

# City of Mississauga Department Comments

Date Finalized: 2024-03-28	File(s): B29.24 A156.24 A157.24 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-04-04 3:30:00 PM

## Consolidated Recommendation

The City recommends that the application be deferred.

## Application Details

B29/24

The applicant requests the Consent 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 7.58m (approx. 24.87ft) and an area of approximately 253.50sq m (2728.65sq ft).

A156/24

The applicant requests a minor variance for the severed lands (left unit) of B29/24 proposing:

1. A lot frontage of 7.58m (approx. 24.87ft) 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 253.50sq m (approx. 2728.65sq ft) whereas By-law 0225-2007, as amended requires a minimum lot area of 340.00sq m (approx. 3659.73sq ft) in this instance;
3. A lot coverage of 39.9% whereas By-law 0225-2007, as amended permits a maximum lot coverage of 35.0% in this instance;
4. An interior side yard setback of 1.24m (approx. 4.07ft) whereas By-law 0225-2007, as amended requires a minimum interior side yard setback of 1.80m (approx. 5.91ft) in this instance;
5. A setback to the railway of 11.07m (approx. 36.32ft) whereas By-law 0225-2007, as amended requires a minimum setback of 30.00m (approx. 98.43ft) in this instance;
6. A sloped roof building height of 10.77m (approx. 35.33ft) whereas By-law 0225-2007, as amended permits a maximum height of 9.50m (approx. 31.17ft) in this instance;
7. A flat roof building height of 9.68m (approx. 31.76ft) whereas By-law 0225-2007, as amended permits a maximum building height of 7.50m (approx. 24.61ft) in this instance;
8. An eaves height of 7.47m (approx. 24.51ft) whereas By-law 0225-2007, as amended permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance; and,
9. A front yard porch encroachment (including stairs) of 2.25m (approx. 7.38ft) whereas By-law 0225-2007, as amended permits a maximum encroachment of 1.60m (approx. 5.25ft) in this

instance.

A157/24

The applicant requests a minor variance for the retained lands (right unit) of B29/24 proposing:

1. A lot frontage of 7.58m (approx. 24.87ft) 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 253.50sq m (approx. 2728.65sq ft) whereas By-law 0225-2007, as amended requires a minimum lot area of 340.00sq m (approx. 3659.73sq ft) in this instance;
3. A lot coverage of 39.9% whereas By-law 0225-2007, as amended permits a maximum lot coverage of 35.0% in this instance;
4. An interior side yard setback of 1.25m (approx. 4.10ft) whereas By-law 0225-2007, as amended requires a minimum interior side yard setback of 1.80m (approx. 5.91ft) in this instance;
5. A setback to the railway of 10.66m (approx. 34.97ft) whereas By-law 0225-2007, as amended requires a minimum setback of 30.00m (approx. 98.43ft) in this instance;
6. A sloped roof building height of 10.77m (approx. 35.33ft) whereas By-law 0225-2007, as amended permits a maximum height of 9.50m (approx. 31.17ft) in this instance;
7. A flat roof building height of 9.68m (approx. 31.76ft) whereas By-law 0225-2007, as amended permits a maximum building height of 7.50m (approx. 24.61ft) in this instance;
8. An eaves height of 7.47m (approx. 24.51ft) whereas By-law 0225-2007, as amended permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance; and,
9. A front yard porch encroachment (including stairs) of 1.96m (approx. 6.43ft) whereas By-law 0225-2007, as amended permits a maximum encroachment of 1.60m (approx. 5.25ft) in this instance.

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

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A156.24 and A157.24 must be finalized

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

- Variance(s) approved under file(s) A156.24 and A157.24 shall lapse if the consent application under file B29.24 is not finalized within the time prescribed by legislation.

## **Background**

**Property Address:** 958 Fourth Street

**Mississauga Official Plan**

**Character Area:** Lakeview Neighbourhood

Designation: **Residential Low Density II**

**Zoning By-law 0225-2007**

**Zoning: RM1-26- Residential**

**Other Applications:**

### **Site and Area Context**

The subject property is located within the Lakeview Neighbourhood Character Area, north of the Lakeshore Road East and Alexandra Avenue intersection. The neighbourhood contains a mix of detached and semi-detached dwellings with approximate frontages ranging from 8.5m to 18m (27.89ft to 59.1ft). On Fourth street, a few lots located within the immediate area have lot frontages of approximately 6m (19.69ft) dating back to the original plan of subdivision.

The subject property contains an existing one-storey detached dwelling. The applicant is proposing to sever the existing lot for the purposes of developing semi-detached dwellings, requiring variances relating to lot frontage, lot area, coverage, setbacks and heights.



## **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 2020 (PPS 2020) 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 request are as follows:

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.

Planning staff note that the subject property abuts the Metrolinx railway corridor which has significant railway traffic volumes and noise levels. Section 6.10.4.1 of the MOP, states that every effort should be made to achieve the sound level limits specified by the applicable Provincial Government environmental noise guideline for an outdoor living area (55 dBA or less). Planning staff echo Transportation and Works staff's request to defer the application to allow the applicant an opportunity to provide a noise and vibration impact study, to determine the feasibility of the proposed severance. According to T&W staff, excess noise above the limit will not be acceptable if it exceeds 60 dBA.

Planning staff have also identified concerns regarding the proposed dwelling heights and are unable to adequately evaluate the lot coverage variances, as a breakdown of the lot coverage has not been provided.

Based on the preceding, Planning staff recommends that the applications be deferred.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

#### A156/24 and A157/24

**We are noting that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' B29.24.**

**Should Committee see merit in the applicant's request we are providing the following conditions/requirements for Committee's consideration:**

Through our initial review of this application, we anticipate some issues/concerns which may have a significant impact on the feasibility of proposed severance. Further review and analysis need to be undertaken to ensure that the proposed outdoor living area (OLA) and building design for the 2 lots can be adequately mitigated to Ministry of the Environment, Conservation and Parks (MECP) requirements for noise and vibration emanating from railway activities adjacent to the site. Until a detailed noise and vibration study is submitted for review, this Department cannot support the application in its current form. We note that this section of the Metrolinx railway corridor has significant railway traffic volumes and noise levels emanating from the railway traffic as has been exhibited in other noise and vibration studies along this railway corridor.

For the applicant's information, an OLA is identified in the Environmental Noise Guidelines (Publication NPC-300) of the MECP. A minimum area of 56.00m<sup>2</sup> (602.79sq.ft.) is required for single family dwellings to be protected.

In addition, under Section 6.10.4.1 of Mississauga Official Plan, states that every effort should be made to achieve the sound level limits specified by the applicable Provincial Government environmental noise guideline for an outdoor living area (55 dBA or less). Only in cases where the required noise attenuation measures are not feasible for technical, economic, aesthetic, or administrative reasons would excess noise above the limit (55 dBA) be acceptable, with a warning clause to prospective purchasers, consistent with the applicable Provincial Government environmental noise guideline. In these situations, any excess noise above the limit will not be acceptable if it exceeds 60 dBA.

In view of the above noted concerns, we strongly request that this application be deferred to provide the applicant an opportunity to provide the required noise and vibration impact study to determine the feasibility of the proposed severance.

G. Russell,  
Supervisor, Development Engineering South  
905-615-3200, ext. 5833

Comments Prepared by: Geoff Russell, Supervisor, Development Engineering - South

## **Appendix 2 – Zoning Comments**

Zoning has no objection to the Consent application provided that the severed and retained lands comply with the provisions of Zoning By-law 0225-2007, as amended, with respect to, among other things, minimum lot frontage, minimum lot area, setbacks to the existing building(s), on site parking, etc., or alternatively, that any minor variance(s) is approved, final and binding and/or the demolition of any existing building(s) is complete.

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: Minan Song, Planner in Training

## **Appendix 3 – Parks, Forestry & Environment**

The Parks and Culture 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 on Fourth Street:

- Norway Maple (47 cm DBH) – Good Condition – \$4,300.00

Should the application be approved, Community Services wishes to impose the following condition(s):

1. The applicant shall provide tree protection securities in the amount of \$4,300.00 for the preservation of the municipal trees.
2. No public trees shall be injured or removed. If public tree removal is required, a permit must be issued as per By-law 0020-2022.
3. No private trees shall be injured or removed. If a private tree with a diameter of 15 centimetres or greater on private property is to be injured or destroyed, a permit must be issued as per By-law 0021-2022.

In addition, Community Services notes the following:

1. The applicant shall provide framed tree hoarding at the dripline of the above noted trees prior to any construction to the satisfaction of City of Mississauga Forestry Staff. Please

call Matthew McMullen at 905-615-3200 ext. 3508 or Mike Newbold at 905-615-3200 ext. 8280 to arrange a hoarding inspection.

2. Payment for street tree fees and other 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 made payable to "The Corporation of the City of Mississauga". A Submission of Fees and Securities form is required to process payment. Please contact Nicholas Rocchetti to request a Submission of Fees and Securities form and any other inquiries regarding the payment process.
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 Nicholas Rocchetti, Planner in Training - Park Assets, Community Services Department at 905-615-3200 ext. 4659 or via email Nicholas.Rocchetti@mississauga.ca.

Comments Prepared by: Nicholas Rocchetti, Planner in Training

#### **Appendix 4 – CVC Comments**

Please see below CVC comments for minor variance application for the above-mentioned property:

Although our online mapping indicates that a portion of the subject site at 958 4<sup>th</sup> St in Mississauga is regulated by CVC, we have had a chance to review and the subject property is not located within CVC's Regulated Area. As such, a CVC permit is not required for development on this property and we do not need to be circulated the formal application for review.

If you have any questions or concerns, please do not hesitate to contact me.

Comments Prepared by: Stuti Bhatt, Junior Planner

#### **Appendix 5 – Metrolinx**

##### **958 Fourth Street - B29.24, A156.24, A157.24**

Metrolinx is in receipt of the Minor Variance application for 958 Fourth St to facilitate the severance of the lands for the purpose of creating a new lot and to facilitate the construction of a new 2-storey semi-detached dwelling on both the severed and retained lot with a proposed setback of 10.66m to the mutual (Metrolinx rail corridor) property line. Metrolinx's comments on the subject application are noted below:

- The subject property is located adjacent of Metrolinx's Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.

#### Advisory Comments:

- Metrolinx would like to note that additional drainage from the proposed development is not permitted onto Metrolinx-owned lands, without prior approval from Metrolinx and our Technical Advisor, AECOM.
- The proposed development is adjacent to the Metrolinx Rail Corridor Right-of-Way, and may be subject to a work permit and review. The Proponent can find more information on the submission requirements here:  
<https://www.metrolinx.com/en/about-us/doing-business-with-metrolinx/development-opportunities/construction-beside-go-corridors>.
- In addition to the technical review (by our Technical Advisor AECOM), it should be noted that various Metrolinx permits/approvals/agreements with associated fees may be required for implementation/construction. For example, this includes, but not limited to, private property when works are proposed within 30ft (~10m) of an active rail. This includes, but is not limited to, works involving, shoring, tiebacks and crane swing(i.e. crane, crane boom/crane swing) that fall within 30ft of the active rail.
- As such, these permits/approvals/agreements with their required fees and processing timelines in advance of proposed work, should be factored into your construction cost and schedule accordingly. More detail can be provided as the application and details progress.
- The Proponent may contact [Farah.Faroque@metrolinx.com](mailto:Farah.Faroque@metrolinx.com) with questions and to preliminarily assess if work permits/flagging/additional approvals/agreements may be required for this proposal.

#### Conditions of Approval:

- As Per Metrolinx's Adjacent Development Guidelines, derailment protection in the form of a safety barrier (e.g. Crash wall, earthen berm, etc.) is required for residential uses immediately adjacent to the rail corridor. For infill development, safety barriers are often infeasible. In these instances, the Proponent will be required to enter into an Infill Adjacent Development Agreement with Metrolinx. The Proponent may contact [Farah.Faroque@metrolinx.com](mailto:Farah.Faroque@metrolinx.com) with any questions and for a copy of the Infill Adjacent Development Agreement.



- As per section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, the Owner shall grant Metrolinx an environmental easement for operational emissions. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property. A copy of the form of easement is included for the Owner's information. The applicant may contact [Farah.Faroque@metrolinx.com](mailto:Farah.Faroque@metrolinx.com) with questions and to initiate the registration process. (It should be noted that the registration process can take up to 6 weeks).
- The Proponent shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the Railway Corridor:
  - **Warning:** Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. There may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

Comments Prepared by: Farah Faroque, Project Analyst – Third Party Projects Review

## Appendix 6 – Region of Peel

**Minor Variance and Consent: A-24-156M, A-24-157M, B-24-029M / 958 Fourth Street**  
Development Engineering: Wendy Jawdek (905)-791-7800 x6019

### Comments:

- We have no objection with the adjustment of the lots provided water services curb stops and boxes are in grass areas and minimum 1.0m from the edge of the driveway. Water services and appurtenances must have horizontal separation of minimum 1.2m from all utilities and structures.
- 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 contact Servicing Connections by email at [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca)

- Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Site Servicing approvals are required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections by email at [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca)
- All unutilized water and sanitary services shall be abandoned in accordance with Region of Peel design specifications. For more information, please contact Servicing Connections by email at [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca)
- Proposals to connect to an existing service lateral require approval from a Region of Peel inspector at construction stage.
- The applicant shall verify the location of the existing service connections to the subject site and the contractor shall locate all existing utilities in the field. Requests for underground locates can be made at <https://www.ontarioonecall.ca/portal/>
- For location of existing water and sanitary sewer Infrastructure please contact Records by e-mail at [PWServiceRequests@peelregion.ca](mailto:PWServiceRequests@peelregion.ca)

Planning: Ayooluwa Ayoola (905) 791-7800 x8787

**Comments:**

- The subject land is in the regulated area of the Credit Valley Conservation Authority (CVC). We rely on the environmental expertise of the CVC for the review of development applications located within or adjacent to the regulated area in Peel and the impact of natural hazards on proposed development. We therefore request that the City staff consider comments from the CVC and incorporate their requirements appropriately. Final approval of this application requires all environmental concerns to be addressed to the satisfaction of the CVC.

Comments Prepared by: Ayooluwa Ayoola, 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. ("A" 156/24, "A" 157/24)
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 Mar 28, 2024.
5. A letter shall be received from the City of Mississauga, Park Planning, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated Mar 28 , 2024.
6. A letter shall be received from the Region of Peel, Development Services/Public Works, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated Mar 25, 2024.
7. A letter shall be received from Metrolinx indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated Mar 26, 2024.
8. A letter shall be received from the Credit Valley Conservation indicating that satisfactory arrangements have been made with respect to payment of the "Review Fee", and their comments dated Mar 11, 2024.