

# City of Mississauga Department Comments

Date Finalized: 2023-04-26	File(s): B1.23 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-05-04 1:00:00 PM

## Consolidated Recommendation

The City has no objection to the consent application and recommend that variances #1, 2 and 3 under application A11.23 be approved for a temporary period of 5 years.

## Application Details

### B1/23

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 28.43m (approx. 93.27ft) and an area of approximately 732.00sq m (7879.18sq ft).

### A10/23

The applicant requests a minor variance for the severed lands of B1/23 proposing a lot area of 732.00sq m (7879.18sq ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 835.00sq m (approx. 8987.87sq ft) in this instance.

### A11/23

The applicant requests a minor variance for the retained lands of B1/23 proposing:

1. An existing rear yard setback of 3.08m (approx. 10.10ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.50m (approx. 24.61ft) in this instance;
2. An existing garage projection of 6.70m (approx. 21.98ft) whereas By-law 0225-2007, as amended, permits a maximum garage projection of 0.0m in this instance and,
3. An existing dwelling unit depth of 23.71m (approx. 77.79ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling unit depth of 20.0m (approx. 65.62ft) in this instance.

## Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

## Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A10.23 and A11.23 shall lapse if the consent application under file B1.23 is not finalized within the time prescribed by legislation.

- Should the Committee see merit in the applicant's request; staff recommend that variances #1, 2 and 3 under application A11.23 be approved for a temporary period of 5 years.

## Background

**Property Address:** 1587 Stavebank Rd

**Mississauga Official Plan**

**Character Area:** Mineola Neighbourhood

**Designation:** Residential Low Density I

**Zoning By-law 0225-2007**

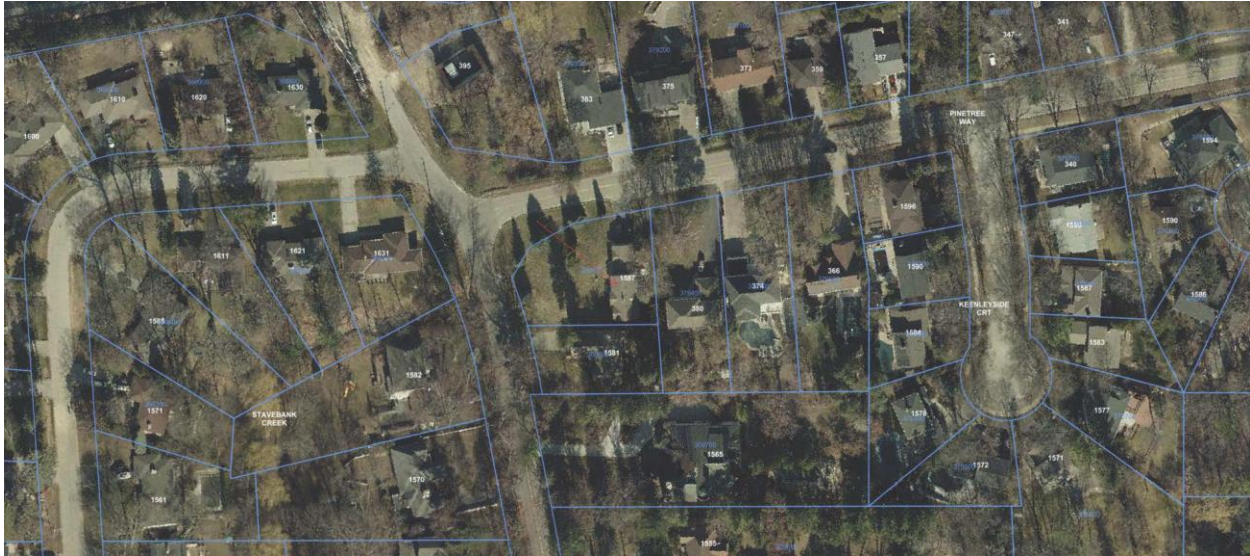
**Zoning:** R1-1 - Residential

**Other Applications:** none

### Site and Area Context

The subject property is located within the Mineola Character Area, on the southeast corner of the Stavebank Road and Pinetree Way intersection. The surrounding area is exclusively residential, consisting of one and two-storey detached dwellings with mature vegetation throughout the lots. The residential lots have frontages ranging from approximately 15m (49.21ft) to 52m (170.6ft). The subject property contains an existing two-storey detached dwelling with vegetation throughout the property.

The applicant is proposing to sever the parcel of land for the creation of a new lot for the development of a detached dwelling. The applicant is requesting variances for reduced lot area of the severed property and to accommodate the existing detached dwelling on the retained lands.



## 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 and the four tests to the minor variance request are as follows:

#### **Does the proposal maintain the general intent and purpose of the Official Plan?**

The subject property is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP), which permits detached, semi-detached, and duplex dwellings. Section

16.1.2.1 of MOP states, to preserve the character of lands designated Residential Low Density I and Residential Low Density II, the minimum frontage and area of new lots will be evaluated in the context of the existing lot pattern in the surrounding area. The proposed lot area of the severed lands falls short of zoning by-law requirements; however, no variances are required for frontages and the lot area of the retained lands. Furthermore, the proposed lot areas and frontages are comparable with lots found in the neighbourhood. The proposed severance would result in lots that could be developed with appropriate sized dwellings for the neighbourhood. As per Section 5.3.5 (Neighbourhoods) of MOP, neighbourhoods are not meant to remain static, however, when new development occurs, it should be sensitive to the neighbourhoods existing and planned character. 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.

#### **Does the proposal maintain the general intent and purpose of the Zoning By-law?**

Application A10.23 proposes a lot area of 732.00m<sup>2</sup> (7879.18ft<sup>2</sup>) where a minimum lot area of 835.00m<sup>2</sup> (8987.87ft<sup>2</sup>) is required. The minimum lot frontage and area requirements are intended to establish an appropriate lot pattern and minimum standards for development that will result in a consistent form of development. Staff have no concerns with the proposed variance, as no variance is required for lot frontage. Therefore, from the street the lot would appear to be consistent with lots found in the immediate area. Furthermore, a comprehensive review of the surrounding neighbourhood has identified single detached lots in the area with similar frontages and areas.

Application A11.23 proposes variances to accommodate an existing dwelling on the retained lands. The applicant's agent has informed staff that these variances are required to temporarily accommodate the existing dwelling. The applicant wishes to demolish the existing dwelling in the future. As such, Planning staff has no concerns with the temporary approval of variances #1, 2 and 3 for a temporary period of 5 years.

As such, staff are of the opinion that the proposal meets the general intent and purpose of the zoning by-law.

#### **Is the proposal desirable for the appropriate development of the subject lands and minor in nature?**

It is staff's opinion that the proposed lot sizes and frontages for the retained and severed properties are consistent with existing properties in the area. As such, it is staff's opinion that the proposed development is appropriate and represents a sensitive form of intensification that is minor in nature.

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/Servicing and Drainage Plan

The applicant's consulting engineer will be required to prepare an Overall Grading/Servicing and Drainage Plan which contains sufficient details to ensure grading compatibility with the adjacent lands and existing servicing for the 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)

##### 3. Removal of existing board fence within Municipal boulevard

The plan provided by the applicant clearly shows that the existing board fence along the Pine Tree Way frontage is within the Municipal boulevard area. This fence also causes sight visibility issues with vehicles that are reversing out of the driveway not being able to see on coming traffic. The fence must be relocated to be within the applicant's own lands.

##### 4. Dedication of Sight Triangle to The City of Mississauga

The Owner will be required to gratuitously dedicate the following to the City of Mississauga:

- A 10 metre x 10 metre sight triangle at the south-east corner of Stavebank Road and Pinetree Way
- The applicant's surveyor is to prepare and submit a draft reference plan to this section for review and approval. Following this approval, the applicant's surveyor should deposit the accepted draft reference plan and forward a copy of the registered plan to the City's Legal Services Section to finalize the process.

For any clarification or questions regarding this requirement please contact Michael Turco at x5129.

5. 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 legal documents. 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.

6. Environmental Site Screening Questionnaire

As per the land dedication requirement, a completed Environmental Site Screening Questionnaire and Declaration (ESSQD) form (Rev. 2020 02), signed by a Commissioner of Oaths and the owner, must be submitted to the Transportation and Works Department for review.

For any clarification or questions regarding this requirement please contact Jessica Yong at x3174.

**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. The future lands to be retained shall have access onto Pinetree Way. The future lands to be severed shall have access onto Stavebank Road. Any new driveway shall maximize the corner clearance from the adjacent intersection of Pinetree Way and Stavebank Road, to the extent possible. Furthermore, a minimum 1.0m spacing between any existing driveway and a new driveway shall be required.

### 4. Storm Outlet

Based on the information available, both the retained and severed parcels drain to the existing ditches/culverts on Pinetree Way and Stavebank Rd. 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. Review from the Credit Valley Conservation Authority will be required as the severed parcel is within their regulated area.

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:

- Eastern White Cedar (11 cm DBH) – Good Condition – \$644.00
- Colorado Blue Spruce (25 cm DBH) - Good Condition - \$1,400.00
- Colorado Blue Spruce (30 cm DBH) - Good Condition - \$2000.00
- Colorado Blue Spruce (22 cm DBH) - Good Condition - \$1,200.00

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 \$5,244.00 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 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](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 Citizenship and Multiculturalism to determine the archaeological concerns related to the application. A letter from the Ministry of Citizenship and Multiculturalism 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

## **Appendix 5- CVC Comments**

**Re: CVC File No. A 23/010-011 B 23/001**

**Municipality File No. B 1/23 A 10/23 A 11/23**

**Martin J McGrath**

**1587 Stavebank Road**

**City of Mississauga**

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

1. 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)*;
2. 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;
3. 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:**

Based on our mapping, the subject property is partially regulated for floodplain associated with Stavebank Creek. 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).

**Proposal:**

It is our understanding that the property owner of 1587 Stavebank Rd, zoned R1-1 - Residential, has applied for a minor variance under Section 45 of the Planning Act.

**B1/23**

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 28.43m (approx. 93.27ft) and an area of approximately 732.00sq m (7879.18sq ft).

**A10/23**

The applicant requests a minor variance for the severed lands of B1/23 proposing a lot area of 732.00sq m (7879.18sq ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 835.00sq m (approx. 8987.87sq ft) in this instance.

**A11/23**

The applicant requests a minor variance for the retained lands of B1/23 proposing:

1. An existing rear yard setback of 3.08m (approx. 10.10ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.50m (approx. 24.61ft) in this instance;
2. An existing garage projection of 6.70m (approx. 21.98ft) whereas By-law 0225-2007, as amended, permits a maximum garage projection of 0.0m in this instance and,
3. An existing dwelling unit depth of 23.71m (approx. 77.79ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling unit depth of 20.0m (approx. 65.62ft) in this instance.

**Comments:**

Based on the review of the information, CVC staff have **no concerns** and **no objection** to the approval of the requested minor variance application by the Committee at this time.

A CVC permit may be required for any proposed development on the lands to be severed and/or lands to be retained.

Please circulate CVC any future correspondence regarding this application.

I trust that these comments are sufficient. Please do not hesitate to contact the undersigned at 905-670-1615 (ext. 268) should you have any further questions or concerns.

Comments Prepared by: Beata Pakulski, Junior Planner

**Appendix 6 – Region of Peel Comments**

**Consent and Minor Variance Applications: B-1/23, A-10/23, A-11/23 – 1587 Stavebank 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. 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](mailto: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 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. 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](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.

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

**Comment:**

- The subject land is located in the regulated area of the Credit Valley Conservation Authority (CVC). We rely on the environmental expertise of the CVC for the review of development applications located within or adjacent to the regulated area in Peel and the impact of natural hazards on proposed development. We therefore request that the City staff consider comments from the CVC and incorporate their requirements appropriately. Final approval of this application requires all environmental concerns to be addressed to the satisfaction of the CVC.

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. ("A" 10-11/23)
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 April 26, 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 April 26, 2023.
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 April 26, 2023.
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 April 21, 2023.
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 April 19, 2023.