

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-05-27	File(s): B32.21 A191.21 A192.21 Ward: 8
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-06-03 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 of land has a frontage of approximately 15.24m (50ft) and an area of approximately 845.74sq.m (9,103.47sq.ft).

A minor variance is requested for the Severed lands (A191/21) proposing:

1. A lot frontage of 15.24m (approx. 50.00ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 22.50m (approx. 73.82ft) in this instance;
2. An interior side yard of 2.41m (approx. 7.91ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 4.20m (approx. 13.78ft) in this instance; and
3. A lot coverage of 30% of the lot area whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25% of the lot area in this instance.

A minor variance is requested for the Retained lands (A192/21) proposing:

1. A lot frontage of 15.24m (approx. 50.00ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 22.50m (approx. 73.82ft) in this instance;
2. An interior side yard of 2.41m (approx. 7.91ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 4.20m (approx. 13.78ft) in this instance; and
3. A lot coverage of 30% of the lot area whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25% of the lot area in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) "A191-192.21" must be finalized

City Department and Agency Comments	File: B32.21 A191.21 A192.21	2021/05/27	2
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Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A191.21 & A192.21 shall lapse if the consent application under file B32.21 is not finalized within the time prescribed by legislation.

Background

Property Address: 1949 Lincoln Green Way

Mississauga Official Plan

Character Area: Sheridan Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R1 - Residential

Site and Area Context

The subject property is located within the Neighbourhood Character Area, east of Erin Mills Parkway and Lincoln Green Way. The immediate neighbourhood is primarily residential, consisting of large lots with frontages of approximately 23 m and greater, containing either a one or two storey detached dwelling, with significant mature vegetation. South of the subject property is the hydro corridor and Sheridan Mall. The subject property contains an existing one storey dwelling with significant mature vegetation throughout the lot.

The applicant is proposing to sever the existing lot, creating two new parcels for the development of two detached dwellings. The proposed consent application requires variances related to lot frontage, side yard setback, and lot coverage.

City Department and Agency Comments	File:B32.21 A191.21 A192.21	2021/05/27	4
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Staff comments concerning the applications for consent and the four tests to the minor variance request are as follows:

The severed and retained parcels both propose lot frontages of 15.24 m. The retained parcel proposes a lot area of 817.60 m² while the severed parcel proposes a lot area of 845.70 m². The zoning by-law requires lot frontages of 22.50 m and lot areas of 750 m².

The subject property is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP) which permits only detached dwellings as per policies within the Sheridan Neighbourhood Character Area. The subject property is located outside of the Sheridan Community Node and are not subject to the policies designed for the redevelopment of Sheridan Mall and the Community Node as a whole. 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 neighbourhood lot fabric generally consists of large parcels with frontages of approximately 23 m and greater. The application proposes 15.24 m lot frontages, representing the lowest frontages within the immediate neighbourhood.

Additionally, Section 16.23.1.2 of the Sheridan Neighbourhood Character Area states that for lands designated Residential Low Density I, the subdivision of lots of less than 23 m frontage will be discouraged, if it is considered to be detrimental to the character of the surrounding area. While the subject property is located on the periphery of the neighbourhood and is adjacent to the Sheridan Community Node, the property is still within Neighbourhood Character Area. The proposed severance would alter the existing lot fabric of the residential neighbourhood.

Based on the preceding information, staff is of the opinion that the application does not conform to Section 51(24) of the *Planning Act*, more specifically that the application does not conform to the official plan.

As staff is not supportive of the consent application, the minor variance applications 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

City Department and Agency Comments	File: B32.21 A191.21 A192.21	2021/05/27	5
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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

3. Relocate Streetlight Pole

The applicant is to make satisfactory arrangements with the City's Street Lighting & Projects Section for the relocation of the utility pole on the frontage of the proposed driveway access of the severed lands. Written approval from the Section is to be supplied including all costs associated.

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

City Department and Agency Comments	File: B32.21 A191.21 A192.21	2021/05/27	6
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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 storm sewer outlet for this site is the existing 375/450 mm storm sewer on Robin Drive through the existing storm pipe along the back of this property within the municipal storm easement. A storm connection approval will be required for the weeping tiles if their basement elevation 1.0 above the obvert of the storm sewer on the street, otherwise a sump pump will be required to discharge the weeping tile to grade. The applicant is encouraged to design the basement elevation 1 metre above the obvert of the storm sewer on the street to eliminate the need for a sump pump.

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' 32/21.

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 0225-2007, 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.

City Department and Agency Comments	File:B32.21 A191.21 A192.21	2021/05/27	7
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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.

City of Mississauga Forestry Staff have attended the site and identified the following City owned trees within the municipal boulevard:

- 6 Maples – Good Condition
- 3 Spruce – Good Condition
- 7 Cedars – Good Condition
- 1 Bitternut Hickory – Good Condition

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

1. The applicant shall ensure that future driveways limit tree removal and/or impact of the above noted trees.
2. The applicant shall provide tree protection securities in the amount of \$21,000.00 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.

City Department and Agency Comments	File:B32.21 A191.21 A192.21	2021/05/27	8
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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

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.

Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. 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 contact Servicing Connections.

Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Site Servicing approvals are required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections at siteplanservicing@peelregion.ca

Condition: Arrangements satisfactory to the Region of Peel, Public Works shall be made with respect to the location of existing and installation of new services and/or possible required private service easements.

Comments Prepared by: Diana Guida, Junior Planner

Appendix 7 – Bell Canada

Subsequent to review of the abovementioned circulation at 1949 LINCOLN GREEN WAY, Bell Canada's engineering department have determined that there are no concerns or comments at this time.

Comments Prepared by: Carrie Gordon, External Liaison

City Department and Agency Comments	File:B32.21 A191.21 A192.21	2021/05/27	9
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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 (A191-192/21).
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 May 27, 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 May 27, 2021.
6. A letter shall be received from the Region of Peel, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated May 27, 2021.