

City of Mississauga Department Comments

Date Finalized: 2022-11-23 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): B69.22 B70.22 B71.22 B72.22 B73.22 B74.22 B75.22 B76.22 A563.22 A564.22 Ward: 7
	Meeting date:2022-12-01 1:00:00 PM

Consolidated Recommendation

The City has no objections to the applications. 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

B69/22

The applicant requests the Consent 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 15.00m (approx. 49.21ft) and an area of approximately 660.00sq m (approx. 7,104.18sq. ft).

B70/22

The applicant requests the Consent 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 15.00m (approx. 49.21ft) and an area of approximately 660.00sq m (approx. 7,104.18sq. ft).

B71/22

The applicant requests the Consent 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 15.00m (approx. 49.21ft) and an area of approximately 660.00sq m (approx. 7,104.18sq. ft).

B72/22

The applicant requests the Consent 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 15.00m (approx. 49.21ft) and an area of approximately 660.00sq m (approx. 7,104.18sq. ft).

B73/22

The applicant requests the Consent 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 15.00m (approx. 49.21ft) and an area of approximately 660.00sq m (approx. 7,104.18sq. ft).

B74/22

The applicant requests the Consent 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 15.00m (approx. 49.21ft) and an area of approximately 660.00sq m (approx. 7,104.18sq. ft).

B75/22

The applicant requests the Consent 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 16.33m (approx. 53.58ft) and an area of approximately 687.00sq m (approx. 7,394.81sq. ft).

A563/22

The applicant requests the Committee to approve a minor variance for the severed lands of B75/22 proposing:

3. A lot frontage of 16.33m (approx. 53.58ft) for a corner lot whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 19.50m (approx. 63.98ft) for a corner lot in this instance; and,
4. A lot area of 687.00sq m (approx. 7,394.87sq ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 720.00sq m (approx. 7,750.02sq ft) for a corner lot in this instance.

B76/22

The applicant requests the Consent 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 15.06m (approx. 49.41ft) and an area of approximately 696.00sq m (approx. 7,491.68sq. ft).

A564/22

The applicant requests the Committee to approve a minor variance for the retained lands of B76/22 proposing:

3. A side yard setback to the existing dwelling of 1.03m (approx. 3.38ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance; and,
4. A side yard setback to an existing accessory structure of less than 0.5m (approx. less than 1.64ft) whereas By-law 0225-2007, as amended, requires a side yard setback to an existing accessory structure of 1.20m (approx. 3.94ft) in this instance.

Amendments

While Planning staff are not in a position to interpret the zoning by-law, staff recommend that variance 2 of application A564/22 be amended as follows:

2. A side yard setback to an existing accessory structure of 0.47m whereas By-law 0225-2007, as amended, requires a side yard setback to an accessory structure of 1.20m in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A563/22 & A564/22 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A563/22 & A564/22 shall lapse if the consent application under files B69/22, B70/22, B71/22, B72/22, B73/22, B74/22, B75/22 & B76/22 are not finalized within the time prescribed by legislation.

Background**Property Address: 2494 & 2510 Cliff Rd and 306 King St E****Mississauga Official Plan**

Character Area: Cooksville Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007**Zoning: R3- Residential****Other Applications:** None**Site and Area Context**

The subject site is currently 3 properties on the south-west corner of King Street East and Cliff Road, which have merged on title due to common ownership. The sites currently contain a total of 3 detached dwellings and have a combined area of +/- 0.8ha (1.98ac). Mature vegetation is scattered throughout the site. The surrounding area context is exclusively residential, consisting of detached homes on lots generally smaller than the existing properties.

The applicant is proposing to sever the lands into 9 lots, requiring variances for lot frontage and lot area on one lot and setbacks on a second lot.



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

designation permits detached, semi-detached and duplex 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 3 properties at 306 King Street East, 2494 Cliff Road and 2510 Cliff Road have merged on title as they are under common ownership. The applicant is proposing to sever the consolidated 3 properties into 9 lots. Staff are satisfied that the application is consistent with the official plan as the severed lots and retained lands will provide for adequately sized lots for residential dwellings. The proposed lot frontages are generally in line with other residential properties along King Street East and Cliff Road and will not negatively impact the character of the street or the area's lot fabric. Furthermore staff have no concerns with the severances 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.

In addition to the consent applications the applicant has submitted two minor variance applications, under files A563/22 and A564/22.

File A563/22 requests two variances for the proposed corner lot for lot frontage and lot area. The intents of these provisions in the zoning by-law are to ensure that new lots are appropriately sized and fit within the context of the surrounding area. Planning staff are satisfied that the sole substandard lot in the proposal fits appropriately into the character of the surrounding area and is complementary to the existing and proposed lot fabric.

File A564/22 requests two variances for side yard setbacks to the existing dwelling and accessory structure at 2494 Cliff Road that are proposed to be maintained. The intent of side yard provisions in the zoning by-law are to ensure appropriate drainage can be maintained, a separation of structures on adjacent lots, and to maintain appropriate access. Both side yards represent existing conditions that are proposed to be regularized through the variance process. Staff are satisfied that the requested setbacks will maintain existing access, drainage, and separation from structures on the adjacent property.

Given the above, Planning staff are satisfied that the requested variances maintain the general intent and purpose of both the official plan and zoning by-law, are minor in nature, and represent appropriate development of the subject property.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This department has no objections to the applicant's request which will merge the subject properties and create 9 lots, one of which will be the retained lot containing the existing dwelling at 2494 Cliff Road.

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.

Upon the review of an Overall Grading and Drainage Plan it may be determined that rear lot catch basin(s) may be required and satisfactory arrangements will have to be made for the construction of same.

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 new municipal infrastructure will be required or if any servicing easements will have to be established in order to support this severance proposal.

Based on the information available, the retained and severed parcels fronting onto Cliff Road drain to the existing 600mm storm sewer on Cliff Road, and the severed parcels fronting onto King Street East drain to the existing 600mm diameter storm sewer on King Street East. It should also be noted that in cases of a high groundwater table where a sump pump could run continuously if a sump pump was implemented, the applicant should consider raising the basement elevations to be at least 1.0meter above the groundwater level. It is the owner's responsibility to satisfy themselves with these conditions the City has no obligation to address any concerns with the operating conditions of private sump pump systems.

It should be noted that from a review of our records, and specifically Plan and Profile Drawing C-13957 for King Street East, there is no indication that there is a sanitary sewer service from Evelyn Court to Cliff Road and this will likely require the construction of a new sanitary sewer.

The Region of Peel will be commenting on any particulars pertaining to Sanitary and Watermain service requirements as these are under their jurisdiction, however, any new services to be constructed within the municipal right of way will require a Development Agreement including Schedules for Municipal Infrastructure to be entered into with both the City of Mississauga and the Region of Peel to address any servicing requirements.

3. Development Agreement including Schedules for Municipal Infrastructure to address the Construction of any Municipal Services and Road Reinstatement Works

Depending on the findings of a Functional Servicing Proposal in item A2 and should it be determined that new municipal services (i.e. storm, sanitary) would have to be constructed within the municipal roadway, satisfactory arrangements would have to be made with regards to the owner entering into a Development Agreement with the City of Mississauga. This Development Agreement would include Municipal Infrastructure Schedules to address the construction of any municipal services and road modification/reinstatement works required. In this regard the owner will be required to submit an engineering submission for the proposed infrastructure works.

The applicant/owner should also acknowledge that the Transportation and Works Department will not issue its clearance for this Consent Application until such time that the Development Agreement including Schedules for Municipal Infrastructure has been finalized, a By-Law to authorize the execution of the agreement has been passed by Council and the agreement fully executed by the City.

4. Conceptual Site Plan Depicting Driveway Locations/Modifications Required

The applicant will be required to provide for our review/approval a Conceptual Site Plan which is to accurately depict all proposed driveway locations, specifically along the King Street East frontage. The plan must include the location of all existing utilities, in particular the significant number of bell pedestals which currently exist. We have attempted to find Plan and Profile Drawings which would depict these significant sized utilities which will have an impact on any access locations but were not able to find any, however we did observe a utility cover which did identify it belonging to Bell.

We also note that there are a number of mature trees across the frontages of the site and any Conceptual Site Plan depicting driveway locations will have to be in conformity with any tree preservation efforts by our Forestry Section.

In this regard satisfactory arrangements will have to be made for the relocation of any utilities if required or alternatively provide a satisfactory Conceptual Site Plan depicting driveway locations. It should also be noted that there is to be a minimum setback of 1.5M from the

driveway to the utility. In addition, any costs associated with any utility relocations will be the responsibility of the owner.

5. Road Widening on Cliff Road and Sight Triangle Requirements

Satisfactory arrangement will have to be made for the gratuitous dedication to the City of Mississauga a right of way widening towards the ultimate 26 metre right-of-way of Cliff Road as identified in the Official Plan.

In addition a 10 x 10 metre Sight Triangle at the south-west corner of King Street East and Cliff Road will be required.

The applicant's surveyor is to prepare and submit a draft reference plan to this department for review and approval. We are advising that any particulars with regards to land dedications will have to be to the satisfaction of our traffic section, Kate.Vassilyev@mississauga.ca and also verified by the City's Ontario Land Surveyor which can be contacted at Al.Jeraj@mississauga.ca

6. Environmental Site Assessment (ESA) for Road Widening

As a road widening across the frontage of Cliff Road is being requested, in accordance with Corporate Policy 09-08-02, a Phase 1 Environmental Site Assessment (ESA) will be required. The report should be prepared in accordance with O. Reg 153/04 (as amended), signed and dated by a Qualified Person as defined in O. Reg 153/04 (as amended) and include a clause or be accompanied by a letter signed by the author of the report or a Principal of the Consulting Firm, which allows the City of Mississauga to make reliance on the findings and conclusions presented in the report.

If the Phase One ESA indicates potential for contamination, a Phase Two Environmental Site Assessment will be required. If contamination is confirmed, a Remedial Action Plan that appropriately addresses the contamination will be required. Recommendations contained within the plan will be implemented by way of conditions to the development approval.

Should additional clarification be required with regard to the Environmental Site Assessment (ESA), please contact Jessica Yong, Environmental Coordinator at 905 615-3200 ext. 3174 or Jessica.Yong@mississauga.ca should you require further information.

7. 0.3M Reserve Across King Street East

Satisfactory arrangement are to be made with our Traffic Planning Section with regards to the lifting of the existing 0.3M Reserve across the frontage of King Street East frontage.

In view of the above we would request that the applicant contact a representative of our Traffic Planning Section, Kate.Vassilyev@mississauga.ca to discuss and make arrangements with regards to satisfying the requirement to lift the existing 0.3M reserve.

8. 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 a Development Agreement and the processing of any road widening. 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.

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

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. 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 Site Plan Approval and/or Building Permit Issuance.

We are noting that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 69 to 76/22.

For further information regarding the above noted comments, please contact Tony Iacobucci at (905) 615-3200 ext. 5129 or tony.iacobucci@mississauga.ca













Comments Prepared by: Tony Iacobucci, 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: Amy Campbell, Planner-in-Training

Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has reviewed the consent application and advises as follows:

City of Mississauga Forestry Staff have attended the site and identified the following City owned trees within the municipal boulevard:

- Scotch Pine (36 dbh) – Good Condition - \$1,600.00
- Scotch Pine (32 dbh) – Good Condition - \$1,300.00
- Scotch Pine (41 dbh) – Good Condition - \$2,100.00
- Scotch Pine (47 dbh) – Good Condition - \$2,700.00
- Scotch Pine (30 dbh) – Good Condition - \$1,200.00
- Red Pine (21 dbh) – Good Condition - \$800.00
- Red Pine (21 dbh) – Good Condition - \$800.00
- Red Pine (22 dbh) – Good Condition - \$900.00
- Red Pine (28 dbh) – Good Condition - \$1,400.00
- Bur Oak (17 dbh) – Good Condition - \$700.00
- Horse Chestnut (14 dbh) – Good Condition - \$400.00
- Red Oak (22 dbh) – Good Condition - \$1,100.00
- Red Oak (25 dbh) – Good Condition - \$1,300.00
- Red Oak (21 dbh) – Good Condition - \$1,000.00

Should the application be approved, Community Services wishes to impose the following conditions:

1. The applicant shall provide tree protection securities in the amount of \$17,300.00 for the preservation of the municipal trees.

In addition, Community Services notes the following:

1. The applicant shall ensure that future driveways do not impact or require the removal of the above noted trees.
2. 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 Nicholas Rocchetti regarding the Covid-19 interim payment process.
3. The applicant shall provide frame tree hoarding at the dripline of the above noted tree prior to any construction to the satisfaction of City of Mississauga Forestry Staff. Please call Ryan Cormier at 905-615-3200 ext. 4580 to arrange a hoarding inspection.
4. 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.

Comments Prepared by: Nicholas Rocchetti, Park Planning Assistant

Appendix 4 – Region of Peel

Servicing: Camila Marczuk (905) 791-7800 x8230

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
- Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Site Servicing approvals are required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections at 905.791.7800 X7973 or by email: 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.

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.

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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. ("A" 563-564/22)
 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 November 23, 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 November 23, 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 November 18, 2022.