

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-03-31	File(s): B19.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2021-04-08 1:00 PM

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 verify 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 11.43m (37.50ft) and an area of approximately 557.43sq.m (6,000.13sq.ft).

A minor variance is requested for the Severed Lands (A104/21) proposing a lot frontage of 11.43m (approx. 37.50ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 12.00m (approx. 39.37ft) in this instance.

A minor variance is requested for the Retained Lands (A105/21) proposing a lot frontage of 11.43m (approx. 37.50ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 12.00m (approx. 39.37ft) in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A104.21 & A105.21 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A104.21 & A105.21 shall lapse if the consent application under file B19.21 is not finalized within the time prescribed by legislation.

Background

Property Address: 17 Ben Machree Drive

Mississauga Official Plan

Character Area: Port Credit Neighbourhood (West)

Designation: Residential Low Density I

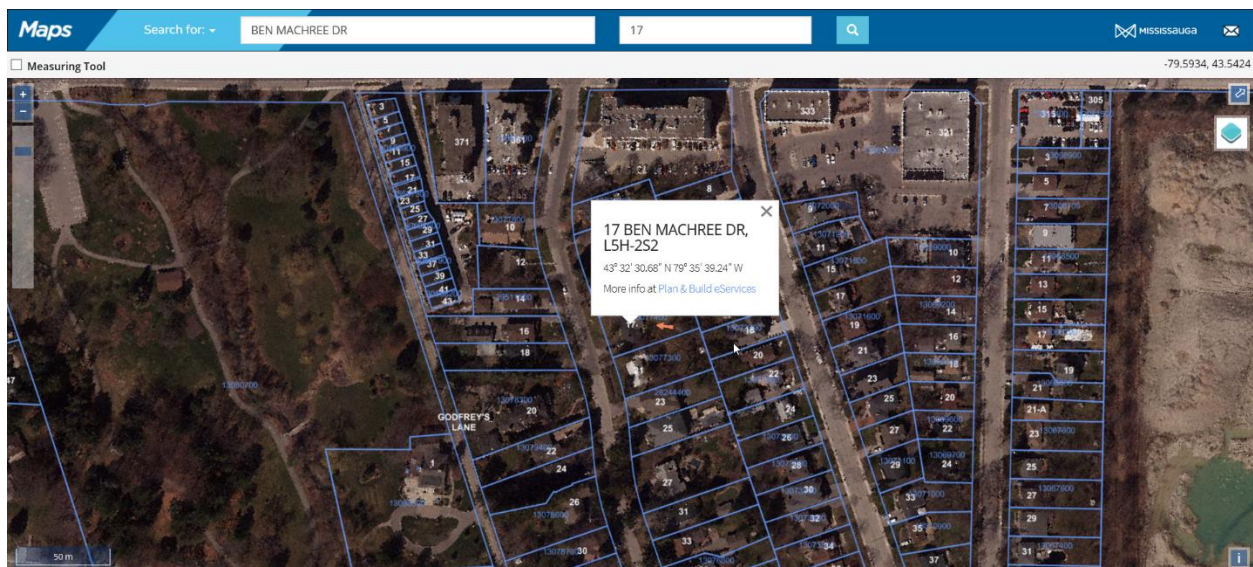
Zoning By-law 0225-2007

Zoning: R15-2 (Residential)

Site and Area Context

The subject property is located within the Port Credit Neighbourhood Character Area, southwest of Mississauga Road and Lakeshore Road West. The immediate area is primarily low density residential, consisting of lot frontages ranging from +/- 12 m to +/- 23 m containing one and two storey detached dwellings with significant mature vegetation. The subject property has a lot frontage of approximately 22.86 m and contains an existing one storey dwelling.

The applicant is proposing to sever the lot for the purpose of creating two new parcels to develop detached dwellings. As a result, variances for lot frontage are required.



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.

The Growth Plan's guiding principles support the realization of complete communities. Section 2.2.2 (3) requires municipalities to encourage intensification generally throughout the delineated built-up area. The proposed development represents efficient growth within a built up area, allowing for the efficient utilization of the lands. Intensification is not confined solely to identified Intensification Areas but rather, is something that may occur throughout a settlement area, subject to its compatibility with the area context and existing development. In the Mississauga Official Plan (MOP) the word 'compatible' means development, which may not necessarily be the same as, or similar to, the existing or desired development, but nonetheless enhances an established community and coexists with existing development without unacceptable adverse impact on the surrounding area. The proposal is consistent with the general directive in provincial policy as it represents sensitive intensification within the settlement area that will not negatively impact the character of the neighbourhood.

Staff comments concerning the applications for consent and the four tests to the minor variance request are as follows:

The severed and retained parcels propose lot frontages 11.43 m and lot areas of approximately 557.43 m². The zoning by-law requires lot frontages of 12 m and lot areas of 460 m².

The subject property is designated Residential Low Density I in Schedule 10 of MOP which permits, detached, semi-detached and duplex dwellings. The official plan policies for lands within the Port Credit Neighbourhood Character Area are contained within the Port Credit Local Area Plan and are within the South Residential (Cranberry Cove) precinct. As per Section 16.1.2.1, 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. Furthermore, Section 5.2.3 (Neighbourhoods) of the Port Credit Local Area Plan anticipates some change within neighbourhoods and states that new development does not have to mirror existing development types/densities, but will respect the character of the area. Recognizing that intensification does not have to mirror existing development, the proposed severance is sensitive to the existing and planned character of the neighbourhood and will not result in significant adverse impacts to the community.

The Neighbourhood Character Area policies in Section 10.3 of the Port Credit Local Area Plan ensures that development is sensitive to the existing low rise context of the neighbourhood and reinforces its planned character. The surrounding area contains examples of similar sized lots which has not destabilized the existing and planned area context. The surrounding area also contains a mix of detached, duplex and triplex dwellings, which contributes to the eclectic nature of the surrounding area. The proposed lots are consistent with the intended vision of the Port Credit Neighbourhood as well as the zoning by-law. The proposed lot frontages represent the intended lot size required by the zoning by-law.

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 and is suitable for the purpose of developing two detached dwellings.

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

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 a number of lots with similar frontages that do not destabilize the existing and planned area context. The proposed lot frontages are consistent with these lots and have a similar impact to what the zoning by-law permits. The proposed frontages do not pose any significant adverse impact from the smaller lots that was planned for the community. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

It should be noted that while staff are supportive of the proposed variances regarding lot frontage, should there be a future application which proposes further variances for a detached dwelling, staff may not be supportive of the application as the regulations within the by-law can be met.

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

The intent of the application is to create two lots for the purpose of developing detached dwellings, maintaining the existing low rise context of the neighbourhood. The proposed lots maintain the general context of the surrounding area and will not result in significant adverse impacts to the existing and planned character of the community. The zoning by-law planned for smaller sized lots where appropriate. The application represents the efficient use of land by promoting sensitive intensification within the neighbourhood that will not destabilize the character of the neighbourhood. 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 verify the requested 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. 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.

Upon the review of an Overall Grading and Drainage Plan it may be determined that a catch basin may be required and satisfactory arrangements will have to be made for the construction of any required catch basin.

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 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

The applicant will be required to apply for Access Modification Permits prior to Site Plan Approval and/or Building Permit Issuance.

We advise the applicant that all costs incurred in providing any new driveway entrances to the subject lands or any modifications/reinstatement required (including the existing driveway), 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.

4. Storm Sewer Outlet

The applicant is advised that there is no storm sewer system available in front of the proposed lot on Ben Machree Drive. 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. 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 this property will be addressed under Consent Application 'B' 19/21.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

We note that a building permit application is required. In the absence of a building permit application we are unable to confirm the accuracy of the information provided, or determine

whether additional variance(s) may be required. It should be noted that a zoning review has not been completed.

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future. Alternatively, the applicant may wish to apply for a pre-zoning review application and submit working drawings in order that a detailed zoning review may be completed. A minimum of 6-8 weeks will be required to process a pre-zoning review application depending on the complexity of the proposal and the detail of the information submitted.

Comments Prepared by: A. McCormack

Appendix 3 – Parks, Forestry & Environment

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 \$1,214.24 for planting of two (2) street trees on Ben Machree Drive. 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

The property has archaeological potential due to its proximity to a present or past watercourse or known archaeological resource. The proponent shall carry out an archaeological assessment of the subject property and mitigate, through preservation or resource removal and documenting, adverse impacts to any significant archaeological resources found. No grading or

other soil disturbances shall take place on the subject property prior to the approval authority and the Ministry of Heritage, Sport, Tourism, and Culture Industries confirming that all archaeological resource concerns have met licensing and resource conservation requirements. Letters to this effect from said Ministry corresponding to each archaeological assessment report and activity are required to be submitted to the Culture Division for review. This should be a condition of approval if the proposal is approved.

Comments Prepared by: P. Wubbenhorst, Heritage Planner

Appendix 5 – Region of Peel Comments

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 7 – Bell Canada

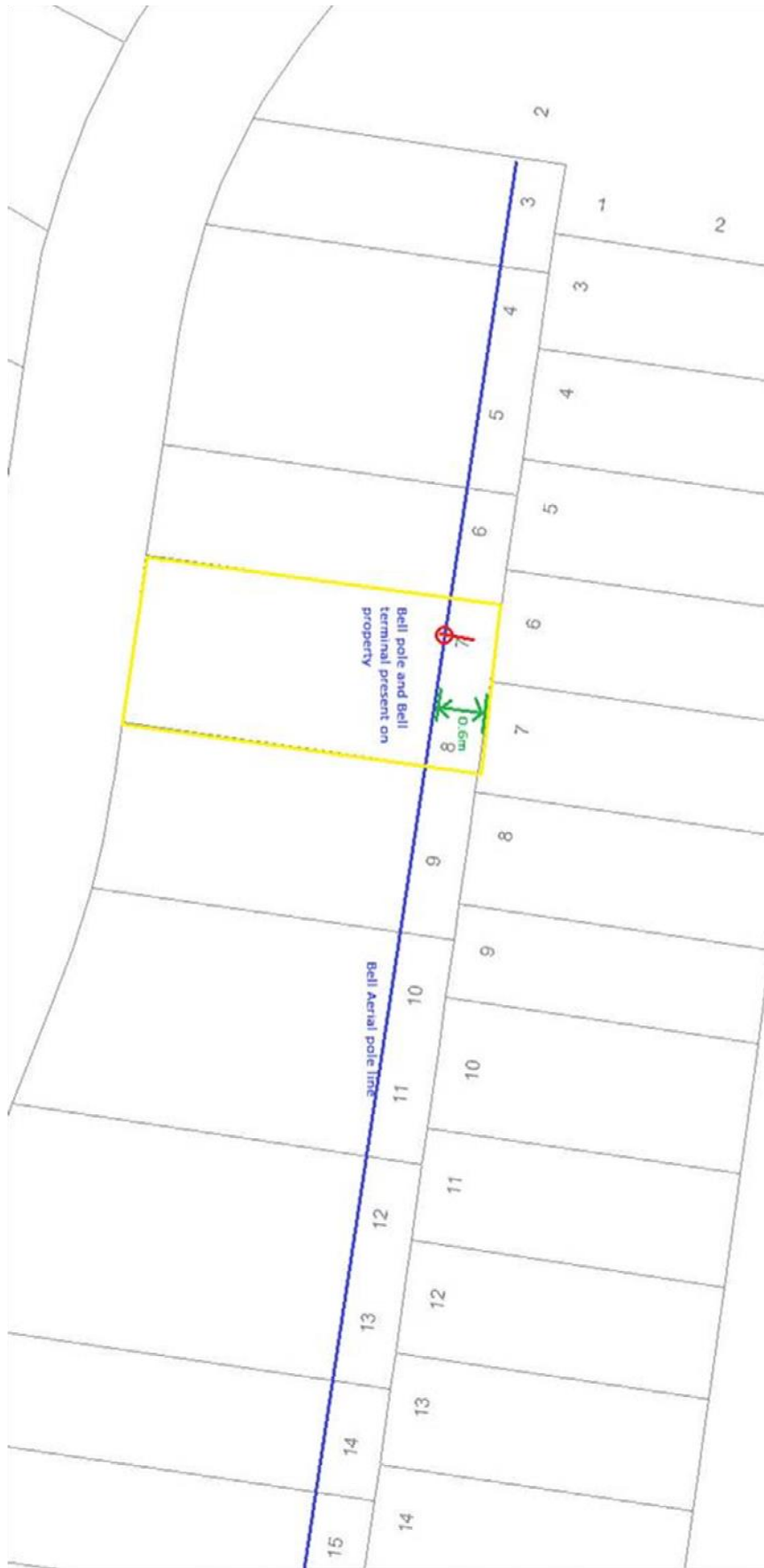
Subsequent to review of the Severance Application by our local Engineering Department it has been identified that Bell Canada will require a transfer of easement over these lands, to protect existing rear-lot aerial facilities, supply service to the properties and to maintain service in the area. According to our records, Bell has aerial cable that runs parallel to the northeast property boundary at 17 BEN MACHREE DR and is found approximately 0.6 m from the rear lot boundary. We request the easement be the full length of the facilities, as shown on the attached sketch.

Bell Canada would like to confirm that a blanket easement over the lands or a 3.0m wide corridor to be measured 1.5m on either side of the aerial cable, then to extend from the pole to a minimum of 1.0m past any anchor installation to be measured 0.5m on either side of the guy as can be accommodated would satisfy our needs.

Since the easement is necessary in order to provide and maintain service to this area, all costs associated with this transaction is the responsibility of the landowner. Compensation should be set to the nominal amount of \$2.00 for the acquisition of these rights. Additionally, Bell Canada requires separate, registered postponements for any mortgages and certification of title.

We hope this proposal meets with your approval and request a copy of the Committee of Adjustments decision. We look forward to the owners' Solicitor contacting us with a draft reference plan and accompanying draft easement documents for our approval prior to registration, along with an acknowledgement and direction for our execution.

If you have any questions or concerns, please feel free to contact me.



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 (A104.21 & A105.21).
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 March 31, 2021.
5. A letter shall be received from the City of Mississauga, Community Services Department, Culture Division, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated March 31, 2021.
6. A letter shall be received from the City of Mississauga, Community Services Department, Culture Division, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated March 31, 2021.
7. A letter shall be received from Bell Canada, Right-of-way, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated March 31, 2021.