

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-04-21	File(s): B26.21 A147.21 A148.21 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-04-29 1:00 PM

Consolidated Recommendation

The City recommends that the 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 has a frontage of approximately 9.30m (30.51ft) and an area of approximately 676.84sq.m (7285.46sq.ft).

A minor variance is requested for the severed lands of application B26/21 to allow the construction of a new house proposing:

1. A lot area of 676.84sq.m (approx. 7285.46sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 695.00sq.m (approx. 7480.92sq.ft) in this instance;
2. A lot frontage of 9.30m (approx. 30.51ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 18.00m (approx. 59.06ft) in this instance;
3. A side yard (easterly) of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 2.41m (approx. 7.91ft) in this instance; and
4. An side yard (westerly) of 1.83m (approx. 6.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 2.41m (approx. 7.91ft) in this instance.

A minor variance is requested for the retained lands of application B26/21 to allow the construction of a new house proposing:

1. A lot area of 652.13sq.m (approx. 7019.47sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 695.00sq.m (approx. 7480.92sq.ft) in this instance;
2. A lot frontage of 9.30m (approx. 30.51ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 18.00m (approx. 59.06ft) in this instance;
3. A side yard (easterly) of 1.83m (approx. 6.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 2.41m (approx. 7.91ft) in this instance; and

4. An side yard (westerly) of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 2.41m (approx. 7.91ft) in this instance.

Background

Property Address: 1345 Festavon Court

Mississauga Official Plan

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

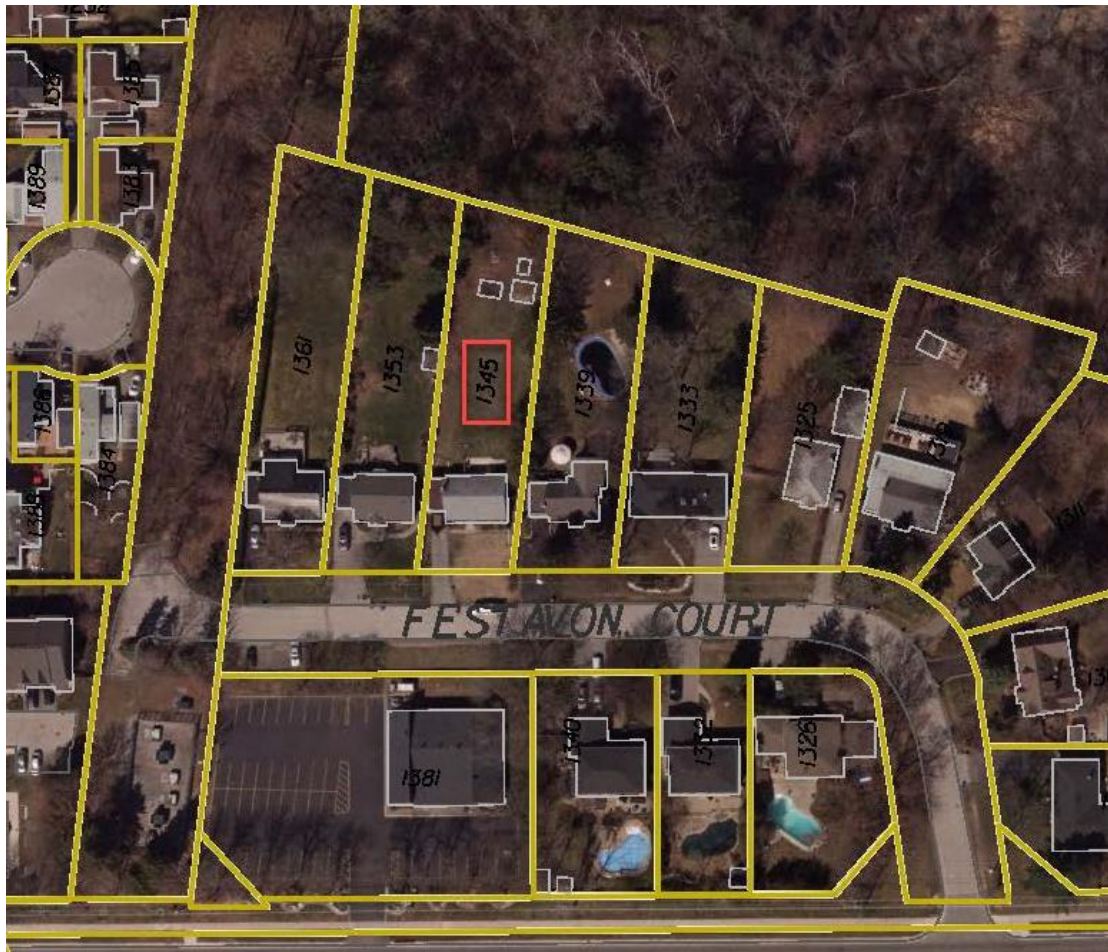
Zoning By-law 0225-2007

Zoning: R2-1 - Residential

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, northwest of Lakeshore Road West and Lorne Park Road. The neighbourhood is primarily residential consisting of one and two storey detached dwelling with significant mature vegetation. Immediately across the subject property is a Place of Religious Assembly. The residential lots in the area maintain a minimum lot frontage greater than 17 m. Abutting the subject property at the rear is Birch Glen Park, a Significant Natural Area that contains Birchview Creek. The subject property has a lot frontage of 18.60 m and contains an existing one storey detached dwelling.

The applicant is proposing to sever the subject property for the purpose of developing two detached dwellings that require variances related to lot frontage, lot area and deficient side yards.



Comments

Planning

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. Approval of applications must meet the requirements set out under 45(1) and/or 45(2) (a) or (b) in the *Planning Act*.

Staff comments concerning the consent and minor variance applications are as follows:

The application proposes a retained and severed parcel both having a lot frontage with a lot area of 676.84 m² for the severed parcel and 652.13 m² for the retained parcel. The zoning by-law requires a minimum lot frontage of 18 m and lot area of 695 m². Lot frontages and areas of the neighbourhood can be found in *Appendix 7* of this report.

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. Section

16.1.2.1 states that development is 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. In this instance, Festavon Court is located off of Lakeshore Road West and is hidden from the main road. It does not connect to other areas with a different form of housing, resulting in the study area being limited to Festavon Court. Through a review of the area, the residential frontages are consistent with no lots having a frontages less than 17 m. As such, the proposed frontages represent a significant deviation from the existing character of the neighbourhood. Furthermore, Section 5.3.5 (Neighbourhoods) states that neighbourhoods are not meant to remain static, however, when new development occurs, it should be sensitive to the neighbourhood's existing and planned character. While new development does not have to mirror existing development, the proposed severance would result in lot frontages less than the R5 (Residential) zone, which contains the lowest lot frontages for detached dwellings in the City of Mississauga. Additionally, the proposed design of the dwellings, due to the severance, results in a built form that is out of character with the neighbourhood. The proposed severance is not compatible with the lot fabric of the neighbourhood and does not maintain the planned character of lots envisioned within the zoning by-law.

Based on the preceding information, staff is of the opinion that the consent application does not conform to Section 51(24) of the *Planning Act*, more specifically, that the application does not conform to the official plan and the proposed size of the lots are not compatible with the neighbourhood.

As staff is not supportive of the proposed consent application, the minor variances that are required to implement the severance should also be refused.

Conclusion

The Planning and Building Department recommends that the consent and associated minor variance applications be refused.

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.

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

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 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 applicant is advised that there is no storm sewer system available in front of the proposed lot on Festavon Court. 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.

5. CVC Approval

The applicant will be required to obtain written approval from The Credit Valley Conservation for this proposal.

We are noting that any Transportation and Works Department concerns/requirements for the minor variance applications for this property will be addressed under Consent Application 'B' 26/21.

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.

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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 a cash contribution of \$1,214.24 for planting of two (2) street tree on Festavon Court. 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

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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-26/21

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 Areas - Woodland, Core Areas - Valley Corridor, and Core Areas – Environmentally Significant Areas of the Greenlands System in Peel under Policy 2.3.2.

A portion of 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 Applications: A-147/21 & A-148/21

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 Areas - Woodland, Core Areas - Valley Corridor, and Core Areas – Environmentally Significant Areas of the Greenlands System in Peel under Policy 2.3.2.

A portion of 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 6- Conservation Authority Comments

Credit Valley Conservation (CVC) staff have reviewed the subject application and offer comments based on the following roles and responsibilities:

1. Watershed Based Resource Management Agency and Public (commenting) Body under the *Planning Act* - providing comments based on CVC's Board approved policies;
2. Planning Advisory Services - providing environmental planning and technical advice/comments based on service agreements or memorandum of understanding;
3. Delegated Responsibilities – providing comments representing the provincial interest regarding natural hazards (except forest fires) as identified in Section 3.1 of the *Provincial Policy Statement (2020)*;
4. Regulatory Responsibilities – providing comments to ensure the coordination of requirements under the *Conservation Authorities Act Section 28 regulation*, to eliminate unnecessary delay or duplication in process;
5. Source Protection Agency – providing advisory comments to assist with the implementation of the *CTC Source Protection Plan* under the *Clean Water Act*, as applicable.

SITE CHARACTERISTICS:

Based on our mapping, the subject property appears to be regulated due to valley slope associated with Birchwood Creek. Other natural heritage features of CVC interest on and adjacent to the property includes the Peel Greenlands, Environmentally Significant Area (ESA), City of Mississauga Natural Heritage System (NHS), and the Credit River Watershed NHS. It is the policy of CVC and the Province of Ontario to conserve and protect the significant physical, hydrological

and biological features associated with the functions of the above noted characteristics and to recommend that no development be permitted which would adversely affect the natural features or ecological functions of these areas.

ONTARIO REGULATION 160/06:

The property is subject to the Development, Interference with Wetlands, and Alterations to Shorelines & Watercourses Regulation (Ontario Regulation 160/06). This regulation prohibits altering a watercourse, wetland or shoreline and prohibits development in areas adjacent to the Lake Ontario shoreline, river and stream valleys, hazardous lands and wetlands, without the prior written approval of CVC (i.e. the issuance of a permit).

Proposal:

It is our understanding that the applicant requests the approval of the Committee to sever a parcel of land for the creation of a new lot. The severed parcel of land has a frontage of approximately 9.30m (30.51ft) and an area of approximately 676.84sq.m (7285.46sq.ft).

A minor variance is requested for the severed lands of application B 21/026 to allow the construction of a new house proposing:

1. A lot area of 676.84sq.m (approx. 7285.46sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 695.00sq.m (approx. 7480.92sq.ft) in this instance;
2. A lot frontage of 9.30m (approx. 30.51ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 18.00m (approx. 59.06ft) in this instance;
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A minor variance is requested for the retained lands of application B 21/026 to allow the construction of a new house proposing:

1. A lot area of 652.13sq.m (approx. 7019.47sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 695.00sq.m (approx. 7480.92sq.ft) in this instance;
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Comments:

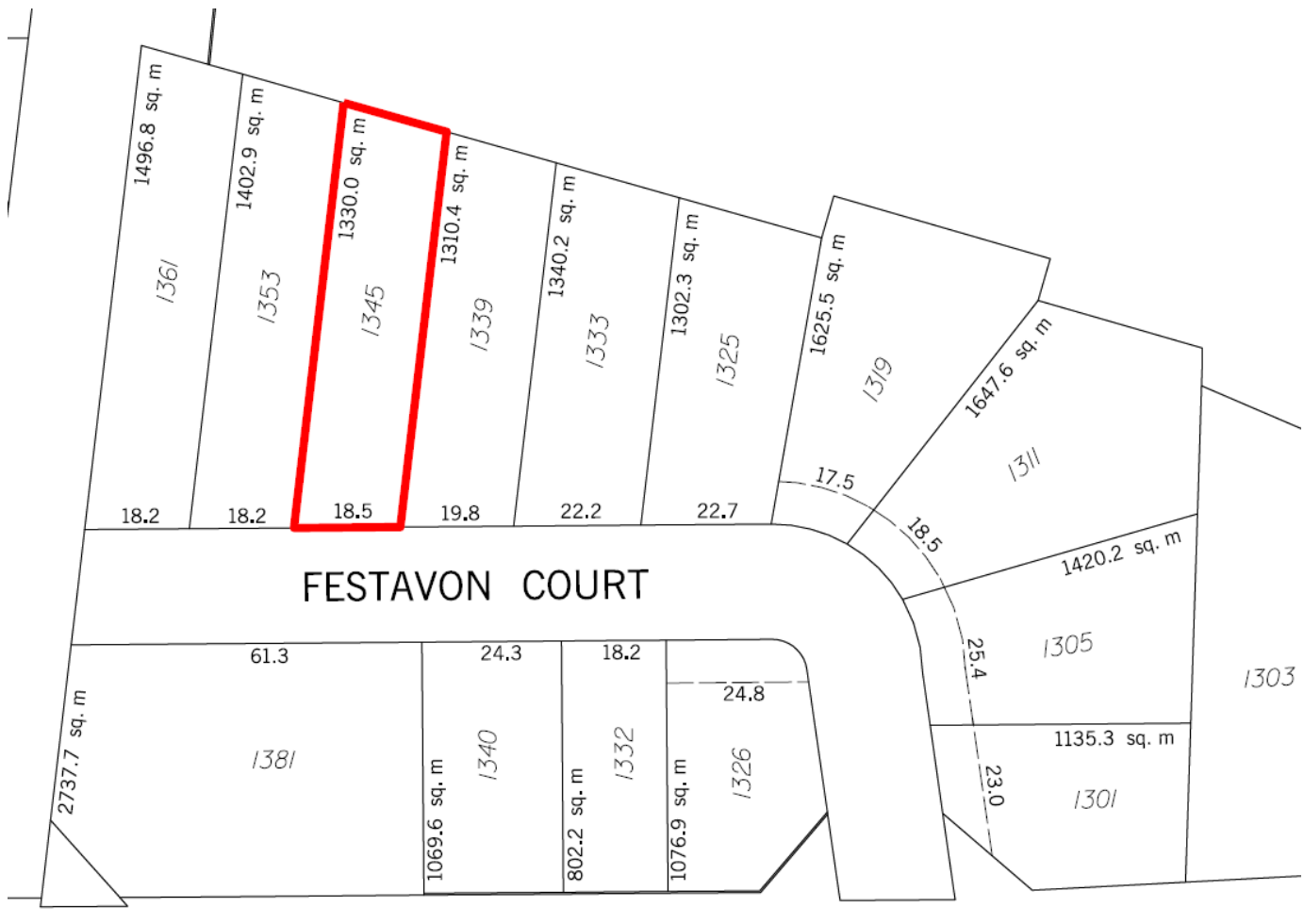
Based on our review of the information, CVC staff have concerns with regards to the valley slope at the rear of the property. CVC staff generally require that new lots be located outside of any natural hazards or features and setback 10m from the greatest of the constraints. A site visit to confirm the natural hazards and features on the property will be required.

On this basis, CVC staff request a **deferral** of the severance and minor variance applications to the Committee until such time that a site visit has been conducted and any outstanding concerns have been addressed.

I trust that these comments are sufficient. Please do not hesitate to contact the undersigned at 905-670-1615 (ext. 236) should you have any further questions or concerns.

Comments Prepared by: Elizabeth Paudel, Junior Planner

Appendix 7 – Development and Design Division – Lot frontage and area map



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 (A147-148.21).
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.