

City of Mississauga

Memorandum:

City Department and Agency Comments

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| Date Finalized: 2021-04-21 | File(s): B24.21 A142.21 Ward: 2 |
| To: Committee of Adjustment | |
| From: Committee of Adjustment Coordinator | Meeting date:2021-04-29 1:00 PM |

Consolidated Recommendation

The City has no objections to the requested consent and associated minor variance application. The applicant may choose to defer the application to verify the requested lot frontage.

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 18.27m (59.94ft) and an area of approximately 1,319sq.m (14,198sq.ft).

A minor variance is requested for the Severed Lands (A142/21) proposing a lot frontage of 18.27m (approx. 59.94ft) 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) A142.21 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A142.21 shall lapse if the consent application under file B24.21 is not finalized within the time prescribed by legislation.

Background

Property Address: 1379 & 1385 Clarkson Road North

Mississauga Official Plan

Character Area: Clarkson-Lorne Park Neighbourhood
Designation: Greenlands, Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3-2 - Residential

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, north of Clarkson Road North and the hydro corridor. The immediate area consists primarily of low density residential uses, containing one and two storey detached dwellings with significant mature vegetation. Immediately west of the subject property is Springcreek Cemetery. The subject property contains an existing one storey detached dwelling with mature vegetation throughout the lot.

The applicant is proposing to sever the existing lot being 1385 Clarkson Road North, requiring a variance for a deficient lot frontage.



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 are as follows:

The severed parcel proposes a lot frontage of 18.27 m and lot area of 1,319 m². The zoning by-law requires a lot frontage of 22.50 m.

Through discussions with the applicant's agent, both 1379 and 1385 Clarkson Road North are under the same ownership. As such, there is a concern that the lots may have been merged. The proposed severance is to give clear legal standing to the existing lot and ensure that the deficient lot frontage is legalized, allowing for the future transfer of the property.

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. 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. The surrounding area contains a mix of residential lots with lot frontages ranging from an approximate minimum of 18 m and greater. 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. Furthermore, the proposed lot frontage is compatible with the surrounding lot fabric, limiting any potential impact to the streetscape character.

Based on the preceding information, staff is of the opinion that the application conforms to Section 51(24) of the *Planning Act*, more specifically, the application conforms to the official plan and the proposed size of the lot is compatible with the surrounding area.

Minor Variance

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 lot frontage generally maintains the existing and planned area context. The proposal is consistent with other lots within the immediate area, maintaining the lot fabric of the surrounding neighbourhood. Furthermore, the proposed lot can accommodate a detached dwelling in keeping with the character of the neighbourhood. As such, staff is of the opinion that the application maintains the four tests set out in Section 45(1) of the *Planning Act*.

Conclusion

The Planning and Building Department has no objections to the requested consent and associated minor variance application. The applicant may choose to defer the application to verify the requested lot frontage.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This Department has reviewed the request to create a new parcel of land for residential purposes fronting onto Clarkson Road North. 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.

2. Municipal Address Requirement

Prior to the issuance of final consent, satisfactory arrangements are to be made with the 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. Dedication of Clarkson Road North Widening

The Owner will be required to gratuitously dedicate a road allowance widening towards the ultimate 22.0m right of way for Clarkson Road North to the City of Mississauga as identified in the Official Plan. The applicant's surveyor is to prepare and submit two draft reference plans (detailing the required lands) to this section for review and approval. Following this approval, the applicant's surveyor should deposit the accepted draft reference plan and forward a copy of the registered plan to the City's Legal Services Section to finalize the process. This condition will be cleared upon receipt of confirmation from Legal Services identifying that the transfer has taken place and associated fees have been paid.

The dimensions related to right-of-way widths and required widenings are to be verified by the City's O.L.S., Al Jeraj at 905-615-3200 ext. 5789.

This condition will be cleared upon receipt of confirmation from Legal Services identifying that the transfer has taken place and associated fees have been paid.

Should the applicant require more information with regards to the above, please contact Lahini Senthil-kumaran from our Traffic Section at 905 615-3200 ext. 5798 or Lahini.Senthil-kumaran@mississauga.ca

4. Establishment of Top of Bank for Birchwood Creek and Easement Dedication

Satisfactory arrangements must be made with CVC in regards to the determining the top of bank of the Birchwood Creek and whether it is contained within the subject property. Upon confirmation that the top of bank is contained within the subject lot, the applicant shall dedicate gratuitously and easement for all lands below the top of bank. The Community Services Department and Credit Valley Conservation Authority are to stake out the top-of-bank and natural features in order to establish the limits of the top of bank lands to be included in the easement. We note that all lands that are within the easement dedicated to The City of Mississauga are to be free and clear of any existing structures. Should no portion of the subject lands fall below the top of bank of the Birchwood Creek, this condition will be deemed to be satisfied for the purposes of clearing this condition solely.

5. Required Draft 'R' Plan

For Item A3 above and should Item A4 be required, the applicant/owner will be required to provide a draft 'R' Plan and a letter/schedule prepared by the applicant's solicitor which would specifically describe the Clarkson Road widening and the established top of bank.

The template is provided on the City's website under Terms of Reference:
<http://www.mississauga.ca/portal/residents/terms-of-reference>

6. Environmental Site Screening Questionnaire

As per the land dedication requirement, 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.

For any clarification or questions regarding this requirement please contact Valeriya Danylova at x5930.

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.

4. Storm Sewer Outlet

The storm sewer outlet for these lands is the existing 525mm diameter storm sewer system located on Clarkson Road North.

Please note that in cases of a high groundwater table where a sump pump could run continuously if a sump pump was implemented, the applicants should consider raising the basement elevation to be at least 1.0 metre above the groundwater level. 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.

For further information please contact Ghazwan Yousif at (905) 615-3200 ext. 3526.

5. CVC Approval

This site is situated within the Credit Valley Conservation regulated area. Written approval for the proposal is to be obtained from CVC.

We are noting that any Transportation and Works Department concerns/requirements for the minor variance application for this property will be addressed under Consent Application 'B' 24/21.

Comments Prepared by: John Salvino, 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.

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: 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.

Should the application be approved, Community Services wishes to impose the following conditions:

1. The applicant shall provide tree protection securities for public and private trees as part of a future site plan control application.
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 the severance approval.

Comments Prepared by: Andrew Douglas, Heritage Analyst

Appendix 5 – Region of Peel Comments

Consent Application: B-24/21

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

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

Please be advised that a portion of the subject property is located within an area the Regional Official Plan (ROP) designates as Core Area - Valley Corridor of the Greenlands System in Peel, under Policy 2.3.2. The subject property is also located within the limits of the regulated area of the Credit Valley Conservation (CVC).

Within the above-mentioned designations, ROP policies seek to protect environmental resources. The Region relies on the environmental expertise of the CVC for the review of applications located within or adjacent to Core Areas of the Greenlands Systems 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.

Minor Variance Application: A-142/21

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

Please be advised that a portion of the subject property is located within an area the Regional Official Plan (ROP) designates as Core Area - Valley Corridor of the Greenlands System in Peel, under Policy 2.3.2. The subject property is also located within the limits of the regulated area of the Credit Valley Conservation (CVC).

Within the above-mentioned designations, ROP policies seek to protect environmental resources. The Region relies on the environmental expertise of the CVC for the review of applications located within or adjacent to Core Areas of the Greenlands Systems 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 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 (A142.21).
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 21, 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 21, 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 April 21, 2021.