

# City of Mississauga Department Comments

Date Finalized: 2022-09-07	File(s): B30.22 A167.22 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-09-15 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 863 Lakeshore Rd E.

The applicant requests the Committee to approve a minor variance to allow the construction of a three-storey mixed use building proposing:

1. A driveway width of 2.29m (approx. 7.51ft) whereas By-law 0225-2007, as amended, requires a minimum driveway width of 2.60m (approx. 8.53ft) in this instance;
2. A drive aisle width of 3.25m (approx. 10.66ft) whereas By-law 0225-2007, as amended, requires a minimum drive aisle width of 7.00m (approx. 22.97ft) in this instance;
3. A landscape buffer depth of 1.05m (approx. 3.44ft) whereas By-law 0225-2007, as amended, requires a minimum landscape buffer depth of 4.50m (approx. 14.76ft) in this instance; and,
4. A total of 6 parking spaces on-site whereas By-law 0225-2007, as amended, requires a minimum of 7 parking spaces on-site in this instance.

### Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File A167.22 must be finalized

### Recommended Conditions and/or Terms of minor variance

- Variances approved under file B30.22 shall lapse if the consent application under file B30.22 A167.22 is not finalized within the time prescribed by legislation.

## Background

**Property Address:** 865 Lakeshore Rd E

### Mississauga Official Plan

Character Area: Lakeview Neighbourhood  
Designation: Mixed Use

### Zoning By-law 0225-2007

**Zoning:** C4 - Commercial

**Other Applications:** Site Plan application under file SP 21-25 and B34.22 (865 Lakeshore Road East)

### 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 one-storey detached dwelling 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 applications proposes a three-storey mixed use building and the creation of a mutual driveway easement with the neighbouring property at 863 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 applications are as follows:

The subject property is designated Mixed Use on Schedule 10 of the Mississauga Official Plan (MOP). This designation permits secondary office and residential uses. A secondary office use means business, professional and administrative offices having an area less than 10,000 m<sup>2</sup> (107,639 ft<sup>2</sup>) or accommodating less than 500 jobs.

The Committee of Adjustment previously deferred this application on April 7<sup>th</sup>, 2022 and again on May 11<sup>th</sup>, 2022 to allow the applicant an opportunity to submit additional information.

While staff have no concerns regarding the proposed easement, Municipal Parking staff have identified concerns with Variance #4. Their comments are as follows:

Zoning staff has commented that a Site Plan Approval application under file SP 21-25 is currently being processed. Variance #4 has not yet been verified by Zoning staff against the provisions of amended, Zoning By-law 0117-2022. Therefore, the application is required to be submitted as per standard resubmission procedures, separately, in order for Zoning to validate the accuracy of the variance.

Staff note Huis Design Studio submitted a revised concept site plan dated July 10, 2022. However, the plan does not illustrate the parking that is proposed to be supplied on-site.

As such, Municipal Parking staff recommends deferral of the application to allow the applicant an opportunity to validate the parking variance against the provisions of amended, Zoning By-law 0117-2022. Municipal Parking staff also require drawings

illustrating how parking will function and serve the building's uses, the number of parking spaces proposed, as well as their locations onsite.

While Planning staff have no concerns with the consent application in principal, staff echoes concerns raised by Municipal Parking staff and recommends the applications be deferred until Municipal Parking staff's comments are addressed.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

This department has no objections to the applicant's request to establish the required private easement in favour of 863 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 mutual 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.

Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing a Site Plan Approval application under file SP 21-25. Based on review of the information currently available in this application, the variance(s), as requested are correct.

Zoning notes that the parking variance has not been verified with the amendment to parking in 0117-2022.

Please note that comments reflect those provided through the above application 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: 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 \$625.33 for the planting of one (1) street tree, one on Lakeshore Rd. E. 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. If development is proposed, 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](mailto:jim.greenfield@mississauga.ca).

Comments Prepared by: Jim Greenfield, Park Planner

### **Appendix 4 – Bell**

Subsequent to review of the Severance Application by our local Engineering Department, it has been identified that Bell Canada will require a transfer of easement over these lands to protect existing aerial facilities, supply service to the properties, and to maintain service in the area. According to our records, Bell's aerial cable runs along the northwest property boundary as identified in the sketch provided.

Bell Canada would like to confirm that a blanket easement over the lands or a 3.0m wide corridor to be measured 1.5m on either side of the aerial cable, then to extend 1.0m from any existing pole to a minimum of 1.0m past any existing anchor installation and to be measured 0.5m on either side of the guy, as can be accommodated, would satisfy our needs.

Since the easement is necessary in order to provide and maintain service to this area, all costs associated with this transaction is the responsibility of the landowner. Compensation should be set to the nominal amount of \$2.00 for the acquisition of these rights. Additionally, Bell Canada requires separate, registered postponements for any mortgages and certification of title.

We hope this proposal meets with your approval and request a copy of the Committee of Adjustments decision. We look forward to the owners' Solicitor contacting us with a draft reference plan and accompanying draft easement and LTTS documents for our approval prior to registration, along with an acknowledgement and direction for our execution.

Comments Prepared by: Carrie Gordon, Right of Way Associate

## **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. ("A167"/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 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.

City Department and Agency Comments	File:B30.22 A167.22	2022/09/07	8
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6. A letter shall be received from the Bell Canada indicating that satisfactory arrangements have been made with respect to their comments dated March 14, 2022.