

# City of Mississauga Department Comments

Date Finalized: 2022-10-19	File(s): B60.22
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2022-10-27 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the proposal.

## 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 31.73m (approx. 104.10ft) and an area of 2126.0sq m (approx. 22,884.07sq ft).

### Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

## Background

**Property Address:** 1356 Oak Lane

### Mississauga Official Plan

Character Area: Clarkson – Lorne Park Neighbourhood  
Designation: Residential Low Density I, Greenlands

### Zoning By-law 0225-2007

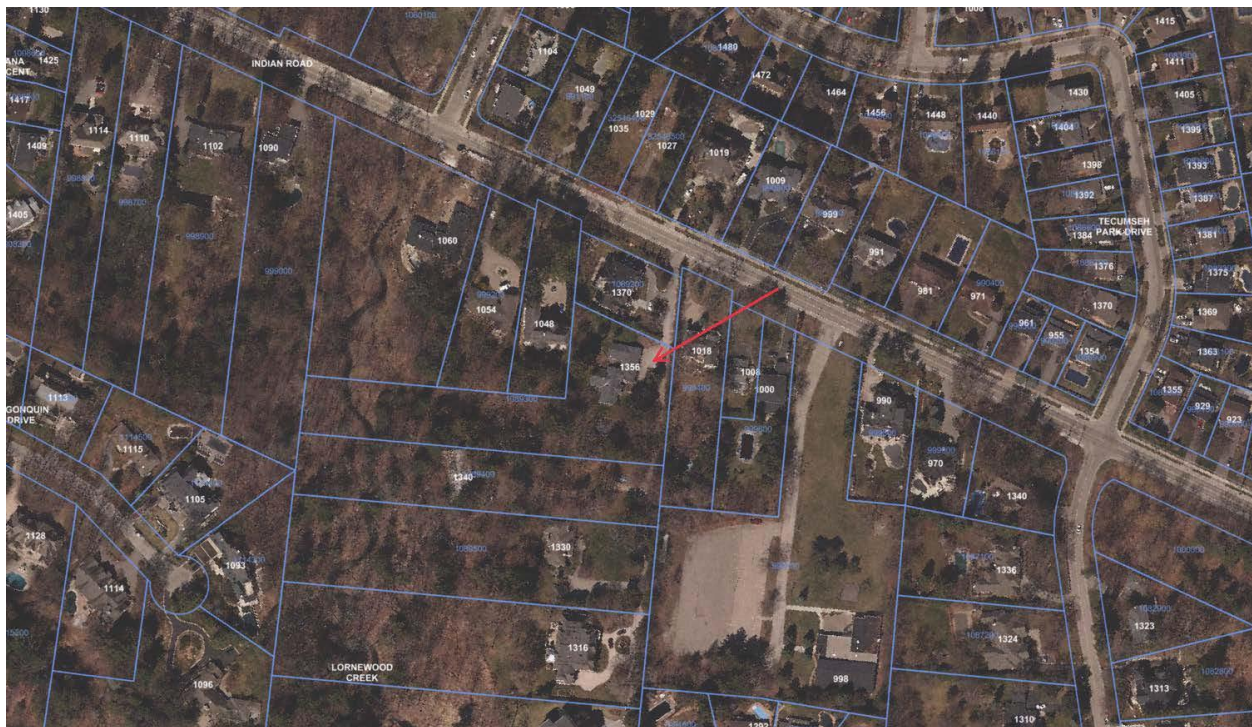
**Zoning:** R2-5 - Residential

**Other Applications:** None

### Site and Area Context

The subject property is located south-east of the Indian Road and Lorne Park Road intersection in the Lorne Park neighbourhood. It has an approximate lot frontage of 63.46m (208.20ft) and an approximate lot area of +/- 7,909.12m<sup>2</sup> (85,133ft<sup>2</sup>), which is larger than most lots in the surrounding context. The property fronts onto Oak Lane, a dead-end private laneway servicing 6 lots off of Indian Road. Significant mature vegetation is present throughout the property. The surrounding area context is predominantly residential, consisting of detached dwellings on lots of varying sizes.

The applicant is proposing to sever the existing lot into two parcels for the purpose of constructing a detached dwelling on each of the lots.



## 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 application for consent are as follows:

The subject property is located in the Clarkson – Lorne Park Neighbourhood Character Area and is designated Residential Low Density I and Greenlands in Schedule 10 of the Mississauga Official Plan (MOP). The Residential Low Density I designation permits detached, semi-detached and duplex dwellings. 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 Greenlands designation only permits development for existing lots of record. There is no development proposed for the lands at this time, and the Greenlands designation covers the rear portion of the retained lands only. 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.

Staff note that while the severance line appears to go through the existing dwelling on the subject property, staff have confirmed with the applicant that the existing dwelling is to be demolished. Staff are satisfied that the application is consistent with the official plan as the severed and retained lands will provide for adequately sized lots for residential dwellings. The proposed lot areas and frontages are generally consistent with other residential properties in the immediate area and will not negatively impact the character of the street or the area's lot fabric. Furthermore staff have no concerns with the severance regarding the criteria set out in Section 51(24) of the Planning Act as the site is appropriately serviced and is suitable for the planned use of the property. Staff are therefore of the opinion that the application conforms to Section 51(24) of the Planning Act.

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 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.

##### 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](mailto: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](mailto: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. Storm Outlet

The applicant is advised that there is no storm sewer available in front of this site (ditches only), so a sump pump will be required to discharge the weeping tile. The applicant is encouraged to design the basement elevation to be 1.0 metre above the storm sewer obvert 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 metre 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.

### 4. CVC Approval

The severed and retained lands are located within the CVC's regulated floodplain area of the Lornewood Creek watershed, and as such CVC approval will be required.

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: 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.

The lands to the rear of the property are classified as Significant Natural Area within the City's Natural Heritage System and zoned R2-5. 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.

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. An Environmental Impact Study (EIS) is to be submitted for review and approval. A checklist can be provided for reference upon request.
4. 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.
5. All lands below the greatest environmental constraint at the rear of the property (top-of-bank, long-term stable slope, or natural features), including associated 10 meter buffer, shall be gratuitously dedicated to the City for conservation purposes. Placing the natural hazard lands into public ownership will contribute to the protection and enhancement of the Natural Heritage System.
6. A 1.5 metre high, black vinyl chain-link fence shall be built to current municipal standards. The fencing is to be located 0.15 metres inside the lands to be dedicated to the City.
7. The applicant shall provide securities fencing in the amount of \$3750.00. 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.

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8. 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.
9. Submit a draft Reference Plan identifying the lands to be dedicated to the City.
10. Submit a Site Servicing Plan and Grading Plan that is to the satisfaction of the Community Services Department.
11. Tree Preservation and Inventory Plan to the satisfaction of Community Services Department.
12. 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 Nicholas Rocchetti, Park Planning Assistant, Community Services Department at 905-615-3200 ext. 4659 or via email [Nicholas.Rocchetti@mississauga.ca](mailto:Nicholas.Rocchetti@mississauga.ca).

Comments Prepared by: Nicholas Rocchetti, Park Planning Assistant

#### **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

# City of Mississauga Department Comments

## Appendix 5- CVC

Credit Valley Conservation (CVC) staff have reviewed the subject application and offer comments based on the following roles and responsibilities:

1. Watershed Based Resource Management Agency and Public (commenting) Body under the *Planning Act* - providing comments based on CVC's Board approved policies;
2. Planning Advisory Services - providing environmental planning and technical advice/comments based on service agreements or memorandum of understanding;
3. Delegated Responsibilities – providing comments representing the provincial interest regarding natural hazards (except forest fires) as identified in Section 3.1 of the *Provincial Policy Statement (2020)*;
4. Regulatory Responsibilities – providing comments to ensure the coordination of requirements under the *Conservation Authorities Act Section 28 regulation*, to eliminate unnecessary delay or duplication in process;
5. Source Protection Agency – providing advisory comments to assist with the implementation of the *CTC Source Protection Plan* under the *Clean Water Act*, as applicable.

### Site Characteristics:

The subject property is regulated for valley slope associated with Lornewood Creek. Other natural heritage features of CVC interest on and adjacent to the property include the Region of Peel Core Greenlands, Significant Natural Site of the City of Mississauga Natural Heritage System (NHS), and the Credit River Watershed NHS.

It is the policy of CVC and the Province of Ontario to conserve and protect the significant physical, hydrological and biological features associated with the functions of the above noted characteristics and to recommend that no development be permitted which would adversely affect the natural features or ecological functions of these areas.

### Ontario Regulation 160/06:

The property is subject to the Development, Interference with Wetlands, and Alterations to Shorelines & Watercourses Regulation (Ontario Regulation 160/06). This regulation prohibits altering a watercourse, wetland or shoreline and prohibits development in areas adjacent to the Lake Ontario shoreline, river and stream valleys, hazardous lands and wetlands, without the prior written approval of CVC (i.e. the issuance of a permit). A permit from CVC will be required for development proposed on the subject property.

### Proposal:

It is our understanding that 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 31.73m (approx. 104.10ft) and an area of 2126 sq m (22,884.07 sq ft).



**Concerns:**

CVC staff have staked the top of bank and natural features (on June 25, 2021) on the property in advance of a severance application and have concerns with regards to the proposed severance, lot lines and associated building envelopes. Based on our assessment, the new lot line traverses the slope hazard and natural heritage features associated with Lornewood Creek. It is typically our expectation that hazard lands and natural heritage features, with appropriate buffers, be off-lot and remain on the retained parcel, thus not fragmenting the features. It must also be demonstrated that there is an appropriate building envelope on both the lot to be severed and the lot to be retained for future development outside of and setback from the natural hazard and natural heritage features.

Further review and site visit are required in order to determine the extent of the natural hazards, appropriate setback and sufficient building envelopes for the proposed severed and retained lots. Based on the proposed plans, there is not enough information to determine if a suitable building envelope (including dwelling, amenities, etc.) exists on the lot to be retained outside of and appropriately setback from, the natural hazards and natural heritage features. Confirmation that there is space outside of the natural hazards and natural heritage features for a suitable building envelope should be demonstrated.

Please also be advised that a CVC permit will be required for development proposed on both the retained and severed parcels.

**Comments:**

Based on the above, CVC staff **recommend deferral** of the requested severance by the Committee until the above concerns have been addressed to the satisfaction of CVC.

It should be noted that the CVC review fee of \$1,204 has not been submitted. Please contact the undersigned to submit payment at your earliest convenience.

I trust that these comments are sufficient. Please do not hesitate to contact the undersigned at 905-670-1615 (ext. 236) should you have any further questions or concerns.

Please circulate CVC any future correspondence regarding this application.

Comments Prepared by: Elizabeth Paudel, Planner

**Appendix 6- Region of Peel****Consent Application: B-60/22**

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

**Comment:** There is a Regional sanitary sewer 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](mailto: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](mailto:siteplanservicing@peelregion.ca)

**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.

**Consent Application:** B-60/22

Development Planning: Patrycia Menko (905) 791-7800 x3114

**Comment:** Please be advised that a portion of the subject property is located within an area the Regional Official Plan (ROP) designates as a Core Area - 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 the above-mentioned 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: Patrycia Menko, Junior Planner

**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.
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 October 19, 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 October 19, 2022.
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 October 19, 2022.
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 October 21, 2022.

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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 October 19, 2022.