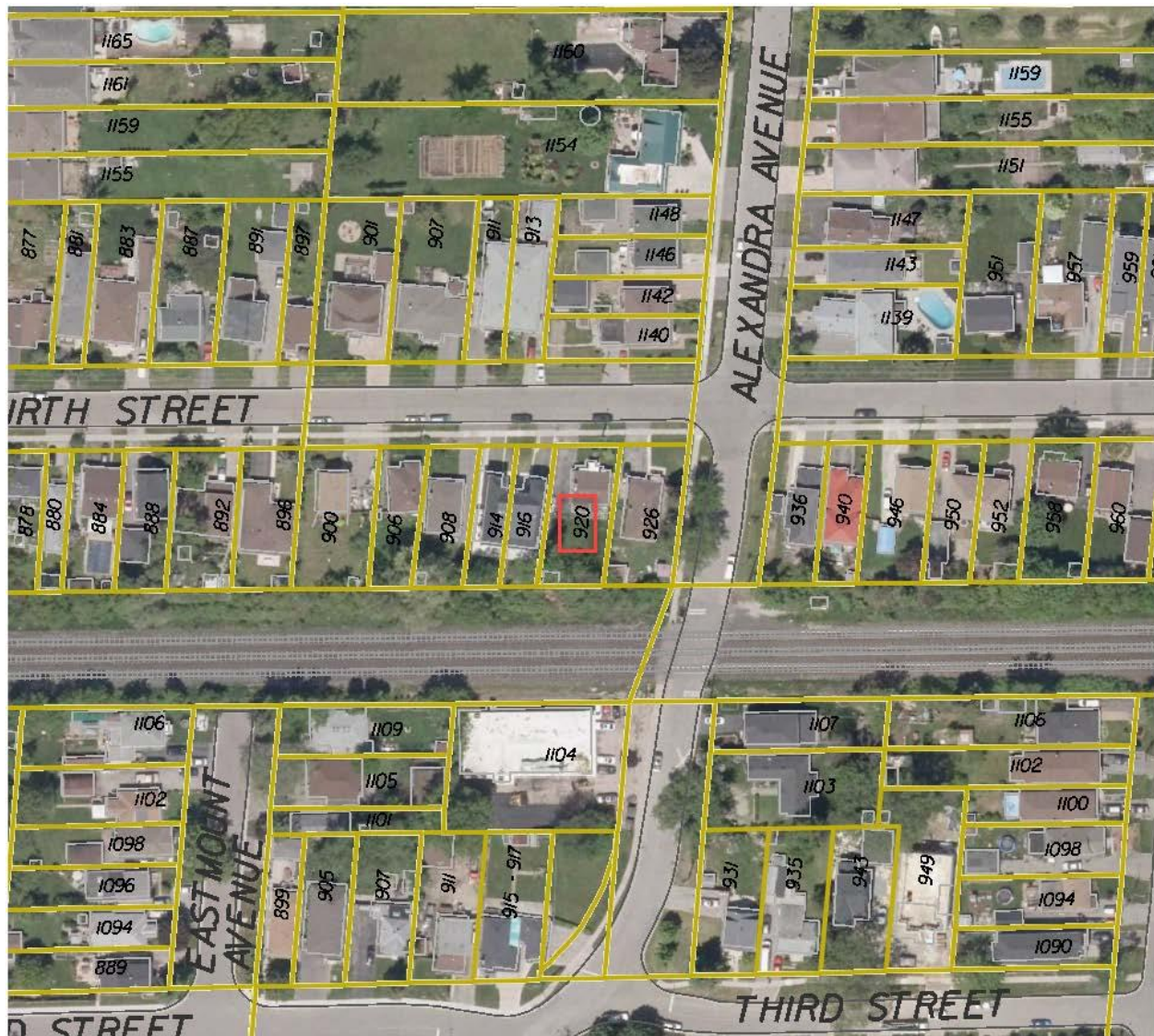
Zoning By-law 0225-2007

Zoning: RM1-26 (Residential)

Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, north of Lakeshore Road East and Alexandra Avenue. The neighbourhood contains a mix of detached and semi-detached dwellings with approximate lot frontages primarily between 8.50 m to 18 m. There are a few lots within the immediate area that have lot frontages of approximately 6 m as the original plan of subdivision on Fourth Street, east of the subject property was planned for lots ranging between 6 m to 7.62 m. The subject property contains an existing one storey

detached dwelling and has a lot frontage of 15.24 m. The applicant is proposing to sever the existing lot for the purposes of developing semi-detached dwellings, requiring variances related to lot frontage, lot area, coverage and a deficient side and front yard.



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 to sever the subject property to create two new parcels having lot frontages of 7.69 m and lots areas of 253.40 m². The zoning by-law requires lot frontages of 9 m and lot areas of 340 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 within the Cawthra Village boundary of the Central Residential Neighbourhood Precinct. As per Section 16.1.2.1 of MOP, 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. Additionally, 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 surrounding neighbourhood contains a mix of lot frontages ranging approximately 6 m to 18 m. The semi-detached dwellings within the immediate area mostly contain lot frontages of approximately 8.50 m to 10.50 m. Although the proposal has lot frontages and areas less than existing parcels containing semi-detached dwellings, the application contributes to the overall eclectic nature of the neighbourhood. Furthermore, the proposed lots can accommodate semi-detached dwellings that are in scale with other semi-detached dwellings in the neighbourhood, preserving the existing streetscape character.

The official plan defines “compatible” as, development, which may not necessarily be the same as, or similar to, the existing or desired development, but nonetheless enhances an established community and coexists with existing development without unacceptable adverse impact on the surrounding area. Furthermore, 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 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 that the lot sizes are compatible with the surrounding area.

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

Variance #1 and 2 on both minor variance applications propose deficient lot frontages and areas. 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 generally maintain the existing and planned area context due to the eclectic lot fabric, which ranges from 6 m to 18 m frontages. The proposal is consistent with other lots within the immediate area and does not significantly impact the character of the neighbourhood from a streetscape perspective. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #3 on both applications propose an increased lot coverage. The intent in restricting lot coverage is to control the massing of a dwelling and ensure that there isn't an overdevelopment of the lot. The subject property is zoned RM1 (Residential) which permits a maximum lot coverage of 35% whereas the RM2 zoning permits a lot coverage of 40%. While the proposed dwellings are in line with the RM2 zoning category, the overall massing of the dwellings does not represent overdevelopment of the lot. The proposed dwellings maintain appropriate setbacks measured to all points of the dwelling and is not out of character with semi-detached dwellings in the surrounding neighbourhood. Furthermore, the proposed dwellings maintain a dwelling depth of 15.67 m whereas a maximum of 20 m is permitted. The overall length of the proposed dwellings make it proportional to the lot and generally in line with the neighbouring semi-detached dwellings. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variances #4 and 5 propose a deficient front and side yards measured to both semi-detached dwellings. In this instance, the front yard setback is measured to the porch stairs while the main building face of both dwellings maintain a front yard setback of approximately 6.62 m, exceeding the minimum required setback of 6 m. The reduced side yards represent common characteristics throughout the surrounding area which is consistent with the existing streetscape character. As such, staff is of the opinion that these variances are appropriate to be handled through the minor variance process and raise no concerns of a planning nature.

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

The proposed lot frontages are appropriate, given the eclectic nature of the surrounding neighbourhood that contains a mixture of frontages ranging from approximately 6 m to 18 m. The proposed lots are generally consistent with other semi-detached lots within the immediate area and do not pose a significant adverse impact to the community. The proposed lot coverage

does not significantly impact the character of the existing streetscape as the proposed semi-detached dwellings are compatible with newer two storey dwellings within the immediate area. Furthermore, the proposal maintains appropriate setbacks measured to all lot lines and does not represent overdevelopment of the lot. As such, staff is of the opinion that the applications represent orderly development of the lands and are minor in nature.

Conclusion

The Planning and Building Department has no objections to the requested consent and associated minor variance applications. The applicant may choose to defer the applications to submit a permit application and verify the accuracy of the 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.

2. Municipal Address Requirement

Prior to the issuance of final consent, satisfactory arrangements are to be made with Corporate Services Department, Information Technology Division, Digital Services & Mobility Section, Geospatial Solutions Group for the creation of new municipal addresses for the severed and retained lands. For further information, please contact Susie Tasca at (905) 615-3200 ext. 3088 or susie.tasca@mississauga.ca

For further information regarding the above noted comments, please contact John Salvino at (905) 615-3200 ext. 5183 or john.salvino@mississauga.ca

B. GENERAL INFORMATION

1. Lot Grading and Drainage

We advise the applicant that issuance of any building permits for the new dwelling(s) will be subject to the owner submitting a certified lot grading and drainage plan to this Department for review/approval. The grading and drainage plan is to contain sufficient detail to ensure grading compatibility with the adjacent properties. In addition, the owner will be required to submit the applicable lot grading and municipal services protection deposits.

2. Servicing

All costs incurred in providing any service laterals will be the responsibility of the owner. The owner will also be responsible for all costs incurred for the required road reinstatement (if required). If the service connections are to be installed by a private contractor retained by the

owner, issuance of an open cut permit will be subject to the owner depositing adequate securities with the City to guarantee proper road reinstatement.

3. Access

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. 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>

4. Storm Sewer Outlet

The storm sewer outlet for this property is the existing 375mm Dia. Storm sewer located on Fourth Street. Please note that a rear lot catch basin may be required. Where existing sewer capacity exists, applicants are encouraged to design the basement elevation to be at least 1.0 meter above the elevation of the on-street storm sewer obvert to eliminate the need for a sump pump. 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.

We note that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 63/20.

Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

The Planning and Building Department is not in receipt of any permit applications at this time and the applicant is advised that a zoning review has not been completed. We are unable to confirm the accuracy of the requested variances or determine whether additional variances may be required.

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:

1. The applicant shall provide a cash contribution of \$1,178.88 for planting of two (2) street trees on Fourth Street. 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:

- 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.
- 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 5 – Region of Peel Comments

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

Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service 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. 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.

Regional Planning staff have reviewed the applications listed on the November 26th, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Minor Variance Applications: A-369/20, A-379/20, A-384/20, A-385/20, A-386/20, A-387/20, A-389/20

Comments Prepared by: Diana Guida, Junior Planner

Appendix 7 – Bell Canada

Subsequent to review of the severance at 920 FOURTH ST, Bell Canada's engineering department have determined that there are no concerns or issues with the proposed application.

If you have any questions regarding this response, please do not hesitate to contact me.

Comments Prepared by: Carrie Gordon, External Liaison

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.
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 18, 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 18, 2020.