

City of Mississauga Department Comments

Date Finalized: 2022-11-23	File(s): B77.22
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2022-12-01 1:00:00 PM

Consolidated Recommendation

The City recommends 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 new lot. The parcel of land has a frontage of 11.31m (approx. 37.11ft) and an area of 575.60sq m (approx. 6195.71sq ft).

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

Background

Property Address: 94-100 Lakeshore Rd E

Mississauga Official Plan

Character Area: Port Credit Community Node
Designation: Mixed Use

Zoning By-law 0225-2007

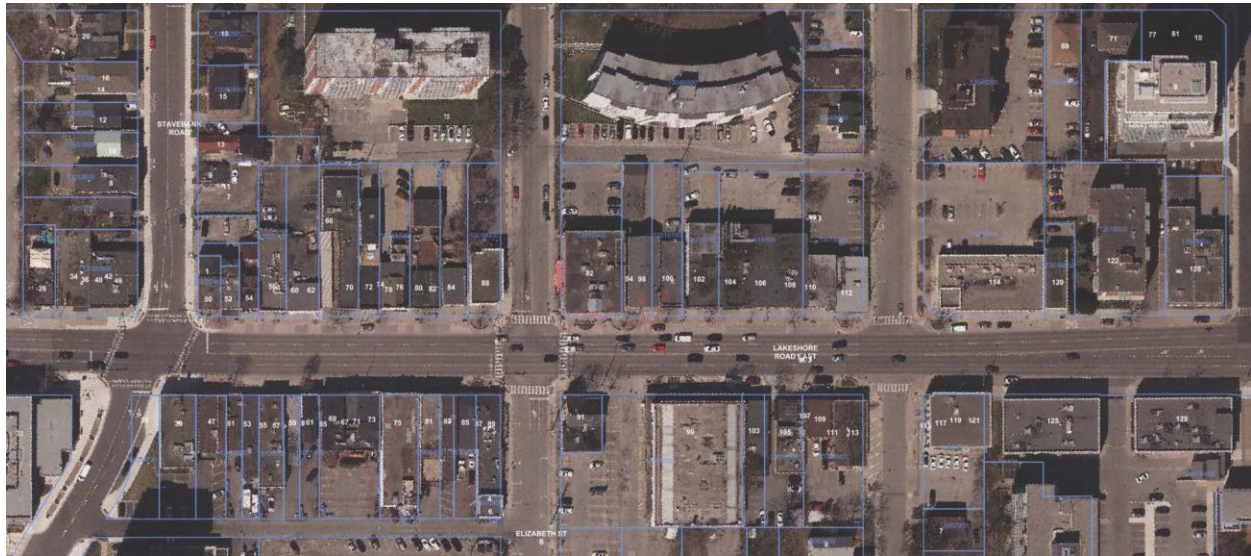
Zoning: C4-55

Other Applications: None

Site and Area Context

The subject property is located within the Port Credit Community Node, west of the Hurontario Street and Lakeshore Road East intersection. The subject site contains two commercial buildings with commercial uses. Minimal vegetation in the form of street trees align Lakeshore Road East. The broader area consists of a mix of commercial, high, and low-density residential uses with minimal vegetation throughout the properties.

The application proposes to sever a parcel of land for the creation of a new lot.



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 are as follows:

The subject property is designated Mixed Use in Schedule 10 of the Mississauga Official Plan (MOP), which permits many uses, including commercial uses.

According to the applicant, the proposed severed and retained lands were once individual properties. Staff note that municipal mapping software (iMaps) continues to show these properties are separate however; they share the same property identification number (PIN). The application proposes to sever the subject property to reinstate the previous lots. While Planning staff have no immediate concerns with the proposed severance, Staff are concerned that the proposal will result in parking deficiencies. On November 17th, 2022, staff requested additional information from the applicant (via email) to confirm if additional variances would be required and to determine if alternative parking arrangements are required to accommodate additional parking. Staff is continuing to work with the applicant to obtain this information.

As such, staff is of the opinion that the application is premature and cannot provide an accurate review of the proposal. Staff recommends that the application be deferred to allow the applicant more time to review the proposal with staff and to submit the requested information.

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 create a new lot fronting Lakeshore Road East. We understand that each of the existing buildings on the lands currently has its own Municipal address and from the plans submitted with the application, it appears that there are no changes proposed on site. All parcels have vehicular access via an existing access easement from Elizabeth Street.

We would recommend that the owner of the subject lands review their records and be satisfied that any underground services to either the severed or retained lands are located such that the services are confined within the limits of their own property. Should it be determined that there are any services which will conflict with the new property limits, 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 protect it by means of a private easement.

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:

Given that 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.

In addition, Community Services notes the following:

1. 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 – Heritage

Heritage planning has no concerns with the severance, however as this property is listed on the City's Heritage Registry any major alterations or demolition in the future would require the property owner to submit a heritage application. The application form is available here: <https://www7.mississauga.ca/documents/culture/heritage/2248.pdf>. It would have to be accompanied by an accepted Heritage Impact Assessment.

Comments Prepared by: Andrew Douglas, Heritage Analyst

Appendix 5 – 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.

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.