

City of Mississauga Department Comments

Date Finalized: 2022-09-07 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): B31.22 B32.22 A192.22 A193.22 Ward: 10
	Meeting date:2022-09-15 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

B31/22:

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 5.52m (18.11ft) and an area of approximately 237.85sq.m (2,560.20sq.ft).

B32/22:

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 5.52m (18.11ft) and an area of approximately 239.55sq.m (2,578.49sq.ft).

A192/22:

The applicant requests the Committee to approve a minor variance to allow the construction of a new dwelling on the subject property, being the severed lands of application B31/22, proposing:

1. A driveway setback of 0.0m whereas By-law 0225-2007, as amended, requires a minimum driveway setback of 0.6m (approx. 2.0ft) in this instance; and
2. An interior lot frontage of 5.52m (approx. 18.11ft) whereas By-law 0225-2007, as amended, requires a minimum interior lot frontage of 6.80m (approx. 22.31ft) in this instance.

A193/22:

The applicant requests the Committee to approve a minor variance to allow the construction of a new dwelling on the subject property, being the severed lands of application B32/22, proposing:

1. A corner lot area of 239.55sq.m (approx. 2,578.49sq.ft) whereas By-law 0225-2007, as amended, requires a minimum corner lot area of 280.00sq.m (approx. 3,013.89sq.ft) in this instance; and

2. A corner lot frontage of 5.52m (approx. 18.11ft) whereas By-law 0225-2007, as amended, requires a minimum corner lot frontage of 9.80m (approx. 32.15ft) in this instance.

Amendments

We advise that the variances should be amended as follows:

B31/22:

- The applicant requests the approval of the Committee to sever a parcel of land for the creation of a new interior lot. The parcel of land has a frontage of approximately 5.52m (18.11ft) and an area of approximately 237.85sq.m (2,560.20sq.ft).

B32/22:

- The applicant requests the approval of the Committee to sever a parcel of land for the creation of a new corner lot. The parcel of land has a frontage of approximately 5.52m (18.11ft) and an area of approximately 239.55sq.m (2,578.49sq.ft).

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A192/22 & A193/22 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A192/22 & A193/22 shall lapse if the consent application under files B31/22 B32/22 are not finalized within the time prescribed by legislation.

Background

Property Address: 6018 Castlegrove Crt

Mississauga Official Plan

Character Area: Lisgar Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

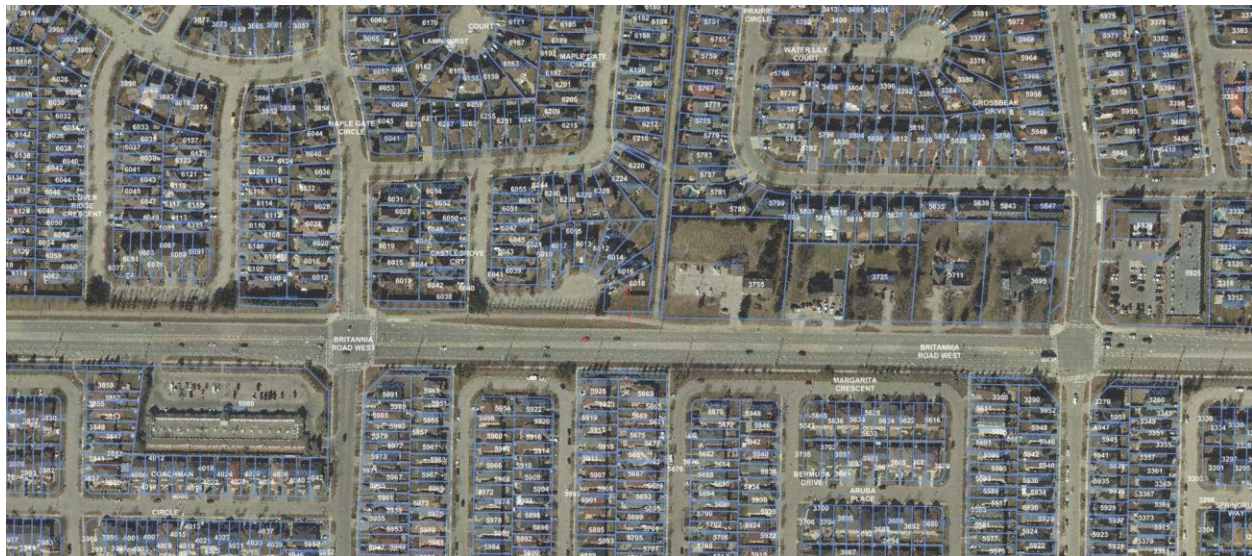
Zoning: RM5-12

Other Applications: PREAPP 21-8582

Site and Area Context

The subject property is located north-east of the Britannia Road West and Churchill Meadows Boulevard intersection in the Lisgar neighbourhood. It currently contains a two-storey semi-detached dwelling with an attached garage. Limited landscaping and vegetative elements are present in the front, rear, and exterior side yards. The subject property has a lot area of +/- 717.36m² (7,721.60ft²), which is larger than average for the area due to the southerly side lot line abutting Britannia Road West. The surrounding area context is primarily residential, consisting of a mix of detached, semi-detached, and townhouse dwellings.

The applicant is proposing to sever two lots from the existing property to facilitate the construction of semi-detached dwellings, requiring variances for lot frontage and lot area on both proposed lots.



Comments

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*.

The applicant is proposing to sever two properties from the existing lot, with lot frontages of 5.52m (18.11ft) and lot areas of 239.55m² (2,578.49ft²) for the exterior lot and 237.85m² (2,560.20ft²) for the interior lot.

The subject property is located in the Lisgar Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan. This designation permits the proposed semi-detached dwellings.

Planning staff have several concerns surrounding the request as currently proposed. Staff are concerned that the corner lot may not be appropriate for the intended use, given the 5.52m (18.11ft) lot frontage and the required 4.5m (14.76ft) required side yard setback to Britannia Road. Furthermore questions surrounding the height and the located of the required noise wall and associated berms may result in a reduction of the rear yard amenity areas for the properties.

Staff also note that the Development and Servicing Agreements registered on the subdivision plan require a 14m setback from Britannia Road for the subject property. This is a Region of Peel requirement and at the time of this report staff are not in receipt of formal correspondence from the Region of Peel consenting to this requirement being waived.

Given the above, Planning staff recommend that the application be deferred.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Information submitted with this application indicates that the intent is to create a new semi-detached lot. The proposed lots will front onto Castlegrove Court which is under the jurisdiction of the City of Mississauga and we will comment accordingly, however, there may be requirements by the Region of Peel with regards to any setback requirements to Britannia Road as that roadway is under their jurisdiction.

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 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.

Acknowledging that acoustical barriers will be required as per the Noise Feasibility Study submitted by HGC Engineering (dated July 15, 2022), the Grading and Drainage Plan is to provide details with regards to the acoustical barrier/berm requirements.

2. Functional Servicing Proposal/Servicing Plan

We request that the applicant submit a Functional Servicing Proposal and Servicing Plan prepared by a Consulting Engineer for this department's review/approval to confirm that all the necessary municipal services can be provided for the proposed lots. Upon the review of the Functional Servicing Proposal it will be determined if any servicing easements will have to be established in order to support this severance proposal.

This property is part of the Sixteen Mile Creek Watershed. Based on the information available, both the severed and retained parcels drain to an existing ditch at the rear as well as some drainage to the existing 300mm diameter storm sewer on Castlegrove Court, however, this is to be verified upon the receipt of a Grading Plan. It should also be noted that there is a 200mm Foundation Drain Collector (FDC) storm system on Castlegrove Court.

3. Acoustical Report/Refinements May be Required

The owner has retained the services of an Acoustical Consultant to prepare a Noise Feasibility Study for the subject lands in order to make comments/recommendations in support of this

severance application. This report was required to determine the need for the implementation of any noise attenuation measures that are to be incorporated into the construction of the site works to achieve the City's and the M.O.E.'s current noise level objectives. The scope of this report is to define the minimum noise attenuation requirements for the control of outdoor and indoor environmental sound levels.

The submitted Noise Feasibility Study prepared by HGC Engineering (dated July 15, 2022) has identified that the primary source of noise is road traffic on Britannia Road West. Central air conditioning units, upgraded glazing construction, acoustical barriers/ berm combination and warning clauses will be requirements identified in the noise study.

Acknowledging that acoustic barriers will be required along both the rear property line and a portion along Britannia Road, further discussions with the Region of Peel may be warranted. We note that refinements with regards to the height/berm configurations and exact location of the acoustical barrier will be dependent on the submission of the required Grading Plan. In this regard, refinements to the submitted Noise Feasibility Study may be required.

The owner is advised that securities may be required to ensure that any noise attenuation measures such as air conditioning units and acoustical attenuation walls/berms are installed in accordance with any approved plans for the dwellings to be constructed. These securities can and will be secured through the Development Agreement.

4. Development Agreement for Warning Clauses and Notice Provisions

The applicant/owner will be required to enter into a Development Agreement for Warning Clauses and Notice Provisions with the City which is to be registered against title and is to address the following items:

- a) The Development Agreement is to advise prospective purchasers that despite the inclusion of noise control features within this development area and within the building units, sound levels due to increasing road traffic from Britannia Road may occasionally interfere with some of the activities of the dwelling occupants, as the noise exposure level exceeds the Municipality's and the Ministry of the Environment, Conservation and Parks noise criteria.
- b) The acoustical berm/barrier as installed shall be maintained, repaired or replaced by the owner. Any maintenance, repair or replacement shall be with the same material, or to the same standards, and having the same colour and appearance as the original.
- c) This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound

levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.

d) Purchasers are advised that due to the proximity of the existing commercial buildings, sound levels from the facilities may at times be audible.

e) The applicant is to contact this department with regards to obtaining information regarding other warning clauses which would be applicable. This department will advise of any additional required warning clauses upon the review of the Acoustical Report, Grading and Drainage Plans and Servicing Plan as requested in items A 1 and A 2.

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

As per the City of Mississauga's Fees and Charges By-law there will be a fee required to be paid to the Legal Services Department for their services, in particular for the preparation of documents required for items pertaining to a Development Agreement. The fee amount payable will be in accordance with the current Fees and Charges Bylaw and be submitted to the Transportation and Works Department in the form of a certified cheque.

6. Conceptual Site Plan Depicting Access Locations

A conceptual Site Plan depicting the proposed driveway locations for the proposed lots is to be provided for our review/approval. We are specifically concerned with regards to ensuring that the proposed access will provide adequate sight visibility and vehicle manoeuvrability for any vehicles entering and exiting the driveway(s).

The Preliminary Site Plan submitted with the application depicts the proposed building envelopes and setbacks, however it does not address the new driveway location(s). In this regard we request that the applicant submit for our review/approval a Conceptual Site Plan which would accurately depict the proposed new access location for the proposed semi-detached lots.

The Conceptual Site Plan will also have to indicate the precise location and width of the proposed curb cut onto Castlegrove Court and also address any modifications required to the existing utilities which would be impacted or re-location of trees within the boulevard. The owner is advised that all costs incurred for any access modifications and cost of providing a new access will be to the owner.

7. Services to Existing Lot

We are unable to determine the location of any services to the existing lot. In this regard we request that the applicant contact the various utility companies to ensure that any services to the existing lot are located within the limits of the new severance lines. Should it be determined

that some of the services encroach into the limits of the property being severed, the owner would have the option of abandoning that service(s) and arranging for the construction of a new service(s) in the proper location, or alternatively, provide a private easement.

8. Draft Reference Plan/Easement Requirement

We note that should any private easements be required, a draft reference plan is to be submitted for our review/approval which would clearly show the location of the easement(s).

To address this condition, the applicant/owner is to provide a letter prepared by their Solicitor which describes the new private easement(s) to be established. 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.

9. 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 Tony Iacobucci at (905) 615-3200 ext. 5129 or tony.iacobucci@mississauga.ca

B. GENERAL INFORMATION

1. Lot Grading and Drainage

We advise the applicant that issuance of any building permits for the new semi-detached 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. The driveway accesses shall maintain a 1.5M setback from aboveground features such as utilities and trees.

In addition we advise that the applicant will be required to apply for Access Modification Permits prior to Building Permit Issuance.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a preliminary zoning review application under file PREAPP 21-8582. Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

B31/22:

- The applicant requests the approval of the Committee to sever a parcel of land for the creation of a new interior lot. The parcel of land has a frontage of approximately 5.52m (18.11ft) and an area of approximately 237.85sq.m (2,560.20sq.ft).

B32/22:

- The applicant requests the approval of the Committee to sever a parcel of land for the creation of a new corner lot. The parcel of land has a frontage of approximately 5.52m (18.11ft) and an area of approximately 239.55sq.m (2,578.49sq.ft).

We also advise the remaining variances, as requested are correct. More information is also required in order to determine whether additional variance(s) will be required.

Please note that comments reflect those provided through the above permit application submitted on 11/14/2021 and should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the application file noted above, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments.

Comments Prepared by: Jeanine Benitez, 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 \$625.33 for the planting of one (1) street tree on Castlegrove Court. This figure is subject to the most recent Fees and Charges By-law at the time of payment and is therefore subject to change.

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. 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.

Community Services also provides the following notes:

1. City owned lands, Lisgar Meadow Brook (P-334) abuts the rear of the applicant's property.
2. Construction access from the adjacent City owned lands is not permitted.
3. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
4. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.

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 – Region of Peel

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

All Traffic related comments were addressed through associated subdivision.

Comments Prepared by: Camila Marczuk, Development Engineering & Catherine Barnes, Traffic

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. ("A192-193" /22)

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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 September 7, 2022.
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 September 7, 2022.
6. 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 29, 2022.