

# City of Mississauga Department Comments

<p>Date Finalized: 2023-10-11</p> <p>To: Committee of Adjustment</p> <p>From: Committee of Adjustment Coordinator</p>	<p>File(s): B46.23 B47.23 A374.23 A375.23 A376.23 Ward: 5</p>
	<p>Meeting date:2023-10-19 1:00:00 PM</p>

## Consolidated Recommendation

The City has no objections to the consent or associated minor variance applications.

## Application Details

### B46.23

The applicant requests the Consent of the Committee to sever a parcel of land for the creation of a new lot. The parcel has a frontage of approximately 80.28m (263.39ft) and an area of approximately 9,150sq.m (2.26ac).

### B47.23

The applicant requests the Consent of the Committee to sever a parcel of land for the creation of a new lot. The parcel has a frontage of approximately 43.87m (143.93ft) and an area of approximately 13,447sq.m (3.32ac).

### A374.23

The applicant requests the Committee to approve a minor variance on the severed lands of application B46.23 proposing a landscaped buffer of 2.86m (approx. 9.38ft) whereas By-law 0225-2007, as amended, requires a minimum landscaped buffer of 3.00m (approx. 9.84ft) in this instance.

### A375.23

The applicant requests the Committee to approve a minor variance on the severed lands of application B47.23 proposing:

1. A landscaped buffer abutting Tomken Road of 3.09m (approx. 10.14ft) whereas By-law 0225-2007, as amended, requires a minimum landscaped buffer of 4.50m (approx. 14.76ft) in this instance;
2. A landscaped buffer abutting Ronsa Court of 0.58m (approx. 1.90ft) whereas By-law 0225-

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2007, as amended, requires a minimum landscaped buffer of 3.00m (approx. 9.84ft) in this instance; and

3. A drive aisle width of 6.61m (approx. 21.69ft) whereas By-law 0225-2007, as amended requires a minimum drive aisle width of 7.00m (approx. 22.97ft) in this instance.

A376.23

This variance has been withdrawn.

### **Recommended Conditions and/or Terms of consent**

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A374/23 & A375/23 must be finalized

### **Recommended Conditions and/or Terms of minor variance**

- Variance(s) approved under file(s) A374/23 & A375/23 shall lapse if the consent application under file B46.23 B47.23 A374.23 A375.23 A376.23 is not finalized within the time prescribed by legislation.
- The Parks and Culture Planning Section of the Community Services Department has reviewed the above noted consent application and has no objections. If approved, the Parks and Culture Planning Section of the Community Services Department wishes to impose the following condition(s):
  1. The applicant shall provide a cash contribution of \$6,440.90 for the planting of ten (10 street trees on Ambler Drive. This figure is subject to the most recent Fees and Charges By-law at the time of payment and is therefore subject to change.

## **Background**

**Property Address: 5925-5969 Ambler Dr & 1040-1048 Ronsa Crt**

### **Mississauga Official Plan**

Character Area: Northeast Employment Area (West)  
Designation: Business Employment

### **Zoning By-law 0225-2007**

**Zoning: E2 - Employment**

**Other Applications: PREAPP 23-8355, PREAPP 23-8356, and PREAPP 23-8357**

## Site and Area Context

The subject property is located north-east of the Tomken Road and Kamato Road intersection. It currently contains three existing one-storey multi-unit industrial buildings with associated surface parking and various loading areas. Each of the existing buildings located on the subject lands will be on separate lots as per the proposed consent application. Limited landscaping and vegetative elements are present on the subject property. The surrounding area consists of various sizes of industrial buildings.

The applicant is proposing to sever the existing properties into 3 lots requiring variances for landscape buffer sizes and drive aisle width.



## 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:

The applicant is proposing to sever the existing properties, creating a total of three new lots.

The subject property is located in the Northeast Employment Area (West) and is designated Business Employment. The designation permits a variety of employment and industrial uses. Staff are satisfied that the proposed lots are appropriate to facilitate the use envisioned in the official plan.

Staff are satisfied that the application is consistent with the official plan as the severed lots and retained lands will provide for adequately sized lots for the existing buildings. No minor variances are required for lot sizes or frontages. Staff are satisfied that the proposal will not negatively impact the area's lot fabric. Furthermore, staff have no concerns with the severances regarding the criteria set out in Section 51(24) of the Planning Act, as the site is appropriately serviced and is suitable for the planned use of the property. Staff are therefore of the opinion that the application conforms to Section 51(24) of the Planning Act.

In addition to the proposed consent application, the applicant is requesting minor variances to legalize the existing conditions for both the severed parcels. Severance Lot No. 1 being 5949-5969 Ambler Drive requires a variance for a reduced landscape buffer. Severance Lot No. 2 being 1040-1048 Ronsa Court requires variances for a reduced landscaped buffer in two different locations on the property, with one reduced landscape buffer located along the west side of the building, abutting Tomken Road, and the other landscape buffer located along the front driveway abutting Ronsa Court. The other variance required relates to a reduced drive aisle width on the west side of the building. There are no variances proposed for the Retained Lot, being 5925-5945 Ambler Drive.

The sole variance being sought for Severance Lot No.1 requests a reduced landscaped buffer along the front lot line. The intent of this portion of the by-law is to ensure that an appropriate buffer exists abutting all lot lines. The proposed 2.86m landscape buffer is measured to a pinch point at the corner of a single parking stall and increases in both directions. Furthermore the variance represents an existing condition which does not have any notable impact on streetscape. Staff therefore have no concerns with the request given an appropriately sized landscaped buffer is maintained for the majority of the front property line.

For Severance Lot No. 2, variances 1 & 2 request a reduced landscaped buffer. The reduced landscaped buffer for variance 1 is located along the west side yard, abutting Tomken Rd. Variance 2 requests a reduced landscaped buffer in the front yard, abutting Ronsa Court. The intent of this portion of the by-law is to ensure that an appropriate buffer exists abutting all lot lines. Staff are satisfied that appropriate landscaped buffers are maintained around the property,

and note that variances are only necessary at specific locations and not the site as a whole. Specifically, the proposed 0.58m landscape buffer abutting Ronsa Court, is measured to a pinch point at the driveway and increases as you move away from the driveway. Furthermore the variance represents an existing condition which does not have any notable impact on the streetscape that was approved with the original site plan. Staff therefore have no concerns with the request given an appropriately sized landscaped buffer is provided for the majority of the front property line.

Variance 3 requests a reduced aisle width. The intent of this regulation is to ensure there is sufficient space for vehicles to access and exit parking stalls and allow for circulation within the subject property. As this is an existing condition and has been operating adequately, staff feel that the reduce drive aisle width is minor in nature and appropriate circulation can be maintained.

Given the above, Planning staff are therefore satisfied that the minor variance application maintains the general intent and purpose of both the official plan and zoning by-law, is minor in nature and represents appropriate development of the subject property.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

We note that any Transportation and Works Department concerns/requirements for these properties will be addressed under Consent Application 'B' 46 & 47/23.

This Department has no objections to the applicant's request to sever the subject lands into three (3) lots. From our site inspection of this property and the information submitted with the application, in particular the August 28, 2023 letter from Aird & Berliss LLP, we note that each of the existing buildings will function as separate lots which will correspond to their respective municipal address.

From an access perspective we note that all 3 parcels will function independently from each other and there is no vehicular connections between the 3 properties. The applicant has also provided a Subservice Utility Engineering Study prepared by Urban X for the subject properties which indicates that any underground service locations are in a location such they are confined within the limits of the new lot lines and in this regard no servicing easements are being requested.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

### Appendix 2 – Zoning 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](#).

The Building Department is currently processing three Pre-applications under files PREAPP 23-8355, PREAPP 23-8356, and PREAPP 23-8357. Based on review of the information currently available in this permit application, the variances, as requested are correct.

Please note that comments reflect those provided through the above permit application 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.

Comments Prepared by: Tage Crooks, Zoning Examiner

### Appendix 3 – Parks, Forestry & Environment Comments

The Parks and Culture Planning Section of the Community Services Department has reviewed the above noted consent application and has no objections. If approved, the Parks and Culture Planning Section of the Community Services Department wishes to impose the following condition(s):

2. The applicant shall provide a cash contribution of \$6,440.90 for the planting of ten (10) street trees on Ambler Drive. 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. Payment for street tree fees and charges can be made at the Parks and Forestry customer service counter located 950 Burnhamthorpe Road West in the form of a certified cheque, bank draft, or money order payable to the City of Mississauga. A submission of Fees and Securities form is required to process the payment. Please contact Nicholas Rocchetti to request the Submission of Fees and Securities form and any other inquiries regarding the payment process.
2. 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

### Appendix 4 – Region of Peel

**Consent: B-23-046M / 5949-5969 Ambler Dr**

Development Engineering: Wendy Jawdek (905)-791-7800 x3602

**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.
- The applicant shall verify the location of the existing service connections to the subject site and the contractor shall locate all existing utilities in the field. Requests for underground locates can be made at <https://www.ontarioonecall.ca/portal/>

**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.

**Consent: B-23-047M / 1040-1048 Ronsa Ct**

Development Engineering: Wendy Jawdek (905)-791-7800 x3602

**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.

Comments Prepared by: Ayooluwa Ayoola, 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" 374-375/23)
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 October 11, 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 October 11, 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 October 6, 2023.