

City of Mississauga Department Comments

Date Finalized: 2023-09-06	File(s): B40.23 Ward: 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-09-14 1:00:00 PM

Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the Applicant and area residents when assessing if the application meets the requirements of Section 50(3) of the Planning Act.

Application Details

The applicant requests the Consent of the Committee to allow the creation of an easement for the benefit of 80 Thomas Street. The easement has an area of 2.04sq m (approx. 21.96sq ft).

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

Background

Property Address: 80 Thomas Street

Mississauga Official Plan

Character Area: Streetsville Neighbourhood
Designation: Residential Medium Density

Zoning By-law 0225-2007

Zoning: RM10-1- Residential

Other Applications:

Site and Area Context

The subject property is located on the north side of Thomas Street, west of the intersection with Joyomar Drive in the Streetsville Neighbourhood. Currently, the site contains townhouse dwellings (both completed and unfinished), with little landscaping and vegetation elements. The surrounding area context is primarily residential, consisting of detached, semi-detached and townhouse dwellings, however an industrial site is also present to the east.

The applicant is proposing an access easement on the property to permit both vehicular and pedestrian access between 80 Thomas Street and 86 Thomas Street.



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.

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 applicant is proposing a new easement to accommodate vehicular and pedestrian access across 80 Thomas Street and 86 Thomas Street. Through a detailed review, staff is of the opinion that the application is appropriate to be handled through the consent process. Further, the application raises no concerns of a planning nature.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Information submitted with this application indicates that the intent is to create an easement to permit both vehicular and pedestrian access between 80 Thomas Street and 86 Thomas Street. The June 27, 2023 letter submitted by Dunpar Homes Inc indicates that the new easement is required in order that an existing temporary easement in favour of the City of Mississauga under Instrument PR 3682525 between 1672736 Ontario Inc. and the adjacent developer, Rexton Developments Ltd. (86 Thomas Street) can be discharged.

In view of the above and the submitted information, this department has no objections or requirements for the establishment of the new vehicular and pedestrian easement.

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: Brooke Herczeg, Zoning Examiner

Appendix 3 – CVC

Re: City File No. B40.23

CVC File No. B23/040

1672736 Ontario Inc.

80 Thomas Street

Lot 4, Con 5 W

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.

CVC REGULATED AREA

Based on our mapping, a portion of the subject property is regulated due to the floodplain associated with Mullett Creek. As such, a portion of 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 applicant is requesting the Committee to approve a consent application to allow the creation of an easement of 2.04 sq m (approx. 21.96 sq ft) for the benefit of 80 Thomas Street.

COMMENTS:

Based on our review of the application, the purpose of the easement is to permit vehicular and pedestrian access between two properties, and no development is proposed as part of this application. As such, we have no concerns and **no objection** to the Consent application.

It should be noted that CVC staff previously reviewed development on this site through Site Plan application SP 19/065 and issued a permit for development in the Regulated Area. It is our understanding that the development has already been undertaken in accordance with the CVC permit.

The applicant should note that any changes to the previously approved development plans and any future development proposed in the regulated area on this property will require prior approval from CVC.

We trust that these comments are sufficient. If you have any questions or concerns, please do not hesitate to contact the undersigned at 905-670-1615 (x 325) or trisha.hughes@cvc.ca.

Comments Prepared by: Trisha Hughes, Acting Senior Planner

Appendix 4 – Metrolinx

80 Thomas Street - B40.23

Metrolinx is in receipt of the Consent application for 80 Thomas St, to allow the release of an existing temporary easement, in favour of the City of Mississauga, and transfer to the private easement between 1672736 Lands and the adjacent development at 86 Thomas St. Metrolinx's comments on the subject application are noted below:

- The subject property is located partially within 300m of Canadian Pacific Railway's (CP Rail) Galt Subdivision which carries Metrolinx's Milton GO Train service.
- The Proponent is advised the following:
 - **Warning:** Metrolinx and its assigns and successors in interest operate commuter transit service within 300 metres from the subject land. In addition to the current use of these lands, there may be alterations to or expansions of the rail and other facilities on such lands in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx or any railway assigns or successors as aforesaid may expand their operations, which expansion 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 units. Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under these lands.

Comments Prepared by: Farah Faroque, Project Analyst

Appendix 5– Region of Peel

We have no comments or objections.

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.
4. A letter shall be received from Metrolinx indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated September 1, 2023.