

City of Mississauga Department Comments

Date Finalized: 2022-08-10	File(s): B42.22
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2022-08-18 1:00:00 PM

Consolidated Recommendation

The City has no objection to the consent and associated minor variance applications.

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 21.49m (70.5ft) and an area of approximately 4405.7sq.m (47422.56sq.ft).

A363/22:

The applicant requests the Committee to approve a minor variance on the subject property, being the retained lands of application B42/22, proposing a lot frontage of 21.50m (approx. 70.5 ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 22.50m (approx. 73.8 ft) in this instance.

A364/22:

The applicant requests the Committee to approve a minor variance on the subject property, being the severed lands of application B42/22, proposing a lot frontage of 21.49m (approx. 70.5 ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 22.50m (approx. 73.8 ft) in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under Files A363.22 and A364.22 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variances approved under files A363.22 and A364.22 shall lapse if the consent application under file B42.22 is not finalized within the time prescribed by legislation.

Background

Property Address: 1101 Indian Road

Mississauga Official Plan

Character Area: Clarkson-Lorne Park

Designation: Residential Low Density I and Greenlands

Zoning By-law 0225-2007

Zoning: R2-4-Residential

Other Applications: none

Site and Area Context

The subject property is located in the Clarkson-Lorne Park Neighbourhood Character Area, southeast of Indian Road and North Sheridan Way. The immediate neighbourhood is primarily residential and contains of older and newer one and two-storey detached dwellings with mature vegetation in the front yards. Frontages in the immediate area range from 15.6m (50.38ft) to 42.92m (140.82ft)

The subject property contains a one-storey detached dwelling. The applicant is seeking to sever the subject property requiring variances related to frontages.



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 applications for consent and the four tests to the minor variance request are as follows:

The subject property is designated Residential Low Density I and Greenlands in Schedule 10 of the Mississauga Official Plan (MOP).

Section 16.1.2.1 of MOP states, 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. 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. The proposed lot frontages fall short of zoning by-law requirements however are comparable with frontages in the neighbourhood. The proposed severance would result in lots that could be developed with appropriate sized dwellings for the neighbourhood.

Furthermore, no variances are required for the proposed lot areas. As per Section 5.3.5 (Neighbourhoods) of MOP, neighbourhoods are not meant to remain static, however, when new development occurs, it should be sensitive to the neighbourhoods existing and planned character. The proposed severance represents sensitive intensification that is compatible with the area and does not negatively impact the established lot fabric of the neighbourhood. As such, staff is of the opinion that the proposal maintains the general intent and purpose of the official plan and zoning by-law.

It is staff's opinion that the proposed severance is sympathetic to the surrounding area and is capable of reasonably accommodating new dwellings. Furthermore, the proposed lot sizes and frontages for the retained and severed properties are consistent with existing properties in the area. As such, it is staff's opinion that the proposed severance is appropriate and sensitive form of intensification and is minor in nature.

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Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Should Committee see merit in the applicant's request we are providing the following conditions/requirements for Committee's consideration:

A. Items Required Prior to the Issuance of Final Consent

1. Overall Site Plan/Grading and Drainage Plan

The applicant's consulting engineer will be required to prepare an Overall Site Plan which is to include Grading and Drainage information. Sufficient details are to be shown to ensure grading compatibility with the adjacent lands and submit the grading and drainage proposal to this department for review/approval.

Upon the review of the Site Plan/Overall Grading and Drainage Plan it may be determined that catch basins may be required and satisfactory arrangements will have to be made for the construction of any required catch basins.

2. 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 Indian Road. 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 Walter Copping at 905 615-3200 ext. 5831 or walter.copping@mississauga.ca

5. CVC Approval

The applicant is advised that these lands are situated within CVC regulated area. Credit Valley Conservation approval will be required.

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: 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:

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 four (4) street trees on Indian 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. Given the subject lands has significant existing vegetation adjacent to Nine Creeks Trail (P-534) and falls within the City's Natural Heritage System, Park Planning requires the submission of a satisfactory Environmental Impact Statement (EIS) submitted for review and approval. A terms of reference can be provided for reference upon request.
3. 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.
4. 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 Mississauga Official Plan but are not zone 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 the establishment framework may require additional studies to assess the environmental impact on the Natural Heritage System.

The lands to the rear of the property are owned by Hydro One Corridor, leased by the City of Mississauga, identified as Nine Creeks Trail (P-534) and classified as Significant Natural Area within the City's Natural Heritage System and zoned U-Utility. 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 Nine Creeks Trail (P-534). Placing the natural hazard lands into public ownership will strengthen the connection to Hydro One Corridor 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 fencing in the amount of \$7,250.00. 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. Securities, in the amount of \$15,000.00, are to be provided to ensure the required clean-up, as well as the preservation and protection of the adjacent City owned land 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 5 – Region of Peel

Development Engineering: Camila Marczuk (905) 791-7800 x8230

Conditions: Arrangements satisfactory to the Region of Peel, Public Works shall be made with respect to the location of existing and installation of new services and/or possible required private service easements.

Comments: There is a Regional easement on the subject property. Please be advised that unauthorized encroachments on Regional easements will not be permitted. Certain restrictions apply with respect to Regional easements as per the documents registered on title.

Please note that severing the lands may adversely affect the existing location of the water and sanitary sewer services, if any exist. The result of this may require the applicant to install new water / sanitary servicing connections to either the severed or retained lands in compliance with the Ontario Building Code. The applicant may require the creation of private water / sanitary sewer servicing easements. An upgrade of your existing service may be required. All works associated with the servicing of this site will be at the applicant's expense. For more information, please contact Servicing Connections at siteplanservicing@peelregion.ca

Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Region of Peel Site Servicing connection approvals are required prior to the local municipality

issuing building permit. For more information, please contact Servicing Connections at siteplanservicing@peelregion.ca

Development Planning: Joseph Filice (905) 791-7800 x3182

Comment: Please be advised that a portion of the subject property is located within an area the Regional Official Plan (ROP) designates as Core Areas - Valley Corridor and Natural Areas and Corridors (NAC) - Woodland of the Greenlands System in Peel, under Policy 2.3.2. The subject property is also located within the limits of the regulated area of the Credit Valley Conservation (CVC). Within these designations, ROP policies seek to protect environmental resources.

The Region relies on the environmental expertise of the CVC for the review of applications located within or adjacent to Core Areas of the Greenlands Systems in Peel and their potential impacts on the natural environment. Regional Planning staff therefore, request that the Committee and city staff consider comments from the CVC and incorporate their conditions of approval appropriately.

Comments Prepared by: Joseph Filice, Junior Planner

Appendix 6 – Trans-Northern Pipelines

Thank you for providing Trans-Northern Pipeline Inc. (TNPI) with the Committee of Adjustment, Notice of Application for the approval to sever a parcel of land for the creation of a new lot. TNPI currently operates a high-pressure petroleum products transmission pipeline within a 10 foot right of way on the property to the north and adjacent side to the proposed development relating to 1101 Indian Road, Mississauga.

Based on the information provided, TNPI would not object to the severance as requested in the application. Upon consent being granted by the City, and the severed parcel is transferred, Trans-Northern would appreciate receiving the information of the new landowner so that we may update our records in accordance with the Canadian Energy Regulator Act and the Damage Prevention Regulations.

Please note that, Trans-Northern is regulated by the Canada Energy Regulator. Section 335 (1) and (2) of the Canadian Energy Regulator Act, provides that:

- *It is prohibited for any person to construct a facility across, on, along or under a pipeline or engage in an activity that causes a ground disturbance within the prescribed area unless the construction or activity is authorized or required by the orders made under subsection (3) or (4) or regulations made under subsections (5) or (6) and done in accordance with them.*

- **Prohibition — vehicles and mobile equipment**

It is prohibited for any person to operate a vehicle or mobile equipment across a pipeline unless

- **(a)** *that operation is authorized or required by orders made under subsection (3) or (4) or regulations made under subsections (5) or (6) and done in accordance with them; or*

- **(b)** *the vehicle or equipment is operated within the travelled portion of a highway or public road.*

Should the applicant or the owner of the newly severed parcel choose to construct a facility across, on, along or under a pipeline, conduct any ground disturbance within 30 metres on either side of the pipeline center or vehicle crossing of the pipeline, they would be required to contact Trans-Northern prior to commencement. This contact can be initiated through Ontario One Call (1-800-400-2255), and a representative from Trans-Northern will attend on site to mark the pipeline location, confirm safe work confirm any permit requirements.

Would the applicant require further information on the technical requirements related to ground disturbance or crossing of the pipeline, they may contact our Crossing department via email at : crossingrequestseast@tnpi.ca.
As always, Trans-Northern Pipeline Inc. appreciates being circulated development applications.

Comments Prepared by: Renee Flowerday, Property and Right-of-Way Administrator

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" /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 2022-08-18 1:00:00 PM.

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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 2022-08-18 1:00:00 PM.
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 2022-08-18 1:00:00 PM.
7. 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 _____, 2020.
8. A letter shall be received from the Credit Valley Conservation indicating that satisfactory arrangements have been made with respect to payment of the "Review Fee", and their comments dated _____, 2020.