

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-01-20	File(s): B5.21 A20.21 A21.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-01-28

Consolidated Recommendation

The City has no objections to the requested consent and associated minor variance applications. The applicant may choose to defer the application to submit a zoning review and verify the accuracy of 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 5.90m (19.36ft) and an area of approximately 269.2sq.m (2,897.6sq.ft).

A minor variance is requested for the Severed Lands (A20/21) proposing a lot frontage of 5.90m (approx. 19.36ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 6.80m (approx. 22.31ft) in this instance.

A minor variance is requested for the Retained Lands (A21/21) proposing a lot frontage of 5.90m (approx. 19.36ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 6.80m (approx. 22.31ft) in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) "[A20/21 & A21/21]" must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A20/21 & A21/21 shall lapse if the consent application under file B5.21 is not finalized within the time prescribed by legislation.

Background

Property Address: 16 Maple Avenue North

Mississauga Official Plan

Character Area: Port Credit Neighbourhood (West)

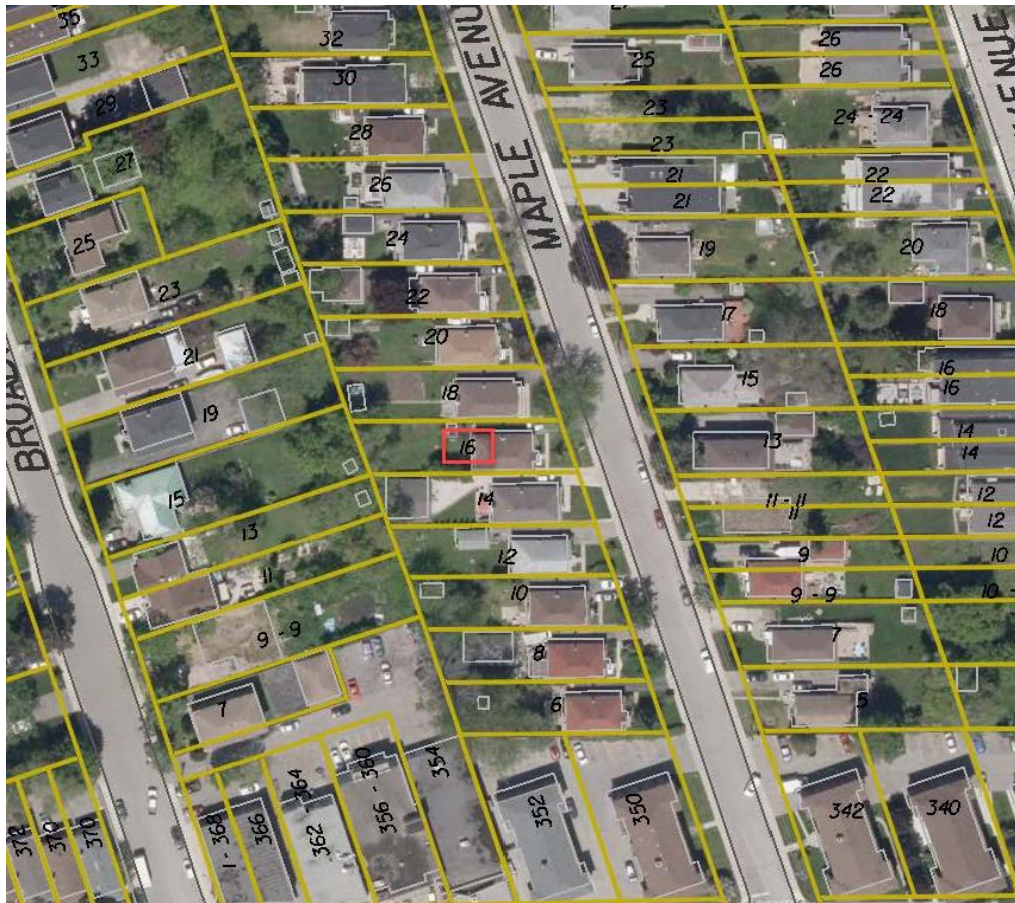
Designation: Residential Low Density II

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 Mississauga Road and Lakeshore Road West. Currently the subject property contains a detached dwelling with little vegetation. The surrounding area consists of one and two storey detached and semi-detached dwellings, with some mature vegetation. The existing lot fabric is eclectic, consisting of frontages ranging from approximately 6.30 m +/- to 14 m +/- . The applicant proposes to sever the lot for the purpose of constructing semi-detached dwellings which requires variances related to lot frontage.



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 retained and severed parcel propose lot frontages of approximately 5.90 m and lot areas of 269.20 m². The zoning by-law requires lot frontages of 6.80 m and lot areas of 200 m²

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 bylaw conformity and consolidation exercise which included public consultation. This led to the adoption of the current RM7 zone provisions.

The subject property is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan, which permits detached, semi-detached and duplex, triplex and other forms of low rise dwellings with individual frontages. The official plan policies for lands within the Port Credit Neighbourhood Character Area are contained within the Port Credit Local Area Plan in the North Residential Neighbourhood precinct (Shawnmarr/Indian Heights). Lands within the North Residential Neighbourhoods are predominately stable residential areas that allow for infill development that is compatible with and enhance the existing character of the area. The zoning by-law allows for a mix of residential uses and lot sizes, creating an eclectic lot fabric within the immediate and broader neighbourhood. The proposed consent application is consistent with the existing lot fabric of the surrounding area and can accommodate semi-detached dwellings.

Staff is of the opinion that the proposed application has due regard for Section 51(24) of the Planning Act, specifically that it conforms to the official plan and the dimensions of the shapes are consistent with the existing lot fabric. Furthermore, the proposed lot frontages maintain the general intent and purpose of the official plan.

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

Both minor variance applications 'A' 20/21 and 'A' 21/21 propose lot frontages of 5.90 m whereas 6.80 m is required. 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 surrounding area contains varied lot frontages ranging from approximately 6.30 m to 14 m. The RM7 (Residential) allows for a mix of lot frontages and dwelling types. As a result, the proposed frontages maintain the eclectic lot fabric and are compatible with the surrounding area. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

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

The application proposes semi-detached dwellings, maintaining the existing low rise context of the neighbourhood. The proposed lot frontages are compatible and appropriate within the context of the surrounding area and maintain the existing and planned character of the neighbourhood. The proposed frontages are appropriately sized and can sufficiently accommodate semi-detached dwellings. Staff is of the opinion that the applications represent orderly development of the lands and are minor in nature.

It should be noted that the proposed semi-detached dwellings should be developed in accordance with the by-law regulations as any further variances may not be supported by staff.

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 application to submit a zoning review and verify the accuracy of the requested variances.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

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. 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

We advise that there is an existing 525mm dia. storm sewer located on Maple Avenue North. Please note that a rear lot catch basin may be required to control site drainage at the rear of the property. 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 are noting that any Transportation and Works Department concerns/requirements for the Minor Variance applications will be addressed under Consent Application 'B' 5/21.

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

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 \$607.12 for planting of one (1) street tree on Maple Avenue North. 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

Regional Planning staff have reviewed the applications listed on the January 28th, 2021 Committee of Adjustment Agenda. We have no comments or objections.

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

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

Comments Prepared by: Diana Guida, 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 A20/21 & A21/21.
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.