

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-08-04	File(s): B45.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-08-12 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

The applicant requests the Consent 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 15m (49ft) and an area of approximately 670.0sq.m (7,211.8sq.ft).

A minor variance is requested for the Severed lands (A293.21) proposing:

1. A lot area of 670.0sq.m (approx. 7,211.8sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 695.0sq.m (approx. 7,480.9sq.ft) in this instance; and
2. A lot frontage of 15.0m (approx. 49.2ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 18.0m (approx. 59.1ft) in this instance.

A minor variance is requested for the Retained lands (A294.21) proposing a lot area of 778.6sq.m (approx. 8,380.8sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 810.0sq.m (approx. 8,718.8sq.ft) in this instance.

Recommended Conditions of Provisional Consent are contained in Appendix A. The variance applications approved under Files A293.21 and A294.21 must be finalized.

Variances approved under files A293.21 and A294.21 shall lapse if the consent application under file B45.21 is not finalized within the time prescribed by legislation.

Background

Property Address: 1594 Calverton Court

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

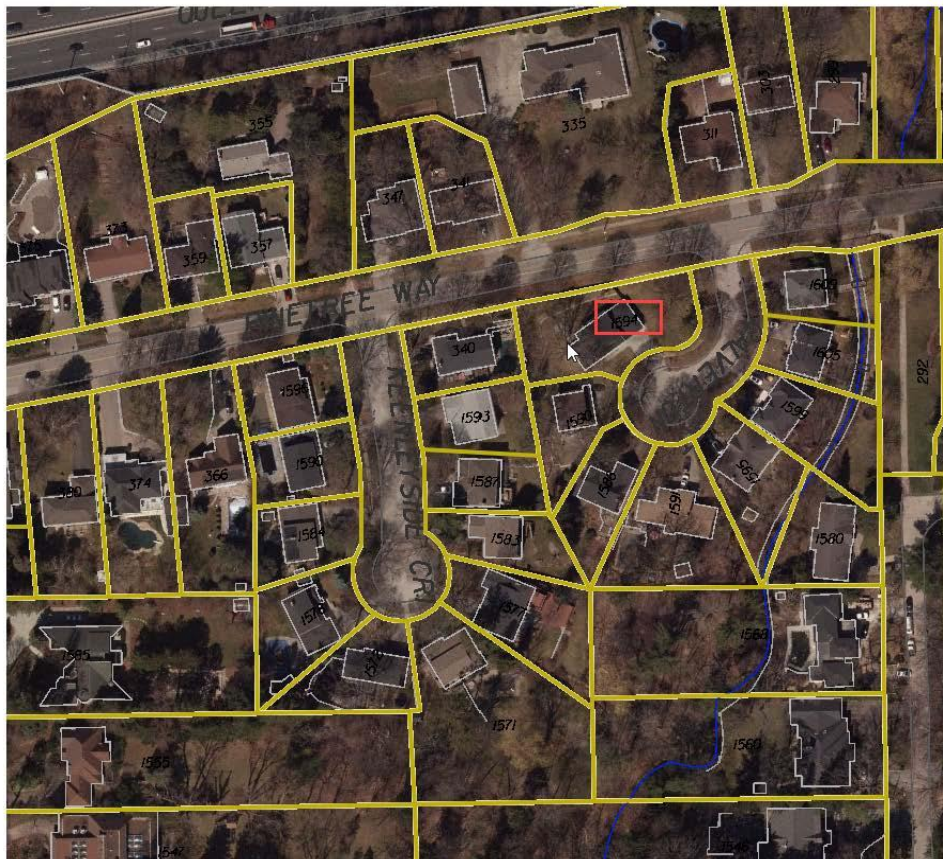
Zoning: R2-1 - Residential

Other Applications: None

Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, southeast of Stavebank Road and Pinetree Way within a cul-de-sac off Pinetree Way. The immediate neighbourhood is entirely residential consisting of one and two storey detached dwellings with mature vegetation in the front yards. The neighbourhood mostly consists of lots with lot frontages of 18m and greater. The subject property contains an existing two storey dwelling on a large lot with mature vegetation in both the front and side yards.

The applicant is proposing to sever the subject property and demolish the existing dwelling to redevelop the property into two properties requiring variances related to lot area and 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 for consent and the four tests to the minor variance request are as follows:

The application proposes to sever the existing lot and demolish the existing dwelling to create two new residential lots for redevelopment. The severed parcel proposes a lot frontage of approximately 15 m with a lot area of 670 m², while the retained parcel would have a lot frontage of approximately 23.07 m and lot area of 778.6 m². The zoning by-law requires the retained lands to provide a minimum lot area of 810 m² and for the severed lands to provide a minimum lot area of 695 m² and minimum frontage of 18 m. The zoning by-law contains separate lot area requirements for interior and corner lots.

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.

While Staff has no objections with a severance of the subject property, as two lots had originally been contemplated on the subject property (Registered Plan 849), the proposed parcels and frontage on the lands to be severed are not consistent with detached lots found within the immediate area. Furthermore, the proposed lots do not related to the planned subdivision and Staff are concerned that the irregular shape of the severed parcels may result in buildings that would not maintain the area's streetscape and character. Staff request that the lot line separating the severed and retained lands be straightened creating a more orderly development

of the lands. Staff also request the applicant provide proposed building footprints and driveway schemes to allow for a comprehensive evaluation the applicant's request.

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

Staff recommend deferral of the application to allow the applicant to revise the proposed lot line and to submit drawings providing details of proposed building footprints and driveway schemes.

Conclusion

The Planning and Building Departments recommend that the application be deferred.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This Department has reviewed the plans submitted with the application and have a concern with the configuration of the proposed lot boundary on the northerly side of the 'lands to be severed'. We request that the application be **deferred** until such time that the applicant has revised the plan to reconfigure the lot boundary to be in a straighter lot line configuration between proposed lots in order to eliminate any potential future conflicts that may arise between neighbours. Furthermore, the plan is to be revised to show further additional details including potential building footprints and driveway access points for both parcels in order to properly review the request and determine if there are any potential impacts for fencing, drainage or driveway access. This information will help in determining the viability of the proposal.

Should the Committee be provided with sufficient information and see merit in the applicant's request and wish to proceed, we are providing the following conditions/requirements for Committee's consideration:

A. Items Required Prior to the Issuance of Final Consent

1. Conceptual Site Plan Detailing Proposed Driveway Locations

The applicant will be required to provide for our review/approval a more detailed conceptual site plan which must include the location of proposed driveway entrance locations for both parcels, the proposed building footprints and all above ground utilities on site.

2. 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.

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 entrance(s) to the subject lands or any modifications/reinstatement required, would be at cost to the owner. Driveway accesses shall maintain a 1.5m setback from aboveground features such as utilities and trees. 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 250mm storm sewer on Cayuga Ave. 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.

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 meter 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 ext. 3526.

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' 45/21.

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: Daniel Grdasic, Planning Associate

Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has reviewed the Consent to Sever Application, and advises as follows:

- The subject lands are identified as Residential Woodland part of the Natural Areas System Classification. Section 6.3.24 of the Mississauga Official Plan states that the Natural Heritage System will be protected, enhanced, restored and expanded through the following measures:
 - a) ensuring that development in or adjacent to the Natural Heritage System protects and maintains the natural heritage features and their ecological functions through such means as tree preservation,..., grading, landscaping...;

Given the subject lands are identified as Residential Woodland under the Natural Areas System Classification, Park Planning requires the submission of a satisfactory Environmental Impact Statement (EIS) submitted for review and approval. Park Planning provides the following conditions:

1. Submit for review and approval, an Environmental Impact Statement (EIS) that details the proposed building footprints, setbacks, appropriate buffers and grading from

environmentally sensitive Residential Woodlands to the satisfaction of the Community Services Department, Region of Peel and Credit Valley Conservation Authority.

In addition, Community Services notes the following:

1. Requirements for Municipal Boulevard tree protection securities, protective hoarding, and restoration works will be addressed during the Site Plan 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 applicant should contact the Ministry of Heritage, Sport, Tourism and Culture Industries to determine the archaeological concerns related to the application. A letter from the Ministry of Tourism, Culture and Sport confirming that all archaeological resource concerns have met licensing and resource conservation requirements for the property must be submitted to Heritage Planning.

Comments Prepared by: Andrew Douglas, Heritage Analyst

Appendix 5 – Bell Canada

Subsequent to review of the abovementioned consent application at 1594 CALVERTON CRT, Bell Canada's engineering department have determined that there are no concerns or comments at this time.

Comments Prepared by: Carrie Gordon, Associate, 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. ("A"293/21 and "A"294/21)
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 August 4, 2020.
5. A letter shall be received from the City of Mississauga, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated August 4, 2020.
6. A letter shall be received from the City of Mississauga, Culture Division, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated August 4, 2020.