

City of Mississauga Department Comments

Date Finalized: 2021-11-23	File(s): B65.21
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2021-12-02 1:00:00 PM

Consolidated Recommendation

The City has no objections to the requested consent application.

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 22.5m (73.8ft) and an area of approximately 711.9sq.m (7,662.8sq.ft).

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

Background

Property Address: 1190 Lorne Park Road, 1200 Lorne Park Road

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: RM4-77 - Residential

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, northwest of Lorne Park Road and the railway corridor. The immediate area is predominantly

residential, consisting mostly of one and two storey-detached dwellings. Immediately south of the subject property are townhouse dwellings and a commercial plaza. There are two active demolition permit applications on the subject property to demolish the existing church and detached dwelling. A rezoning application was approved by the Local Planning Appeal Tribunal (LPAT) permitting semi-detached and townhouse dwellings on the larger lot fronting Lorne Park Road, while the lots fronting onto Garden Road will contain three detached dwellings.



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 application for consent are as follows:

The subject property previously received approval from the Committee of Adjustment on June 21st, 2018 for the subdivision of three lots fronting onto Garden Road and one larger lot fronting onto Lorne Park Road. The Planning and Building Department had no objections to the requested consent applications. Staff was informed by the applicant's agent that the applicant could not satisfy all of the provisional conditions associated with the approval of the middle lot (outlined as Part 3 in the consent application), which required the demolition of the existing dwelling. However, the certificates for the northern and southern lots were issued, granting these lots final approval.

A second consent approval was granted by the Committee of Adjustment on November 12th, 2020, re-establishing the provisional approval of the middle lot fronting onto Garden Road. The consent application was still unable to be finalized due to the limited timeline to demolish the existing dwelling.

The intent of this application is to re-establish provisional consent of the middle lot fronting onto Garden Road. As there have been no changes to the proposed lot from what was previously approved, Staff is of the opinion that the application conforms to Section 51(24) of the Planning Act.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We note for the Committee's information that the City has processed a rezoning application under file OZ 16/014 for the residual lands of the subject application. We also note that the subject lands were previously dealt with through Consent Applications 'B' 38-40/18 where matters pertaining to grading, drainage, acoustical requirements and site servicing were reviewed and addressed satisfactorily. We further advise that it is our understanding that the subject lands did not finalize the previous consent application due to the timing of the removal of the existing dwelling on site. Any future matters pertaining to site specific requirements for the subject application can be addressed through the future Site Plan application. These requirements may or may not require the need for a Site Plan Agreement should matters in the previously registered Development Agreement not apply to the subject application.

Should Committee see merit in the applicant's request we have **no comments, conditions or objection** to the subject application. We provide the following general requirements for the applicant's information:

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. Driveway accesses shall maintain a 1.5m setback from aboveground features such as utilities and trees.

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.

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: Adam McCormack, 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.

Community Services notes the following:

1. Tree preservation securities and hoarding will be required as a condition of site plan approval for the street trees located within the Municipal Boulevard.
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 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.
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 2021-11-24 1:00:00 PM.