

# City of Mississauga Department Comments

Date Finalized: 2022-09-07	File(s): B34.22
To: Committee of Adjustment	Ward: 1
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 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

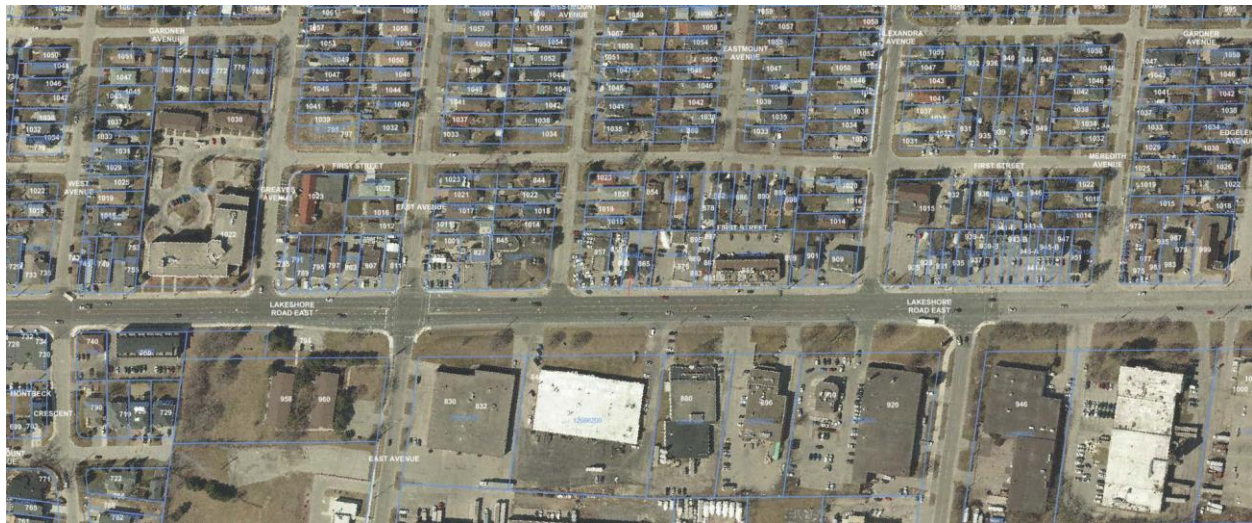
**Zoning:** C4 - Commercial

**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*.

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**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 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). The Committee of Adjustment previously deferred this application on May 11<sup>th</sup> to allow the applicant an opportunity to submit the requested information for Application A30.222. Municipal Parking staff still require additional information for Application A30.22.

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

This department has 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 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

Zoning has 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: Andrea Patsalides, 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](mailto:jim.greenfield@mississauga.ca).

Comments Prepared by: Jim Greenfield, Park Planner

#### Appendix 4- Metrolinx

Metrolinx is in receipt of one (1) consent and two (2) minor variance applications for 865 and 863 Lakeshore Rd E to facilitate the severance of a parcel of land for the creation of a driveway easement with the neighbouring property at 863 Lakeshore Rd E and to facilitate the construction of a three-storey mixed use building occupying a residential apartment and medical office on the subject property at 865 Lakeshore Rd E. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300 meters of Metrolinx's Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.
- As per section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, the Owner shall grant Metrolinx an environmental easement for operational emissions. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property. A copy of the form of easement is included for the Owner's information. The applicant may contact [Harrison.Rong@Metrolinx.com](mailto:Harrison.Rong@Metrolinx.com) with questions and to initiate the registration process.
- The Proponent shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the Railway Corridor
  - **Warning:** Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand their operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.

Comments Prepared by: Harrison Rong, Project Coordinator

## Appendix 5- 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 2.0m wide corridor to be measured 1.0m on either side of the aerial cable, then to extend from the pole to a minimum of 1.0m past any anchor installation 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.

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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 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 Bell Canada indicating that satisfactory arrangements have been made with respect to their comments dated May 6, 2022.