

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-04-14	File(s): B21.21 A130.21 A131.21 Ward: 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-04-22 1:00 PM

Consolidated Recommendation

The City recommends the requested consent and associated minor variance applications be refused.

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 15.63m (51.28ft) and an area of approximately 820.10sq.m (8,827.48sq.ft).

A minor variance is requested for the Severed lands (A130/21) proposing a lot frontage of 15.63m (approx. 51.28ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 22.50m (approx. 73.82ft) in this instance.

A minor variance is requested for the Retained lands (A131/21) proposing a lot frontage of 15.18m (approx. 49.80ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 22.50m (approx. 73.82ft) in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A130/21 & A131/21 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A130/21 & A131/21 shall lapse if the consent application under file B21/21 is not finalized within the time prescribed by legislation.

Background

Property Address: 2564 Sharon Crescent

Mississauga Official Plan

Character Area: Erindale Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R1-9 - Residential

Other Applications: None

Site and Area Context

The subject property is located within the Erindale Neighbourhood Character Area, north-west of the Glengarry Rd and Dundas St W intersection. The surrounding area primarily consists of one and two-storey detached dwellings with lot frontages +/- 20.0m and mature vegetation and landscaping in the front yards. The subject property contains an existing, one-storey detached dwelling with moderate vegetation and landscape elements in the front and rear yards.

The application proposes to sever the parent lot in order to create two new lots, being the severed and retained lots. This severance requires variances for lot frontage on both the severed and retained lots.



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 of the land by 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 application proposes a severed lot with a lot frontage of 15.18m and a lot area of 789.4m² leaving the retained lot with a frontage of 15.63m and an area of 820.01m². The zoning by-law requires lot frontages of 22.5m and a minimum lot area of 750.0m².

The subject property is located within the Erindale Neighbourhood, and is designated Residential Low Density I by the Mississauga Official Plan (MOP). Section 16.1.2.1 of MOP states, to preserve the character of lands designated Residential Low Density I and Residential Low Density II, the minimum frontage and area of the new lots will be evaluated in the context of the existing lot pattern in the surrounding area. Section 5 of MOP promotes development with appropriate urban form and site design, directing that such development is compatible with the surrounding context and the landscape of the character area. The majority of Sharon Crescent is comprised of large lots with detached dwellings. Moreover, there are lots within the immediate area that possess lot frontages of 15m to 16m, which are generally out of character for the area.

As per Zoning By-law 0225-2007, the subject property is zoned R1-9 (Residential). In accordance with Table 4.2.1 (R1- R5 Permitted Uses and Zone Regulations), this zone requires a minimum lot frontage of 22.5m. Staff note, the surrounding neighbourhood is in transition and undergoing gentle rejuvenation in the form of additions and new dwellings. Although the majority of lots on Sharon Crescent are large lots with average frontages larger than what is being proposed; the evolving neighbourhood has a mix of older and newer one and two storey detached dwellings, on lots with a mix of lot frontages and sizes. Staff note that other severances have taken place within the immediate area for the purposes of constructing new dwellings with similar lot frontages of 15m to 16m. These severances have not resulted in any palpable unacceptable adverse impacts for the neighbourhood as a whole. Nonetheless, the proposed lot frontages do not meet the requirements of the zoning by-law.

Based on the preceding information the Planning and Building Department cannot support this application in principle and recommends the consent and associated minor variance applications be refused.

Comments Prepared by: Brooke Herczeg RPP, 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. 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.

3. Services to Existing Dwelling

Acknowledging that there is an existing dwelling on the retained lands (2564 Sharon Crescent), the owner of the subject lands is to review their records and be satisfied that any underground services to this property are located such that the services are confined within the limits of the residual lands. Should it be determined that there are any services which will conflict with the new property limits, the owner would have the option of abandoning that service(s) and arranging for the construction of a new service(s) in the proper location, or alternatively protect it by means of a private easement.

For further information regarding the above noted comments, please contact Tony Iacobucci at (905) 615-3200 ext. 5129 or tony.iacobucci@mississauga.ca

B. GENERAL INFORMATION1. 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 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.

The applicant is also advised that the City of Mississauga has completed a Master Plan of Study of Dundas Street through the Dundas Connects Project. This study explores ways to incorporate higher order transit on Dundas Street and investigates opportunities for associated transit-orientated development. Further information can be found at:

<https://mississauga.ca/projects-and-strategies/city-projects/dundas-connects/>.

4. Storm Sewer Outlet

We note that the storm sewer outlet for the subject lands is the 450mm storm sewer on Sharon Crescent; however, it should be noted that the lands to be severed will not have access to the 450mm storm sewer as the sewer does not extend to the frontage of severed lands.

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In situations where no storm sewers exist, the City allows sump pumping to grade. The applicant is also advised that the City does not have any knowledge of existing groundwater elevations on the property. The sump pump and weeping tile should be placed 1 metre above the seasonal groundwater elevation to avoid continuous operation of the sump pump. It is the owner's responsibility to satisfy themselves with these conditions as the City has no obligation to address any concerns with the operating conditions of private sump pump systems.

We are noting that any Transportation and Works Department concerns/requirements for Minor Variance applications 'A' 130 & 131/21 will be addressed under Consent Application 'B' 21/21.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

We have no objection to the consent application provided that the severed and retained lands comply with the provisions of Zoning By-law 225-2007, 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.

Lot frontage is to be calculated in accordance with the following definition:

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 7.5m back from the front lot line.

Comments Prepared by: Brian Bonner, 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:

- 3 Norway Spruce – 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.

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2. The applicant shall provide tree protection securities in the amount of \$15,800.00 for the preservation of the 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.

Comments Prepared by: Jim Greenfield, Park Planner

Appendix 5 – Region of Peel Comments

Consent Application: B-21/21

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

Comments Prepared by: Diana Guida, Junior Planner

Appendix 7 – Bell Canada

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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 (A130-131/21).
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 April 14, 2021.
5. A letter shall be received from the City of Mississauga, Community Services Department, Park Planning Division, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated April 14, 2021.