

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-01-20	File(s): B56.20 A361.20 A362.20
To: Committee of Adjustment	Ward: 1
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 applications to submit a permit application and verify the accuracy of the variances.

## Application Details

The applicants request 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 9.32m (30.58ft) and an area of approximately 517.46sq.m (5,569.89sq.ft).

A minor variance is requested for the Severed lands (file A361/20) proposing:

1. A lot frontage of 9.32m (approx. 30.58ft) 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 517.46sq.m (approx. 5,569.89sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 550sq.m (approx. 5,920.15sq.ft) in this instance;
3. A Southerly side yard of 0.61m (approx. 2.00ft) measured to the 1st and 2nd stories, and 1.32m (approx. 4.33ft) to the 3rd storey whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.2m (approx. 3.94ft) measured 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;
4. A Northerly side yard of 1.0m (approx. 3.28ft) measured to the 1st storey garage, 1.23m (approx. 4.04ft) measured to the 2nd storey, and 1.94m (approx. 6.36ft) to the 3rd storey whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.2m (approx. 3.94ft) measured 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;
5. A front yard soft landscape area of 38.35% whereas By-law 0225-2007, as amended, requires a minimum front yard soft landscape area of 40% in this instance; and
6. A front yard setback of 6.0m (approx. 19.68ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.5m (approx. 24.60ft) in this instance.

A minor variance is requested for the Retained lands (file A362/20) proposing:

1. A lot frontage of 9.32m (approx. 30.58ft) 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 517.46sq.m (approx. 5,569.89sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 550sq.m (approx. 5,920.15sq.ft) in this instance;
3. A Northerly side yard of 0.61m (approx. 2.00ft) measured to the 1st and 2nd stories, and 1.32m (approx. 4.33ft) to the 3rd storey whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.2m (approx. 3.94ft) measured 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;
4. A Southerly side yard of 1.0m (approx. 3.28ft) measured to the 1st storey garage, 1.23m (approx. 4.04ft) measured to the 2nd storey, and 1.94m (approx. 6.36ft) to the 3rd storey whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.2m (approx. 3.94ft) measured 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;
5. A front yard soft landscape area of 39.07% whereas By-law 0225-2007, as amended, requires a minimum front yard soft landscape area of 40% in this instance; and
6. A front yard setback of 5.99m (approx. 19.65ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.5m (approx. 24.60ft) in this instance.

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

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) "[A361/20 & A362/20]" must be finalized

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

- Variance(s) approved under file(s) A361/20 & A362/20 shall lapse if the consent application under file B56.20 is not finalized within the time prescribed by legislation.

## **Background**

**Property Address:** 1140 Haig Boulevard

#### **Mississauga Official Plan**

Character Area: Lakeview Neighbourhood  
Designation: Residential Low Density I

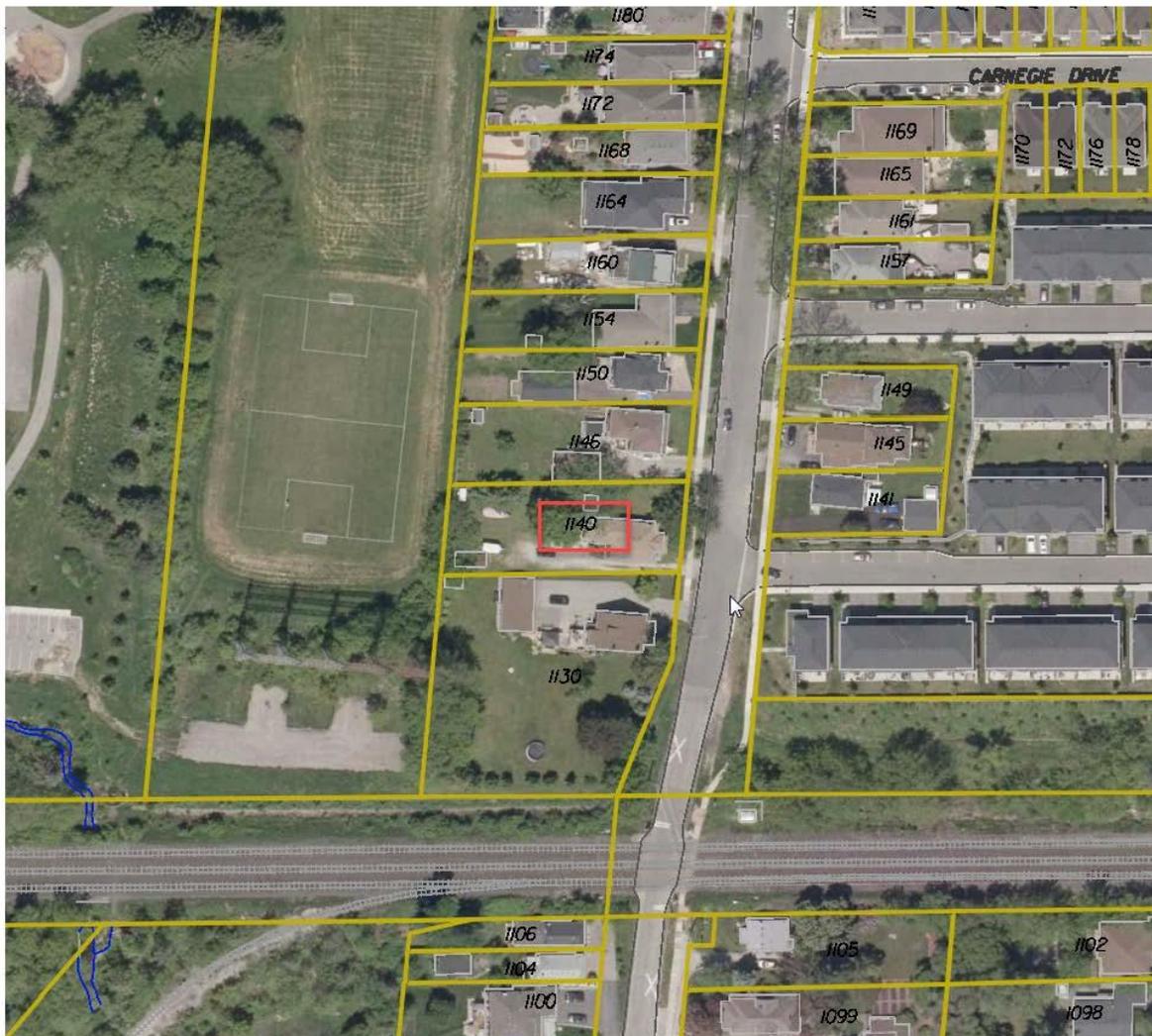
#### **Zoning By-law 0225-2007**

**Zoning:** R3-75 (Residential)

#### **Site and Area Context**

The subject property is located within the Lakeview Neighbourhood Character Area, north of Haig Boulevard and Lakeshore Road East, just beyond the railway corridor. The immediate neighbourhood contains an eclectic mix of detached, semi-detached and townhouse dwellings. The detached dwellings within the immediate area contain lot frontages ranging from approximately +/- 10 m to +/-15 m. The subject property contains an existing one storey detached dwelling with mature vegetation.

The applicant is proposing to sever the existing lot for the purposes of developing two detached dwellings, requiring variances related to the lot size side yards, eave height and soft landscaped area.



## 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 creating two new parcels having lot frontages of 9.32 m and lots areas of 517.46 m<sup>2</sup>. The zoning by-law requires lot frontages of 15 m and lot areas of 550 m<sup>2</sup>.

The subject property is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP) which permits detached, semi-detached and duplex dwellings. Additional official plan policies for lands within the Lakeview Neighbourhood Character Area are contained within the Lakeview Local Area Plan. The subject property is within the Serson Terrace boundary of the Central Residential Neighbourhood Precinct. As per Section 9.2.2 (f) of the Lakeview Local Area Plan, future multi-modal connections may be considered at some locations including Fourth Street to Haig Boulevard. Furthermore, Map 2 of the Lakeview Local Area Plan shows the potential future multi-modal connection from Fourth Street to Haig Boulevard. The Transportation and Works Department has indicated that the multi-modal connection may accommodate, where feasible, pedestrian and cycling routes and/or vehicular routes. Through discussions with the Transportation and Works Department, a future multi-modal connection is recommended at this location which would encompass a portion of the subject property. As such, a 3 m dedication has been recommended for the purpose of developing this connection. The proposed dedication alters the proposed frontages to approximately 9.32 m.

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 immediate area contains a varying lot fabric and mixture of dwelling types which defines the eclectic nature of the community. The proposed lots fit within the context of the neighbourhood and maintain similar frontages to existing lots within the immediate area. The proposal represents sensitive intensification that is compatible with the existing lot pattern that does not result in any unacceptable adverse impacts to the community. *Appendix 7* contains an overview of the lot frontages for detached dwellings within the immediate neighbourhood.

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 policies and the lot sizes are compatible with the surrounding neighbourhood.

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

Variance #1 and 2 on both minor variance applications propose lot frontages of 9.32 m and lot areas of 517.46 m<sup>2</sup> whereas 15 m and 550 m<sup>2</sup> 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 proposed lots generally maintain the existing and planned area context due to the eclectic lot fabric, with lot frontages ranging from 10 m to approximately 15 m frontages. The proposal is consistent with other lots within the immediate area and can accommodate detached dwellings that are in keeping with the character of the neighbourhood. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variances #3 and 4 relate to the deficient side yards measured to the first, second and third storey. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between abutting dwellings, the massing of primary structures are appropriately sized, and that access to the rear yard ultimately remains unencumbered. In this instance, the third storey is completely contained within the sloped roof and does not alter the overall height of the dwelling. The massing of the dwelling remains consistent with two storey sloped roof dwellings found in the neighbourhood. The proposed deficiencies are not out of context with the surrounding area and access to the rear yard will be preserved on the northerly side of the dwelling. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variances #5 and 6 propose a deficient front yard setback and soft landscape area. The intent of the zoning by-law is to ensure that a consistent character is maintained within the streetscape and that sufficient front yard space is incorporated into the design of neighbourhoods. In this instance, there are existing dwellings that maintain similar front yard setbacks as proposed in the applications which will limit the impact to the streetscape character. Furthermore, the soft landscaped area is a minor deviation from the zoning by-law that does not pose any significant adverse impact on the front yard from what is permitted. The front yard contains a sufficient amount of soft landscaping for the proposed lot, maintaining a consistent streetscape. As such, 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 proposed detached dwellings maintain the existing and planned character of the surrounding neighbourhood as deficient side yards represent a common characteristic of the area. The proposed dwellings are sufficiently separated from neighbouring properties and preserve access to the rear yard from one side of the dwellings. The proposed frontages maintain the existing lot pattern and are not out of context within the immediate neighbourhood. Furthermore, the proposed variances accommodate detached dwellings which are in keeping with the established scale and character of other dwellings within the neighbourhood, thereby not posing any unacceptable adverse impacts to the streetscape character. 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. Land Dedication for Multi Modal Connection

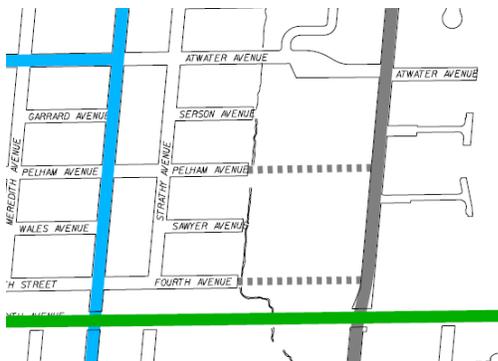
The applicant will be required to gratuitously dedicate a 3.00m along the southerly portion of the subject property for a future multi modal connection as identified in the Lakeview Secondary Plan. The dimensions related to right-of-way widths and required widening are to be verified by the City's O.L.S., Al Jeraj at 905-615-3200 ext. 5789. A multi-modal connection as noted in the plan may accommodate, where feasible, pedestrian and cycling routes and/or vehicular routes Section 9.2.2 (f) of the Lakeview Local Area Plan states:

“Improvements to the road network and active transportation routes that provide connectivity through Lakeview may be identified through a future Transportation Master Plan for the Lakeshore Road Corridor or through the development application process. Future multi-modal connections may accommodate, where feasible, pedestrian and cycling routes, and/or vehicular routes. Improved connections to the network may be considered at some locations, including but are not limited to the following:

##### f. Fourth Street to Haig Boulevard. “

Additionally, Map 2 of the Lakeview Secondary Plan highlights the potential future multi-modal connection from Fourth Street to Haig Boulevard.

#### Excerpts from Lakeview Secondary Plan - Map 2 below:



## TRANSPORTATION LEGEND

	Provincial Highway and Interchange
	Arterial
	Major Collector
	Major Collector (Scenic Route)
	Minor Collector
	Future Multi-modal Connection
	Existing Commuter Rail
	Higher Order Transit Corridor

For further information, please contact Ryan Au, Traffic Planning Coordinator at (905) 615-3200 ext. 3713 or [ryan.au@mississauga.ca](mailto:ryan.au@mississauga.ca)

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.

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](mailto:susie.tasca@mississauga.ca)

4. Notice of Floodplain Agreement

As the site is within the floodplain limits of Serson Creek, the owners will be required to enter into a Notice of Floodplain Agreement to save The City harmless from acts, actions, damages, or costs which may arise as a result of construction within the floodplain. For further information, please contact Lisa Nicoletta, Law Clerk, 905-615-3200 ext. 5413. The applicant is to pay the required Legal Services Section fee to initiate the process. Fees are to be paid in the form of a Certified Cheque in accordance with the current Fees and Charges By-Law. This condition will be cleared upon the passage of the by-law, receipt of proof of payment for the fee, and confirmation the agreement has been registered on title.

For further information, please contact Ghazwan Yousif, Storm Drainage Technologist at (905) 615-3200 ext. 3526 or [ghazwan.yousif@mississauga.ca](mailto:ghazwan.yousif@mississauga.ca)

5. Environmental Site Screening Questionnaire and Declaration (ESSQD)

As a land dedication for a multi-modal connection is being requested, 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.

If the responses indicate "Yes" or "Unknown" for majority of questions, then based upon review by City staff, the applicant may be required to submit a Phase One Environmental Site Assessment (ESA) prepared by a Qualified Person, as defined under s. 5 and 6 of O. Reg. 153/04 (QP). If the Phase One ESA indicates potential for contamination, a Phase Two ESA will be required. If contamination is confirmed, a Remedial Action Plan (RAP) and remediation completion reports that appropriately addresses the contamination will be required. All reports must be prepared in accordance with O. Reg. 153/04, signed and dated by a Qualified Person (as defined by section 5 and 6 under Ontario Regulation 153/04, as applicable).

For further information regarding the above noted comments, please contact Valeriya Danylova at (905) 615-3200 ext. 5930 or [valeriya.danylova@mississauga.ca](mailto:valeriya.danylova@mississauga.ca)

6. Fee Requirements as Per Fees and Charges By-Law

As per the City of Mississauga's Fees and Charges By-law there will be a fee required to be paid to the Legal Services Department for their services, in particular for the preparation of legal documents. The fee amount payable will be in accordance with the current Fees and Charges Bylaw and be submitted to the Transportation and Works Department in the form of a certified cheque.

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

## 4. Storm Sewer Outlet

The storm sewer outlet for this property is the existing 600mm Dia. Storm sewer located on Haig Boulevard. 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.

## 5. CVC Approval

The applicant is advised that these lands are situated within the floodplain of Serson Creek. Therefore they are advised to consult with Credit Valley Conservation for their approval.

We are noting that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 56/20.

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.

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

- 2 Choke Cherry Trees – Good Condition
- Japanese Lilac – 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 \$607.12 for planting of one (1) street trees on Haig Boulevard. 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 \$2,040.00 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](mailto: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**

##### **Deferred Consent Application: DEF-B-56/20**

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](mailto: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.

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

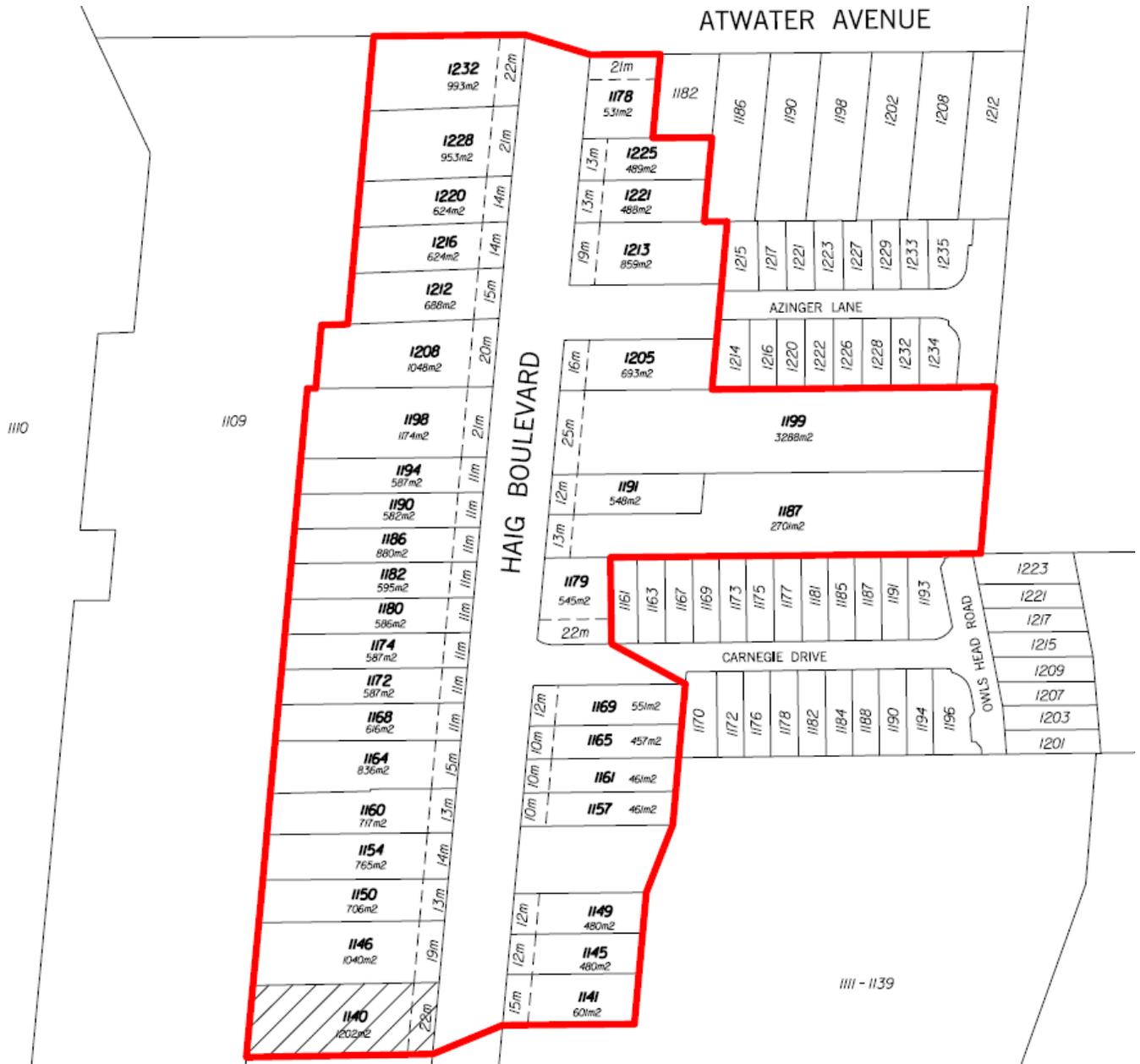
Please be advised that the subject property is located within the limits of the regulated area of the Credit Valley Conservation (CVC).

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

### Appendix 7 – Development and Design Division

Overview of lot frontages within the immediate area.



### 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 A361/20 & A362/20.
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.