

City of Mississauga Department Comments

Date Finalized: 2023-03-15 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): B2.23 A13.23 A14.23 Ward: 7
	Meeting date:2023-03-23 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be refused.

Application Details

B2/23

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 13.40m (approx. 43.96ft) and an area of approximately 908.275sq m (9776.59sq ft).

A13/23

The applicant requests a minor variance for the severed lands of B2/23 proposing:

1. A lot frontage of 13.40m (approx. 43.96ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 30.00m (approx. 98.43ft) in this instance and,
2. A lot area of 908.275sq m (9776.59sq ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 1400.00sq m (approx. 15069.47sq ft) in this instance.

A14/23

The applicant requests a minor variance for the retained lands of B2/23 proposing:

1. A lot frontage of 13.06m (approx. 42.85ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 30.00m (approx. 98.43ft) in this instance and,
2. A lot area of 908.275sq m (9776.59sq ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 1400.00sq m (approx. 15069.47sq ft) in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A13/23 & A14/23 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A13/23 & A14/23 shall lapse if the consent application under file B2/23 is not finalized within the time prescribed by legislation.

Background

Property Address: 681 Sir Richard's Rd

Mississauga Official Plan

Character Area: Erindale Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R1-8 - Residential

Other Applications: PREAPP 22-3421

Site and Area Context

The subject property is located south-west of the Queensway West and Stavebank Road intersection in the Erindale neighbourhood. It currently contains a two-storey detached dwelling with an attached garage. Mature vegetation is present in both the front and rear yards of the subject property. The surrounding context is exclusively residential, consisting of detached dwellings on large lots with mature vegetation.

The applicant is proposing to sever the existing lot into two lots, requiring variances for lot area and lot frontage.



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*.

The applicant is proposing to sever two properties from the existing lot, with lot areas of 908.275m² (9,776.59ft²) and lot frontages of 13.40m (43.96ft) and 13.06m (42.85ft).

The subject property is located in the Erindale Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan. This designation only permits detached dwellings.

While Planning staff note that the proposed consent has regard for most of Section 51(24) of the Planning Act as it is appropriately serviced and is a suitable size for a residential use in general, staff are of the opinion that the proposed severances do not meet the criteria of 51(24)(c) of the Planning Act.

51(24)(c) states that the proposal shall have regard for conformity to the official plan and adjacent plans of subdivision. MOP Policies 9.2.2.3(a) & (f) state in part that while new development does not need to mirror existing development, new development should respect existing lotting patterns and preserve mature, high quality trees. Furthermore the subject property forms part of Special Site 2 within the Erindale Neighbourhood policies of the MOP, under Section 16.9.2.2. Section 16.9.2.2.2 lays out additional policies for this area, including preserving generous setbacks and reducing hard surface areas in front yards. Planning staff are concerned that the proposal would impact multiple mature trees on the property, contrary to the policies of the official plan. The proposal would also bring additional hardscaping to the area with the requirement for two driveways and would significantly reduce the existing side yard setbacks. Staff further note that the lots would be amongst the smallest in the immediate neighbourhood, which does not respect existing lotting patterns.

Planning staff are therefore of the opinion that the severance does not meet the requirements of 51(24)(c) of the Planning Act.

Variances 1 & 2 in both applications request reductions in lot area and lot frontage for both proposed lots. The intent 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 of the opinion that the lots do not fit appropriately into the character of the surrounding area and are not complementary to the existing lot fabric. The proposed variances would facilitate the creation of two of the smallest lots in the area which would impact the streetscape and the character of the larger area.

Given the above Planning staff are of the opinion that the minor variance applications do not maintain the general intent and purpose of either the official plan or zoning by-law, are not minor in nature, and do not represent appropriate development of the subject property.

Comments Prepared by: Alexander Davies, 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.

Upon the review of the Overall Grading and Drainage Plan it may be determined that catch basins may be required and satisfactory arrangements will have to be made for the construction of any required catch basins.

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.

3. Conceptual Site Plan Depicting Proposed Access Locations

A conceptual Site Plan depicting the proposed driveway locations for the proposed lots is to be provided for our review/approval. The Plan is to demonstrate that two access locations can adequately be provided on this property and still ensuring that adequate sight visibility and vehicle manoeuvrability for any vehicles entering and exiting the driveway(s) can be provided.

Our concern is with regards to any new proposed westerly access location. This property has a pie shaped lot which has a narrower frontage which creates a limited area to provide for two access locations. From our site inspection we note that there is a hydro pole at the westerly limits of the property which may have to be relocated. The hydro pole may not conflict with any future access, however there are existing guy wires which may require relocation (if possible without relocating the hydro pole). In this regard and upon the submission of a Conceptual Site Plan depicting the proposed access locations, it can be determined if any modifications will be

required and if so then the applicant will be required to provide confirmation that arrangements have been made the appropriate utility with regards to same.

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

The applicant will be required to apply for Access Modification Permits prior to Site Plan Approval and/or Building Permit Issuance. 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. Driveway accesses shall maintain a 1.5m setback from aboveground features such as utilities and trees. We are also noting that should any utilities need to be relocated, all costs incurred will also be to the owner.

4. Storm Sewer Outlet

The storm sewer outlet for this site is the existing 375mm storm sewer on Sir Richard's Road. The applicant is encouraged to design the basement elevation 1 metre above the obvert of the storm sewer 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 meter 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.

For further information please contact Walter Copping at (905) 615-3200 ext. 5831.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department processed a preliminary zoning review application under file PREAPP 22-3421. Based on review of the information currently available in this permit application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Please note that comments reflect those provided through the above permit application submitted on 09/19/2022 and should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the application file noted above, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments.

Please note that prior to land division zoning clearance being issued the severed and retained lands must 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. Information on how to obtain a land division clearance letter can be found [here](#).

Comments Prepared by: Jeanine Benitez, 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 adjacent to the property are owned by the Province of Ontario, leased by the City of Mississauga, identified as Not Yet Named (P-361) *(Queensway Trail) and zoned U – Utility.

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

1. The applicant shall provide a cash contribution of \$644.09 for the planting of one (1) street tree on Sir Richard's Road. This figure is subject to the most recent Fees and Charges By-law at the time of payment and is therefore subject to change.

In addition, Community Services notes the following:

1. Construction access from the adjacent park/greenlands is not permitted.
2. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
3. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.
4. 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 payment process.
5. 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 and Minor Variance Applications: B-2/23, A-13/23, A-14/23 – 681 Sir Richard's Road

Development Engineering: 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.
- 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.

- All unutilized water and sanitary services shall be abandoned in accordance with Region of Peel design specifications. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email atsiteplanservicing@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.

Condition:

- 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 5 – Hydro One

Please be advised that Hydro One Networks Inc. (“HONI”) has completed a preliminary review of the above noted consent to sever application. As the subject property is abutting and/or bisected by a HONI high voltage transmission corridor (the “transmission corridor”), HONI has no objection in principle to the proposed severance, provided HONI’s easement rights are protected and maintained.

Please be advised that any placement of permanent structures, facilities or landscaping within the transmission corridor is prohibited without the prior written approval of HONI.

If in the future the owner proceeds with a site plan, plan of subdivision and/or plan of condominium application, the owner must make arrangements satisfactory to HONI for lot grading and drainage, and any proposed uses on the transmission corridor. The costs of any relocations or revisions to HONI facilities which are necessary to accommodate this proposal will become the responsibility of the developer.

Our preliminary review only considers issues affecting HONI’s transmission facilities and transmission corridor lands. For any proposals affecting distribution facilities (low voltage), the developer should consult the local distribution supplier.

If you have any questions, please contact me at dennis.derango@hydroone.com or at 905-946-6237.

Comments Prepared by: Dennis De Rango, Specialized Services Team Lead

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. ("A" 13-14/23)
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 March 15, 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 March 15, 2023.
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 March 10, 2023.