

City of Mississauga Department Comments

Date Finalized: 2021-10-12 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): B.59.21 A414.21 A415.21 Ward: 2
	Meeting date:2021-10-21 1:00:00 PM

Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the application meets the requirements of Section 45 (1) of the Planning Act.

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 19.59m (approx. 64.27ft) and an area of approximately 799.08sq.m (approx. 8,601.23sq.ft).

The applicant requests the Committee to approve a minor variance to allow the construction of a new dwelling with a lot frontage of 19.59m (approx. 64.27ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 30.00 (approx. 98.43ft) in this instance.

The applicant requests the Committee to approve a minor variance to allow the construction of a new dwelling with a lot frontage of 19.40m (approx. 63.65ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 30.00 (approx. 98.43ft) in this instance.

Amendments

While Planning Staff are not in a position to provide an interpretation of the Zoning By-law; Staff would note the following variance should be added:

The easterly lot line to be considered the front lot line for each of the severed and retained lots, notwithstanding the existing definition Zoning By-law No. 0225-2007, as amended.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

Background

Property Address: 368 Meadow Wood Lane

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R3-3 Residential

Planning Applications: Minor Variance 468/15, 467/15; Consent B5715

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, southeast of Clarkson Road South and Orr Road. The immediate area consists of a mix of detached dwellings on large lots with mature vegetation. The low density dwellings in the immediate area contain lot frontages ranging from approximately 15m to 39m. The subject property contains an existing two storey dwelling with mature vegetation in the front yard.

The applicant is proposing to sever the existing lot, creating two new parcels for the development of two detached dwellings, requiring variances related to 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 subject property was subject to a previous Consent Application B57.15, and Minor Variance Applications A467.15 & 468.15 and Ontario Municipal Board (OMB) Decision/Order under file PL151237. These applications were approved and were subsequently upheld by the OMB (now Ontario Land Tribunal – OTL).

Applications B.59.21, A414.21, and A415.21 were filed because the original Consent (B57/15) lapsed since conditions of provisional consent were not fulfilled. Staff, the Committee and the OMB supported applications brought forward in 2015. Planning staff are agreement with the conclusions made by staff, the Committee and the OMB at that time.

Staff note the subject property does not have frontage according to the Zoning By-law's definition. Article 2.1.3.1 of the zoning by-law states that all lots shall have frontage on a street. A street is defined in the zoning by-law as a public highway right-of-way. Meadow Wood Lane is a privately owned and maintained laneway. As such, staff recommends a variance be added to recognize the easterly lot line to be the front lot line for each of the severed and retained lots.

Staff are of the opinion that the application is appropriate to be handled through the minor variance process, and that the application raises no concerns of a planning nature.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We note for Committee's information that the subject property was subject to a previous Consent Application 'B' 57/15, Minor Variance File 'A' 467 & 468/15 and Ontario Municipal Board Decision/Order under file PL151237. These Committee files were approved and subsequently upheld by the Ontario Municipal Board. This department has no objections to the applicant's request to create a new lot, however, it should be acknowledged that the subject lands do not have frontage onto a public roadway but rather onto Meadow Wood Lane which is a privately owned and maintained laneway and in no way maintained by the City of Mississauga. In this regard the applicant/owner will be required to provide confirmation to this department that satisfactory arrangements have been made with regards to ensuring that a private maintenance agreement is in place with the organization/parties which hold the common interest for the private driveway identified as Meadow Wood Lane.

Should Committee see merit in the subject application we are providing the following conditions/requirements that will have to be addressed to the satisfaction of this department prior to the issuance of final consent:

A. **Items Required Prior to the Issuance of Final Consent**

1. Private Right of Way/Maintenance Agreement

We note that the subject lands do not have frontage onto a public roadway but rather onto Meadow Wood Lane which is a privately owned and maintained laneway and in no way maintained by the City of Mississauga. In this regard the applicant/owner will be required to provide confirmation to this department that satisfactory arrangements have been made with regards to ensuring that a private maintenance agreement is in place with the organization/parties which hold the common interest for the private driveway identified as Meadow Wood Lane.

From our review of this application it is our understanding that the existing right-of-way for the subject lands to have access onto Meadow Wood Lane is a 2.77M wide access identified as Part 7, Plan 43R-20070 under Instrument Number 533011. It is also our assumption that the subject lands then have a right-of-way over Parts 1 to 6 on Plan 43R-20070 to a point where the private laneway meets Watersedge Drive which is a municipal roadway.

City of Mississauga Department Comments

2. Overall Servicing Proposal

We request that the applicant submit a Functional Servicing Proposal prepared by a Consulting Engineer for this department's review/approval to confirm that any required municipal services can be provided for any dwellings to be constructed on the subject lands.

3. 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.

4. Storm Sewer "Warning Clause" Undertaking

The applicant is advised that there is no storm sewer service available on Meadow Wood Lane and in this regard a sump pump will be required to drain the foundation weeping tiles. In this regard, prior to the issuance of final consent, the owner will be required to submit an undertaking to the City to the effect that any Offer of Purchase and Sale on the property will contain a clause advising any prospective purchaser of the following:

"The applicant is advised that there is no storm sewer service available on Meadow Wood Lane and in this regard a sump pump will be required to drain the foundation weeping tiles. We also note that any sump pump and downspouts for any future dwelling is to discharge to the surface and drainage not directed to the abutting properties".

B. GENERAL INFORMATION

1. Servicing

We note for the owner's information that all costs incurred in providing any required services to the subject lands will be the responsibility of the owner.

2. Access

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.

3. Lot Grading and Drainage

We advise the applicant that issuance of any building permits for any new dwellings 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.

Comments Prepared by: Dave Martin, Supervisor Development Engineering

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.

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.

1. The lands to the rear of the subject property are owned by the City of Mississauga, known as Meadowwood Park (P-006).
2. Construction access from the park is not permitted.
3. Stockpiling of construction materials and encroachment in the adjacent park is not permitted.
4. Requirements for Parkland and tree protection securities and protective hoarding will be addressed during the Site Plan Process.

5. 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 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" 414-415/21)
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 2021-10-12.
5. 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 2021-10-12.
6. A letter shall be received from the Region of Peel, Development Services/Public Works, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated October 8, 2021.