

City of Mississauga Department Comments

Date Finalized: 2022-08-24 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): B45.22 A393.22 A394.22 Ward: 7
	Meeting date:2022-08-24 1:00:00 PM

Consolidated Recommendation

The City has no objections to the proposed consent and associated minor variances. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

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 19.59m (approx. 64.27ft) and an area of 1502sq m (approx. 16167.39sq ft).

A393.22

The applicant requests the Committee to approve a minor variance on the subject property, being the retained lands of application B45/22, proposing:

1. A lot frontage of 19.59m (approx. 62.27ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 30.00m (approx. 90.42ft) in this instance; and
2. A lot area of 1623.0sq m (approx. 17469.8sq ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 3500.0sq m (approx. 37673.7sq ft) in this instance.

A394.22

The applicant requests the Committee to approve a minor variance on the subject property, being the severed lands of application B45/22, proposing:

1. A lot frontage of 19.59m (approx. 62.27ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 30.00m (approx. 90.42ft) in this instance; and
2. A lot area of 1502sq m (approx. 16167.39sq ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 3500.0sq m (approx. 37673.7sq ft) in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

- The variance application approved under File(s) A393/22 & A394/22 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A393/22 & A394/22 shall lapse if the consent application under file B45/22 is not finalized within the time prescribed by legislation.

Background

Property Address: 232 Isabella Ave

Mississauga Official Plan

Character Area: Cooksville Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R1-6 - Residential

Other Applications: None

Site and Area Context

The subject property is located south-west of the Queensway West and Gordon Drive intersection in an area known as Gordon Woods. It currently contains a single storey detached dwelling and has a lot frontage of +/- 39.21m (128.64ft) and a lot area of +/- 3,141.54m² (33,815ft²). Mature vegetation is present throughout the property. The surrounding area context consists exclusively of detached dwellings on lots of varying sizes.

The applicant is proposing to sever the existing property into two parcels, requiring variances for lot frontage and lot area.



Comments

Planning

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.

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*.

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 Cooksville Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). The Residential Low Density I designation permits only detached dwellings in this instance. 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 property also forms part of Special Site 4, which includes policies surrounding the maintenance of vegetation and generous setbacks. While the applicant is seeking to sever the lot, staff note that the size of the proposed lots would be consistent with other lots along Isabella Avenue and could maintain similar vegetation levels and setbacks. Staff are therefore satisfied that 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 applicant has also requested variances for the proposed lots under files A393/22 and A394/22 for relief from the minimum lot frontage and lot area for both the severed and retained lands. 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.

From a historical perspective, this area in Gordon Woods was the subject of an area specific official plan amendment (OPA) and rezoning that resulted in the passage of By-law 929-1987 by Council on December 7, 1987. This OPA and By-law were subsequently appealed to the Ontario Municipal Board (OMB). The OMB dismissed the appeal and approved OPA 112 and the implementing Zoning By-law on April 19, 1989. The effect of which was to require minimum lot frontages of 30 metres (approx. 90.42ft) and lot areas of 3,500 m² (approx. 37,673.7m²) under the special site zoning (R1-1587), which impacted lands along Parker Drive, the south side of Isabella Avenue, the west side of Gordon Drive, and the north side of Harborn Trail. The former special site zoning under Comprehensive Zoning By-law 5500 (now By-law 0225-2007) also recognized lots, buildings and structures legally existing as being deemed to comply with the special site zoning.

Isabella Avenue and the surrounding area contain lots of all different sizes, ranging from under 1,000m² (10,764ft²) to over an acre (4,047m²). The proposed lots would be nearly identical to the existing lots east of the subject property, and only slightly smaller than those across the street. While the proposed lots are smaller than those along Gordon Drive and Parker Drive, they are larger than those on Taylor's Orchard. Staff are satisfied that this northern portion of Gordon Woods contains a variety of lot sizes and frontages, and that the proposed lots would not be out of character for Isabella Avenue.

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

This property is very heavily vegetated and located in a highly sensitive area where tree preservation will be of significant concern. In order to preserve as many trees as possible, the “Typical” lot grading design incorporated in other areas may not be functional and a less conventional design which works with existing grades and focuses on tree preservation may have to be considered. Acknowledging that we will be requesting an Overall Grading and Drainage Plan and a Conceptual Site Plan to address access locations, tree preservation will have to be incorporated into the review and design of any proposed servicing, grading and drainage and access related requirements.

In view of the above, and 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. 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.

It should be noted that the Overall Grading and Drainage Plan will have to be in accordance with any tree preservation efforts and servicing requirements.

2. Conceptual Site Plan

A conceptual Site Plan depicting the proposed driveway locations for the new lots is to be provided for our review/approval. Acknowledging that this is a heavily vegetated property and that tree preservation will be of significant concern, any access locations are to be in accordance with any tree preservation efforts.

3. 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 INFORMATION1. 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 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. 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 any building permits 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.

4. Storm Sewer Outlet

The applicant is advised that there is no storm sewer system available in front of the proposed lots on Isabella Avenue. In this regard, we advise that all dwellings to be constructed on the subject lands will require a sump pump to discharge the weeping tile to grade. It is the full responsibility of the applicant to advise any prospective purchasers of the properties of this requirement. In situations where a sump pump is required and where a high groundwater table may exist, the sump pump may run continuously. The applicants are encouraged to design the weeping tile elevation to be at least 1.0 meter above the seasonal groundwater elevation. The owner is advised that the City has no obligations to address any concerns related to the operation of private sump pump systems.

4. Site Plan Approval

Any future development of the subject lands will require the owner obtaining Site Plan Approval where any site specific conditions/requirements relating to detailed lot grading and drainage, servicing, access, etc. will be addressed

We note that any Transportation and Works Department concerns/requirements for the minor variance applications for this property will be addressed under Consent Application 'B' 45/22.

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 consent application and advises as follows.

Given the property is subject to site plan control, should the application be approved, Community Services provides the following notes:

1. Tree preservation hoarding and securities may be required as part of the site plan control process.
2. Payment for street tree fees and charges may be required as part of the site plan control process.
3. 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

Condition: 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: 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

Comments Prepared by: Camila Marczuk, Development Engineering

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. ("A393 & A394" /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 2022-08-24 1:00:00 PM.
 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 2022-08-24 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 2022-08-24 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 August 18, 2022.