

City of Mississauga Department Comments

Date Finalized: 2022-05-11	File(s): B34.22 Ward 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-05-19 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

The applicant requests the approval of the Committee to sever a parcel of land for the creation of a mutual driveway easement with the neighbouring property at 865 Lakeshore Rd E, associated with application B30/22.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

Background

Property Address: 863 Lakeshore Rd E

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Mixed Use

Zoning By-law 0225-2007

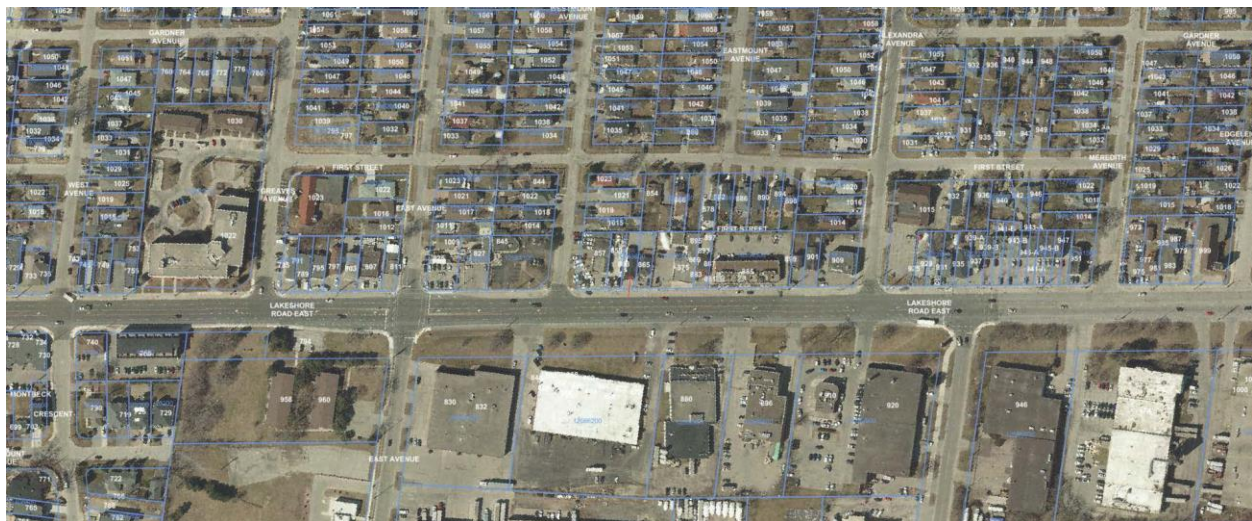
Zoning: C4 - Commercial

Other Applications: B30.22 (associated)

Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, southeast of Lakeshore Road West and Westmount Avenue. The subject property contains a two-storey mixed-use commercial building containing both commercial and residential uses with no vegetation in the front yard. The broader area consists of commercial, automotive and industrial uses along Lakeshore Avenue West. North of the subject property are one and two-storey detached dwellings with mature vegetation in the front yards.

The application proposes a three-storey mixed use commercial building and mutual driveway easement with the neighbouring property at 865 Lakeshore Rd. E.



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 2020 (PPS 2020) 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 request are as follows:

The Committee of Adjustment will consider application B34.22 together with applications B30.22 and A167.22 (865 Lakeshore Road East). The owner of 865 Lakeshore Road East (adjacent to the east) is proposing a new three-storey mixed use commercial building requiring a mutual driveway easement with the subject property (863 Lakeshore Road East). While staff has no concerns regarding the proposed easement, Municipal Parking staff have identified concerns with Variance #4 in Minor Variance application A167.22 (865 Lakeshore Road East). Planning staff echoes their concerns and is of the opinion that consideration of the consent application for a mutual easement is premature until concerns with applications for 865 Lakeshore Road East are resolved.

As such, staff recommends that the consent application be deferred.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We have no objections to the applicant's request to establish the required private easement in favour of 865 Lakeshore Road East for shared access between the subject properties.

In view of the above, we are providing the following conditions/requirements for Committee's consideration:

A. Items Required Prior to the Issuance of Final Consent

1. Draft Reference Plan Required

A draft reference plan is to be submitted for our review/approval which would clearly show the location of the shared access easements/rights-of-ways.

2. Required Easement(s)

The applicant/owner is to provide a letter prepared by their Solicitor which describes the new private easement(s) to be established for access purposes. It should be acknowledged that any documentation received will be forwarded as an attachment to our clearance memo to the Committee of Adjustment so that any new proposed private easement(s) can be identified and also be incorporated into the Certificate of Secretary-Treasurer.

For further information regarding the above noted comments, please contact John Salvino at (905) 615-3200 ext. 5183 or john.salvino@mississauga.ca.

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:

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- *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 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 2022-05-11.