

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-03-31	File(s): B18.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2021-04-08 1:00 PM

Consolidated Recommendation

The City recommends that the application be refused.

Application Details

The applicant requests the approval of the Committee to sever a parcel of land for the purposes of a lot addition. The parcel of land has a width of approximately 15.24m (50.00ft) and an area of approximately 551.7sq.m (5,938.4sq.ft).

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

Background

Property Address: 1434 Cawthra Road

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-1 (Residential)

Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, north of Cawthra Road and Atwater Avenue. The immediate area west of Cawthra Road consists mostly of one and two storey detached dwellings. However, a Place of Religious Assembly and stacked back to back townhouse development is located south of the subject property, at the corner of Cawthra Road and Atwater Avenue. The subject property contains an existing two storey dwelling with mature vegetation within the front yard.

The application proposes to sever the rear portion of the subject property and add the severed lands to 1438 Cawthra Road, creating a flag shaped lot.



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:

The severed parcel proposed to be added to 1438 Cawthra Road has a width of 15.24 m and area of approximately 551.70 m². The application states that the purpose of the lot addition is to extend the development lands to the north which is currently going through a Plan of Subdivision (T-M19002) review and associated Official Plan and Zoning By-law Amendment (OZ 18-10) application.

The development to the north proposes 12 townhouses and 4 detached dwellings accessed by a Common Element Condominium (CEC) Road. The application was received for information at the Planning and Development Committee (PDC) hearing on February 19th, 2019. To date, a PDC hearing has not been scheduled for the recommendation report.

Should the development applications to the north be approved by Council, a rezoning application would be required on the subject lands in order to proceed with a similar type of development. As such, the proposed consent application is premature as it is based on the development to the north being approved by Council. Furthermore, the extension of the CEC road requires a successful rezoning application. Finally, staff are not supportive of flag shaped lots on their own as they can present an undesirable feature of a dwelling directly abutting another dwellings rear yard.

Based on the preceding information, staff is of the opinion that the application should be refused under Section 51(24) of the *Planning Act*, more specifically, that the application is premature.

Conclusion

The Planning and Building Department recommends that the application be refused.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This Department has reviewed the application submitted and consider the application **premature** at this time and cannot support the request. We advise Committee that there are active Draft Plan of Subdivision and Rezoning applications for the lands immediately to the north of the subject property at 1438 Cawthra Road under Files T-19002 and OZ 18/010 for 4 detached and 12 townhouse dwellings fronting onto a Common Element Condominium Road (CEC). These applications have not proceeded to a recommendation report at Planning and Development Committee to determine if the use and plan of subdivision is appropriate at this location. The subject application is dependant on the northerly lands applications for access, servicing, etc.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 5 – Region of Peel Comments

We have no comments or objections.

Comments Prepared by: Diana Guida, Junior Planner

Appendix 7 – Bell Canada

Bell Canada's engineering department have determined that there are no concerns or issues with the application.

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.

Lot Addition

- a. Subsection 50(3) and/or 50(5) of the Planning Act, shall apply to any subsequent conveyance or transaction that is subject to this consent and the Secretary-Treasurer's Certificate shall contain reference to this stipulation.
- b. The severed portion shall merge into common ownership with the lands municipally know as 1438 Cawthra Road, Mississauga Ontario. If required the applicant may have to submit a letter form a lawyer describing how the two properties will be merged,