

City of Mississauga Department Comments

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| Date Finalized: 2023-02-02 | File(s): B89.22 B90.22 |
| To: Committee of Adjustment | Ward: 2 |
| From: Committee of Adjustment Coordinator | Meeting date:2023-02-09 1:00:00 PM |

Consolidated Recommendation

The City has no objections to the requested consent applications.

Application Details

B89/22

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 30.00m (approx. 98.43ft) and an area of approximately 789.00sq m (8492.73sq ft).

B90/22

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 22.00m (approx. 72.18ft) and an area of approximately 718.00sq m (7728.49sq ft).

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

Background

Property Address: 1200 Lorne Park Rd

Mississauga Official Plan

Character Area: **Clarkson-Lorne Park Neighbourhood**
Designation: **Residential Low Density I; Residential Low Density II**

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Zoning By-law 0225-2007

Zoning: **RM4-77 - Residential**

Other Applications: B65.21, B53.20, B38.18, B39.18 and B40.18

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, northwest of Lorne Park Road and the railway corridor. The immediate area is predominantly residential, consisting mostly of one and two storey-detached dwellings. Immediately south of the subject property are townhouse dwellings and a commercial plaza.

A rezoning application (OZ 16/014) was approved by the Local Planning Appeal Tribunal (now Ontario Land Tribunal) permitting semi-detached and townhouse dwellings on the larger lot fronting Lorne Park Road, while the lots fronting onto Garden Road will contain three detached dwellings.

The subject property received provisional approval of consent applications B38.18, B39.18 and B40.18 from the Committee of Adjustment on June 21st, 2018 for the subdivision of three lots fronting onto Garden Road and one larger lot fronting onto Lorne Park Road. The Planning and Building Department had no objections to the applications at that time. The Committee's decisions were appealed to the Ontario Municipal Board (OMB), where the appeals were dismissed and provisional consents were given subject to conditions.

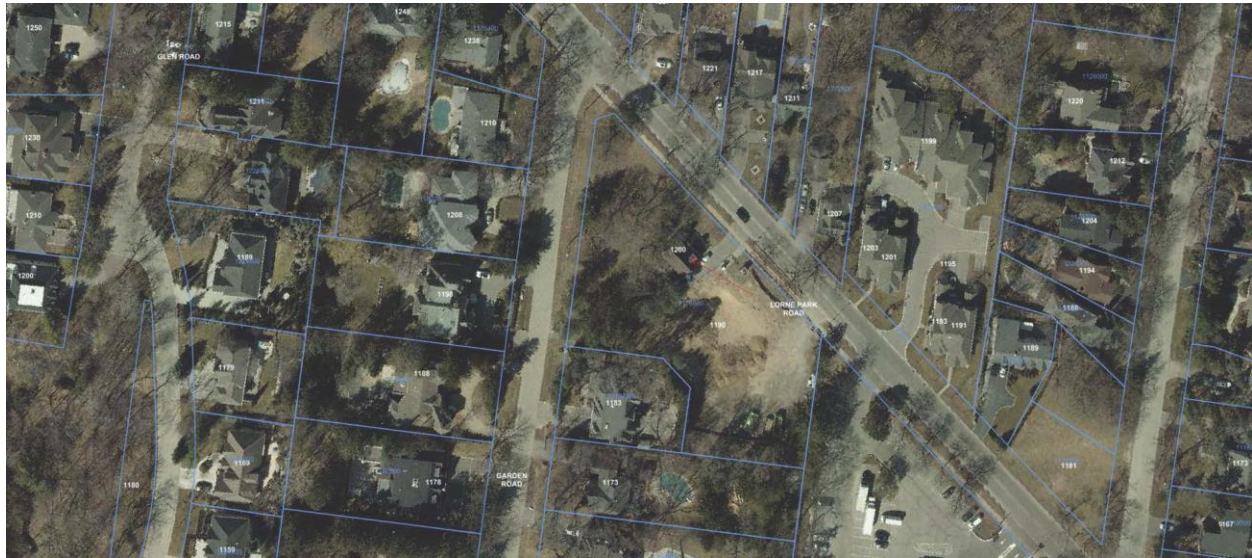
Certificates of the secretary treasurer were issued for the northern and southern lots fronting onto Garden Road. However, provisional conditions associated with the approval of the middle lot (outlined as Part 3 in the consent application), were not satisfied.

In 2020, ownership of the subject property changed and the northern and southern lots fronting onto garden road were never fully established as they were never registered with the land registry office.

Under new ownership, the Committee of Adjustment approved consent application B53.20 to re-establish the provisional approval of the middle lot fronting onto Garden Road on November 12th, 2020. However, provisional conditions associated with the approval were again not satisfied.

In 2021, application B65.21 was approved re-establishing provisional consent of the middle lot fronting onto Garden Road. Staff have confirmed that the middle lot is registered with the land registry office.

The above noted applications were filed to re-establish the northern and southern lots fronting onto Garden Road that were never registered with the land registry office.



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 for consent are as follows:

The intent of this application is to re-establish provisional consent of the norther and southern lots fronting onto Garden Road. The proposed lots are consistent with the severance scheme supported by staff under applications B38.18, B39.18 and B40.18. As such, staff is of the opinion that the application conforms to Section 51(24) of the *Planning Act*.

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Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We note for the Committee's information that the City has processed a rezoning application under file OZ 16/014, and also note that the subject lands were previously dealt with through Consent Applications 'B' 65/21 and 'B' 38 & 40/18 respectively where matters pertaining to grading, drainage, acoustical requirements and site servicing were reviewed and addressed satisfactorily. We further advise that it is our understanding that the subject lands did not finalize the previous consent application due to the timing of the removal of the existing dwelling on site. Any future matters pertaining to site specific requirements for the subject application can be addressed through the future Building Permit applications.

Should Committee see merit in the applicant's request we have **no comments, conditions or objection** to the subject application. We provide the following general requirements for the applicant's information:

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. Driveway accesses shall maintain a 1.5m setback from aboveground features such as utilities and trees.

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: Brooke Herczeg, 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.

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

- Tamarack (36 cm DBH) – Good Condition – \$2,900.00
- Scotch Pine (45 cm DBH) = Good Condition - \$3,100.00

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

1. The applicant shall provide tree protection securities in the amount of \$6,000.00 for the preservation of the municipal trees.

In addition, Community Services notes the following:

1. The applicant shall provide framed tree hoarding at the dripline of the above noted trees 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.

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. 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

Consent Application: B-89/22, 1200 Lorne Park Road

Servicing: Camila Marczuk (905) 791-7800 x8230

Comments:

- Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. 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 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.
- 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 at siteplanservicing@peelregion.ca

Comments Prepared by: Patrycia Menko – Junior Planner, Planning and Development Services

Appendix 5 – Metrolinx

1200 Lorne Park Rd

Metrolinx is in receipt of the consent application for 1200 Lorne Park Rd to facilitate the severance of the land for the creation of a new lot (Part 2 and 4) and to facilitate the construction of a single detached dwelling on each lot. 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 Leah.ChishimbaSimwanza@Metrolinx.com with questions and to initiate the registration process. (It should be noted that the registration process can take up to 6 weeks).

- 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:** The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit 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 or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.
- Please note that Metrolinx is a stakeholder that has provided comments on the comprehensive application of the subject property.

Comments Prepared by: Farah Faroque – Intern, Third Party Projects Review

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 February 2, 2023.
5. A letter shall be received from the City of Mississauga, Park Planning, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated February 2, 2023.
6. A letter shall be received from Metrolinx indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated January 27, 2023.