

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-01-20	File(s): B3.21 B4.21 A12.21 A13.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2021-01-28

Consolidated Recommendation

The City has no objections to consent application 'B' 4/21, however, recommend the remaining applications be refused.

Application Details

The applicant requests the approval of the Committee to sever parcels of land for the creation of two new lots.

The first parcel (file B3/21, Parcel A) has a frontage of approximately 8.5m (27.89ft) and an area of approximately 282.4sq.m (3,039.73sq.ft).

The second parcel (file B4/21, Parcel C) has a frontage of approximately 17.04m (55.91ft) and an area of approximately 565.00sq.m (6,081.61sq.ft).

A minor variance is requested for the Severed Lands of application B3/21 (Parcel A) to allow the construction of a new house proposing:

1. A lot frontage of 8.50m (approx. 27.89ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (approx. 49.21ft) in this instance;
2. A lot area of 282.40sq.m (approx. 3,039.73sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 550.00sq.m (approx. 5,920.15sq.ft) in this instance;
3. A lot coverage of 39.9% of the lot area whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.0% of the lot area in this instance;
4. A northerly side yard of 1.24m (approx. 4.07ft) measured to the second and third stories whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81m (approx. 5.94ft) to the second storey and 2.42m (approx. 7.94ft) to the third storey in this instance;
5. A southerly side yard of 0.63m (approx. 2.07ft) measured to the first, second and third stories whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m

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- (approx. 3.94ft) to the first storey, 1.81m (approx. 5.94ft) to the second storey and 2.42m (approx. 7.94ft) to the third storey in this instance;
6. A front yard of 4.28m (approx. 14.04ft) measured to the front porch and stairs whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m (approx. 24.61ft) measured to the front porch and stairs in this instance;
 7. A front yard of 6.00m (approx. 19.69ft) whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m (approx. 24.61ft) in this instance; and
 8. A front yard of 6.00m (approx. 19.69ft) measured to the garage whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m (approx. 24.61ft) measured to the garage in this instance.

A minor variance is requested for the Retained Lands of application B3/21 (Parcel B) to allow the construction of a new house proposing:

1. A lot frontage of 8.50m (approx. 27.89ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (approx. 49.21ft) in this instance;
2. A lot area of 282.60sq.m (approx. 3,041.88sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 550.00sq.m (approx. 5,920.15sq.ft) in this instance;
3. A lot coverage of 39.9% of the lot area whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.0% of the lot area in this instance;
4. A northerly side yard of 0.62m (approx. 2.03ft) measured to the second and third stories whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81m (approx. 5.94ft) to the second storey and 2.42m (approx. 7.94ft) to the third storey in this instance;
5. A southerly side yard of 1.22m (approx. 4.00ft) measured to the first, second and third stories whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (approx. 3.94ft) to the first storey, 1.81m (approx. 5.94ft) to the second storey and 2.42m (approx. 7.94ft) to the third storey in this instance;
6. A front yard of 3.60m (approx. 11.81ft) measured to the front porch and stairs whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m (approx. 24.61ft) measured to the front porch and stairs in this instance;
7. A front yard of 6.00m (approx. 19.69ft) whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m (approx. 24.61ft) in this instance; and
8. A front yard of 6.00m (approx. 19.69ft) measured to the garage whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m (approx. 24.61ft) measured to the garage in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) "[A12/21 & A13/21]" must be finalized

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Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) "[A12/21 & A13/21]" shall lapse if the consent application under file B3.21 B4.21 A12.21 A13.21 is not finalized within the time prescribed by legislation.

Background

Property Address: 1015 Strathy Avenue & 1059 Lakeshore Road East

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II, Mixed Use

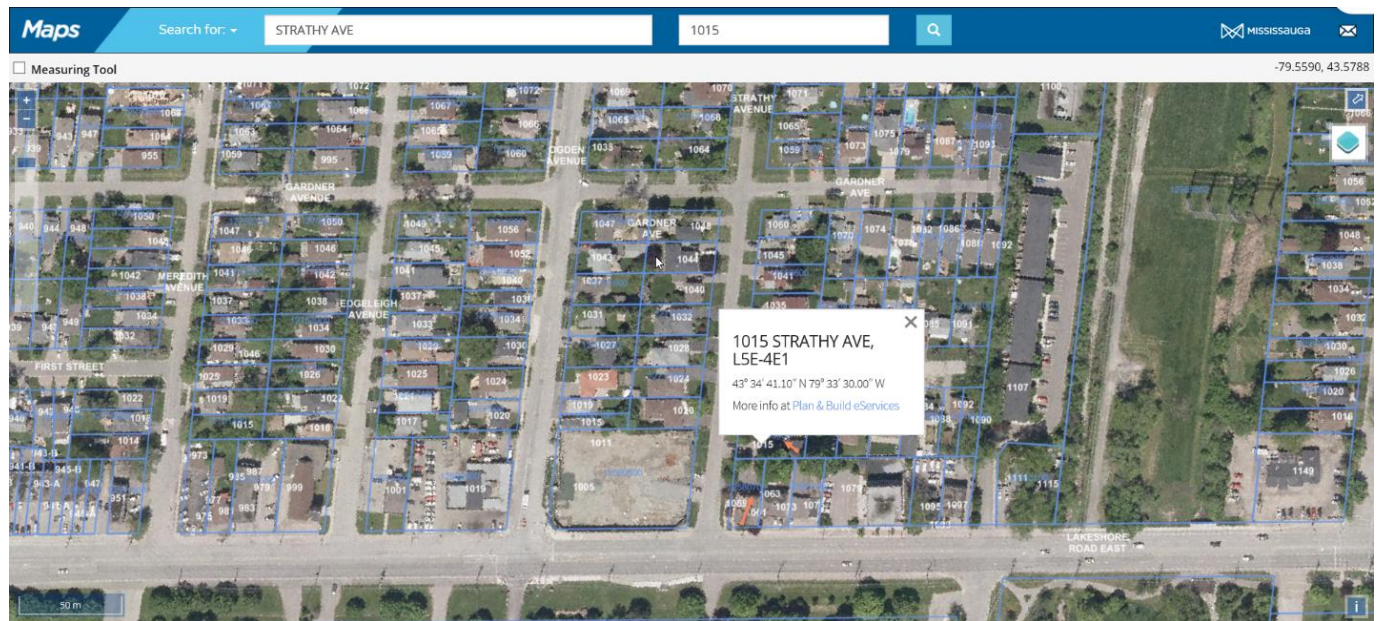
Zoning By-law 0225-2007

Zoning: R3-75, C4 (Residential, Commercial)

Site and Area Context

The subject site is located within the Lakeview Neighbourhood Character Area, north of Lakeshore Road East and Strathy Avenue. The immediate area fronting onto Lakeshore Road East mostly consists of a mix of manufacturing, commercial, residential and institutional uses. Immediately west of the subject site is a vacant parcel of land that is proposing to develop four storey stacked townhouses with commercial uses located on the ground floor fronting onto Lakeshore Road East. The area north of the subject property consists of detached dwellings with a fairly consistent lot fabric with frontages ranging from approximately 9.50 m to 15 m.

The applicant is proposing to sever the lot for the purpose of creating two new parcels to develop two detached dwellings that require variances related to lot frontage, lot area, lot coverage and deficient front and side yards.



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 are as follows:

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The applicant is proposing lot frontages of 8.50 m and lot areas of 282.40 m² whereas a minimum lot frontage of 15 m and lot area of 550 m² is required. The lot fronting onto Lakeshore Road East will remain the same. The application states that because both 1015 Strathy Avenue and 1059 Lakeshore Road East are owned by the applicant, there may be a need to re-establish the lots so they are not merged on title. As the lot fronting onto Lakeshore Road East will continue to function as is, staff have no objections to consent application 'B' 4/21.

The subject site is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP) which permits detached, semi-detached and duplex, triplex and other forms of low rise dwellings with individual frontages. The subject site is located within the Lakeview Village precinct and is subject to additional policies within the Lakeview Local Area Plan. 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 9 of 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 existing immediate neighbourhood has remained fairly consistent, having lot frontages of approximately 13 m to 15 m and larger lot sizes that represent a consistent streetscape. While there are some smaller sized lots within the immediate area having frontages of approximately 9.50 m to 10 m, these lots are generally in line with the R5 (Residential) zone regulations which contains the lowest lot sizes for detached dwellings, requiring a minimum lot frontage of 9.75 m and lot area of 295 m². The application proposes lots of a lesser size than what the by-law envisioned for detached dwellings. With the lots being of a significant reduced size, additional variances are required to accommodate the proposal.

While the subject property is on the periphery of Strathy Avenue and may be suitable for modest intensification, the application proposes significantly smaller lots for detached dwellings that are out of context with the residential neighbourhood. The proposed lot frontages may be better suited for semi-detached dwellings which would be more appropriate to be handled through a rezoning application.

Based on the preceding information, staff is of the opinion that the consent application does not conform to Section 51(24) of the *Planning Act*, more specifically, the application does not conform to the official plan and the proposed lot sizes are inappropriate for detached dwellings.

Conclusion

The Planning and Building Department has no objections to consent application 'B' 4/21, however, recommend the remaining applications be refused.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

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Appendices

Appendix 1 – Transportation and Works Comments

This Department has reviewed the request to create new parcels of land for residential purposes fronting onto Strathy. 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. 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 the 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

4. 5.0m Sight Triangle

The Owner will be required to gratuitously dedicate the following to the City of Mississauga a 5.0m sight triangle at the north-east corner of Lakeshore Road East and Strathy Avenue.

The dimensions related to right-of-way widths and required widenings are to be verified by the City's O.L.S., Al Jeraj at 905-615-3200 ext. 5789.

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The Owner is to contact Valeriya Danylova, Environmental Technologist at valeriya.danylova@mississauga.ca , 905-615-3200 ext. 5930 to ensure the required land dedication has no environmental conflicts.

This condition will be cleared upon receipt of confirmation from Legal Services identifying that the transfer has taken place and associated fees have been paid.

5. Environmental Site Screening Questionnaire

As per the land dedication requirement, an Environmental Site Screening Questionnaire and Declaration (ESSQD) must be filled out for the property, signed and dated by the owner, and witnessed by a commissioner of oaths and submitted to the Transportation and Works Department for review.

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.

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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 applicant is advised that there is no storm sewer system available in front of the proposed lot on Strathy 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.

5. CVC Approval

This site is situated within the Credit Valley Conservation regulated area. The applicant is therefore asked to contact the CVC for approvals.

We are noting that any Transportation and Works Department concerns/requirements for the Minor Variance application will be addressed under Consent Application 'B' 3 & 4/21.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The 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.

The applicant is advised that a completed zoning review may identify additional instances of zoning non-compliance. The applicant may consider applying for a preliminary zoning review application and submit working drawings for a detailed zoning review to be completed. A minimum of 6-8 weeks will be required to process a preliminary zoning review application depending on the complexity of the proposal and the detail of the information submitted.

Comments Prepared by: Brandon Eidner, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

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

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

1. The applicant shall provide a cash contribution of \$1,821.36 for planting of three (3) street trees on Strathy Avenue and Lakeshore Road East. 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. 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. 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 – Heritage

No Heritage Concerns

Comments Prepared by: John Dunlop, Manager, Heritage Planning

Appendix 5 – Region of Peel Comments

Consent Applications: B-3/21 & B-4/21

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,

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please call our Site Servicing Technicians at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca

For location of existing water and sanitary sewer Infrastructure please contact Records at 905-791-7800 extension 7882 or by e-mail at PWServiceRequests@peelregion.ca

Development Planning: Diana Guida (905) 791-7800 x8243

Please be advised that a portion of the subject property is located within the limits of the regulated area of the Credit Valley Conservation (CVC).

The Region relies on the environmental expertise of the CVC for the review of development applications located within or adjacent to this regulated area in Peel and their potential impacts on the natural environment. Regional Planning staff therefore, request that the Committee and city staff consider comments from the CVC and incorporate their conditions of approval appropriately.

Comments Prepared by: Diana Guida, Junior Planner

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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 (A12/21 & A13/21).
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 January 20, 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 January 20, 2020.