

City of Mississauga Department Comments

Date Finalized: 2022-01-12 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): B63.21 B64.21 A447.21 A449.21 A450.21 Ward 6
	Meeting date:2022-01-20 1:00:00 PM

Consolidated Recommendation

The City has no objections to the 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 14.15m (46.42ft) and an area of approximately 876.85sq.m (9,438.33sq.ft).

The applicant requests the Committee to approve a minor variance to allow the creation of a dwelling on a new lot on the subject property, being the severed lands of application B63/21, proposing a lot frontage of 14.15m (approx. 46.42ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (approx. 49.21ft) in this instance.

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 14.15m (46.42ft) and an area of approximately 707.25sq.m (7,612.78sq.ft).

The applicant requests the Committee to approve a minor variance to allow the creation of a new dwelling on a new lot on the subject property, being the severed lands of application B64/21, proposing a lot frontage of 14.15m (approx. 46.42ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (approx. 49.21ft) in this instance.

The applicant requests the Committee to approve a minor variance to allow the construction of a new dwelling on the retained lands of B64/21 proposing:

1. A lot frontage of 14.15m (approx. 46.42ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (approx. 49.21ft) in this instance;
2. A lot coverage of 37.1% whereas By-law 0225-2007, as amended, requires a maximum lot coverage of 35.0% in this instance; and,

3. A lot area of 535sq.m (approx. 5,759 sq.ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 550sq.m (approx. 5,920.15sq.ft) in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A447/21, A449/21 & A450/21 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A447/21, A449/21 & A450/21 shall lapse if the consent application under file(s) B63/21 & B64/21 are not finalized within the time prescribed by legislation.

Background

Property Address: 5264 Creditview Road

Mississauga Official Plan

Character Area: East Credit Neighbourhood
Designation: Residential Low Density II & Greenlands

Zoning By-law 0225-2007

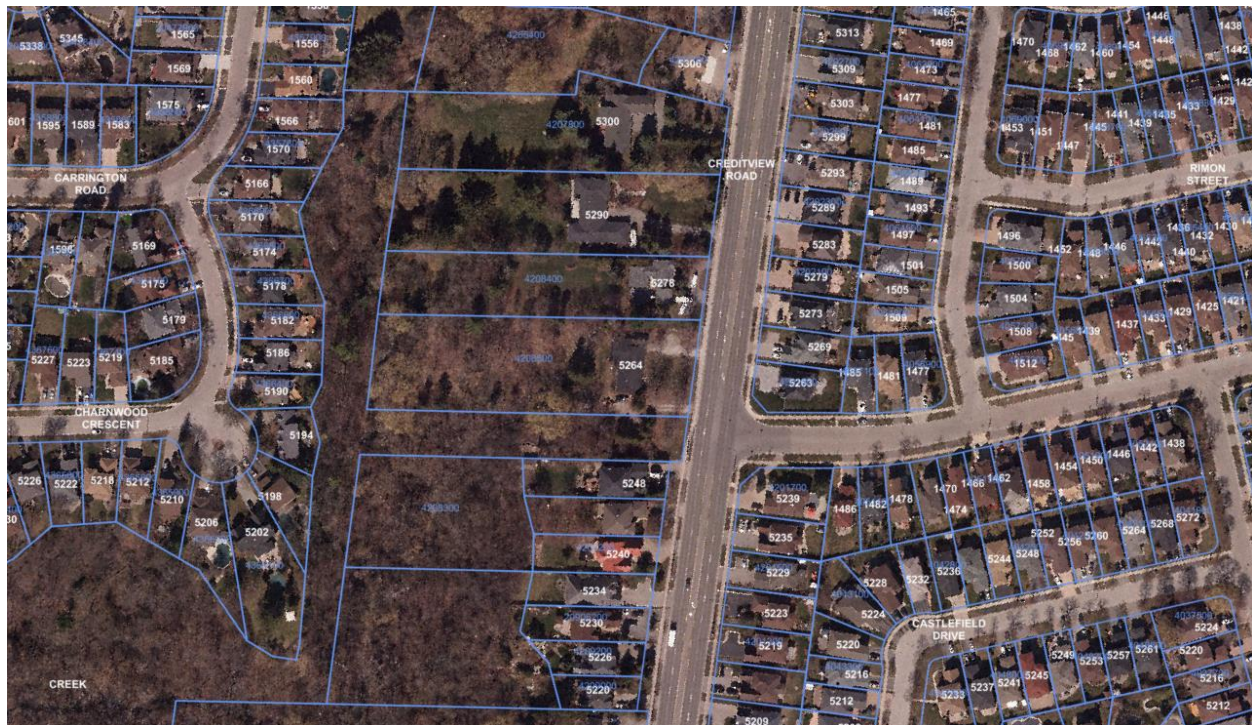
Zoning: R3 - Residential

Other Applications: None

Site and Area Context

The subject property is located on the west side of Creditview Road, north of the intersection with Willowvale Gardens. It has a lot frontage of +/- 42.44m (139.2ft) and a lot area of +/- 6,096.77m² (65,625ft²). Currently it contains a detached dwelling with a detached garage. Significant mature vegetation is present on the subject property, especially in the rear yard. The surrounding area context is predominantly residential with lots of varying sizes. Generally lot frontages along this portion of Creditview are 15 to 16 metres (49 to 52 feet), however a few lots with frontages of around 30 metres (98 feet) are also present.

The applicant is proposing to sever the existing lot into 3 lots, requiring variances for lot frontage, lot area, and lot coverage.



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 subject property is located in the East Credit Neighbourhood Character Area and is designated Residential Low Density II and Greenlands in Schedule 10 of the Mississauga Official Plan (MOP). The Greenlands designation is at the rear of the property, and the Residential Low Density II designation represents approximately the front half of the property abutting Creditview Road. The Residential Low Density II designation permits detached, semi-detached, duplex and triplex dwellings, as well as other low-rise dwellings with individual frontages. Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with the existing site conditions, the surrounding context, and the landscape of the character area. The application is consistent with the Official Plan as proposed lots are appropriately sized given the surrounding context, represent appropriate intensification for this area of the City, and are suitable for the proposed use.

The sole variances requested under files A447/21 and A449/21, as well as variance 1 under file A450/21, request a reduction in the lot frontage of the proposed properties. The intent of the zoning by-law is to ensure that new lots are appropriately sized and fit within the context of the surrounding area.

Lot frontages vary in the surrounding area due to the presence of suburban subdivisions along the east side of Creditview Road as well as both larger and severed lots along the west side of Creditview Road. Upon a review of the severed lots along the west side and subdivision lots along the east side of Creditview Road, existing frontages in the area range between 15 to 16 metres (49 to 52 feet). Staff are of the opinion that the reduced frontage of 14.15m (46.42ft) would be imperceptible from the street and that the lots fit appropriately into the surrounding area context.

Variance 2 under file A450/21 requests an increase in lot coverage. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot to the detriment of the streetscape and neighbours. Staff note that the rear property lines for the three properties do not form a straight line, resulting in the retained lot being the smallest of the three. This creates the third variance for lot area resulting in a lot coverage issue despite the proposed dwelling on the subject property being in line with the dwellings proposed on the other two lots. Due to the reduced lot area being a result of the angled rear property line, which would not be visible from the street, and the consistency of the proposed dwellings, staff are of the opinion that the proposed increase in lot coverage and decrease in lot area do not represent overdevelopment of the lot and fit appropriately into the surrounding context.

Given the above staff are of the opinion that the application conforms to Section 51(24) and meets the four tests of a minor variance as set out in Section 45(1) of the Planning Act.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

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. Top of Bank Gratuitous Dedication

The Community Services Department and Credit Valley Conservation Authority have identified under the previous Consent Application 'B' 50 & 51/19 the required Greenlands (G1) to be gratuitously dedicated to the City of Mississauga. The Draft 43R-Plan submitted indicates the the Top of Bank was staked out by the CVC on October 25, 2016 and Parts 3, 4 and 7 on this Draft 43R-Plan will be the lands to be conveyed to the city.

In view of the above, confirmation will be required from the City's Legal Department indicating that the required lands, specifically Parts 3,4 and 7 on the Draft 43R-Plan have been dedicated to the city.

2. Overall Servicing Proposal

The applicant has submitted a Site Servicing Plan DWG No: C101 prepared by Jain Infrastructure Consultants Ltd. with the application. This Plan will be circulated to the appropriate section in our department for review/approval.

We note that under the previous application we indicated that the storm sewer outlet for the subject lands was the existing 600mm storm sewer on Creditview Road. The submitted Site Servicing Plan depicts no storm connections to the Creditview Road storm sewer but rather infiltration trenches are being proposed in the rear yard.

3. Overall Grading and Drainage Plan

A Site Grading Plan DWG No: C102 prepared by Jain Infrastructure Consultants Ltd has been submitted with the application. This Site Grading Plan will be forwarded to the appropriate section in our department for review/approval.

4. Road Widening on Creditview Road

The applicant is to gratuitously dedicate to the City of Mississauga a road allowance widening towards the ultimate right-of-way width of 30.0m for Creditview Road as identified in the City's Official Plan. The dimensions related to the right-of-way width and required widening have already been verified by the City's O.L.S. under the previous application.

In view of the above, confirmation will be required from the City's Legal Department indicating that the required road widening, specifically Part 1 on the Draft 43R-Plan submitted have been dedicated to the city.

5. Environmental Site Assessment (ESA) for Top of Bank and Road Widening on Creditview Road Dedications (Satisfied)

The Phase One ESA, dated September 15, 2020, and prepared by Terraprobe, was accepted by the City.

If land dedication does not occur within 18 months from September 15, 2020, a Qualified Person (as defined by section 5 and 6 under O. Reg. 153/04, as applicable), must confirm that no significant change has occurred to the site that could alter soil and groundwater quality since the date of the existing Phase One ESA report and that these lands are suitable for the intended land use.

The above-referenced letter must include a clause to the satisfaction of the City, which allows the City of Mississauga to make reliance on the findings and conclusions presented in the report to the same extent as the property owner. The wording of the reliance must meet the City's sole and unfettered satisfaction. The template is provided on the last page of the following document: <https://www.mississauga.ca/wp-content/uploads/2020/08/26144135/Section-5-Environmental-Requirements-1.pdf>.

The certification letter must include a specific reference of all lands to be dedicated to the City (provide a written legal description in the letter and as a separate attachment, include an overlay on a plan of survey drawn to scale and signed by a licensed Ontario Land Surveyor that clearly outlines the legal boundaries of the conveyance lands); be completed in accordance with O. Reg. 153/04 ;

Should additional information be required with regard to the Environmental Site Assessment (ESA), please contact Valeriya Danylova, P.Eng, Environmental Technologist at 905 615-3200 ext. 5930 or valeriya.danylova@mississauga.ca should you require further information.

6. Fee Requirements as Per Fees and Charges By-Law

As per the City of Mississauga's Fees and Charges By-law there will be fees required to be paid to the Legal Services Department for their services, in particular for the preparation of

documents required for items pertaining to land dedications. The fee amounts payable will be in accordance with the current fees and charges bylaw.

7. 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

B. GENERAL INFORMATION

1. Servicing

We note for the owner's information that all costs incurred in providing the required services (i.e., sanitary, water, storm, hydro, gas, etc.) 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 entrance 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.

3. Lot Grading and Drainage

We advise the applicant that issuance of a building permit for any new dwelling 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.

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' 63 & 64/21.

Comments Prepared by: Tony Iacobucci, 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: Brandon Eidner, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has reviewed the above noted consent applications and advises as follows:

Given that the subject lands are not subject to site plan control, should the application be approved, Community Services wishes to impose the following conditions:

1. The applicant shall provide a cash contribution of \$2501.32 for planting of four (4 at \$625.33) street trees on Creditview Road. This figure is subject to the most recent Fees and Charges By-law at the time of payment and is therefore subject to change.
2. Prior to the preparation of plans, the applicant is to contact Community Services - Park Planning to coordinate a site visit for site staking with appropriate staff from the Conservation Authority and the City. The plans must identify the top of bank, Regional storm floodline, stable valley slope, and/or woodland boundary/dripline to the satisfaction of the pertinent Conservation Authority and the City.
3. All lands below the greatest environmental constraint at the rear of the property (top-of-bank, long-term stable slope, or natural features), including a 10 meter buffer, shall be gratuitously dedicated to the City for conservation purposes.

The proposed greatest environmental constraint shall be consistent with the Greenlands Overlay which are designated Greenlands in the Mississauga Official Plan but are not zoned G1 or G2. The Greenlands Overlay also applies to lands within the Regulatory Floodplain, Special Policy Areas and the Lake Ontario Waterfront as identified in the Official Plan. Deviation from this established framework may require additional studies to assess the environmental impact on the Natural Heritage System.

The lands to the rear of the property are identified as Natural Hazard Lands within the City's Natural Heritage System. 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, appropriate location of building envelopes, grading, landscaping...;
- b) placing those areas identified for protection, enhancement, restoration and expansion in public ownership, where feasible.

The subject property is located directly adjacent to City owned Greenlands identified as Carolyn Creek (P-250). Placing the natural hazard lands into public ownership will strengthen the connection to Carolyn Creek and contribute to the protection and enhancement of the Natural Heritage System.

- 4. A 1.5 metre high, black vinyl chain-link fence shall be built to current municipal standards, along City Owned lot lines. The fencing is to be located 0.15 metres inside the lands to be dedicated to the City.
- 5. The applicant shall provide securities for the fencing in the amount of \$15,250.00. The fencing will be erected and maintained to the satisfaction of the Community Services Department - Park Planning Section. Gates will not be permitted in the fence.
- 6. The applicant shall provide securities for the preservation/protection of City Owned lands south of the subject property in the amount of \$10,000.00. The page wire hoarding with sediment control will be erected and maintained to the satisfaction of the Community Services Department - Park Planning Section.
- 7. Submit a draft Reference Plan identifying the lands to be dedicated to the City.
- 8. Submit a Site Servicing Plan and Grading Plan that is to the satisfaction of the Community Services Department.
- 9. Prior to Greenlands dedication, the Applicant is to provide written confirmation that the Transportation and Works Department has received and approved Phase 1 and Phase 2 (if required) Environmental Site Assessment Report (ESA), together with a Record of Site Condition (RSC) for these dedicated lands. Both sets of documents are to be prepared, signed, dated and sealed by a Professional Engineer.

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 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" 447-450/22)
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 2022-01-12.
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 2022-01-12.