

# City of Mississauga Department Comments

Date Finalized: 2023-11-01	File(s): B38.23
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-11-09 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, as requested, meets the criteria of Section 51(24), of the Planning Act, and, municipal requirements identified in local legislation. The applicant may wish to defer the application to ensure that all required variances have been accurately identified.

## Application Details

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 8.83m (approx. 28.97ft) and an area of approximately 450.77sq.m (4,852.05sq.ft).

### Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

## Background

**Property Address:** 94-100 Lakeshore Road East

### Mississauga Official Plan

Character Area: Port Credit Community Node  
Designation: Mixed Use

### Zoning By-law 0225-2007

**Zoning:** C4-55 - Commercial

## Other Applications: Consent Applications B77.22 and B38.23. Preliminary Zoning Review application PREAPP 23-7201.

### Site and Area Context

The subject property is located within the Port Credit Community Node, west of the Hurontario Street and Lakeshore Road East intersection. The subject site contains two commercial buildings with commercial uses. Minimal vegetation in the form of street trees align Lakeshore Road East. The broader area consists of a mix of commercial, high, and low-density residential uses with minimal vegetation throughout the properties.

The application proposes to sever a parcel of land for the creation of a new lot.



## 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 identified 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 application for consent are as follows:**

The subject property is designated Mixed Use in Schedule 10 of the Mississauga Official Plan (MOP), which permits many uses, including commercial uses.

The above noted application is identical to a proposal deferred under application B77.22, on December 1<sup>st</sup>, 2022.

The first submission of application B38.23 was deferred for the same reasons noted in staffs report for application B77.22. Staff requested additional information from the applicant (via email) to confirm if additional variances would be required and to determine if alternative parking arrangements are required to accommodate additional parking. Staff was not provided with the information requested.

Through discussions with Municipal Parking staff and the applicant's agent, Planning staff have determined that the requested severance will not result in any onsite parking deficiencies. The parking requirement for 94 Lakeshore Road East is 9 spaces. Staff note that there is one parking space currently onsite and that a Parking in Lieu (PIL) contribution is shown on record for 8 parking spaces, which was received on March 2, 1987. Therefore the parking space total is 9. For 100 Lakeshore Road East, 8 parking spaces are required and 8 parking spaces are provided. As such, there is no parking deficiency that would result from the proposed severance.

According to the applicant, the proposed severed and retained lands were once individual properties. Staff note that municipal mapping software (iMaps) continues to show these properties are separate however; they share the same property identification number (PIN). The application proposes to sever the subject property to reinstate the previous lots.

Through a detailed review of the application, staff are of the opinion that the application is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning nature.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

This Department has no objections to the applicant's request to create a new lot fronting Lakeshore Road East. We understand that each of the existing buildings on the lands currently has its own Municipal address and from the plans submitted with the application, it appears that there are no changes proposed on site. All parcels have vehicular access via an existing access easement from Elizabeth Street.

In view of the above we are providing the following conditions/requirements for Committee's consideration:

A. Items Required Prior to the Issuance of Final Consent

1. Draft Reference Plan/Schedule

The 2 parcels will require a private easement in favour of each other for ingress and egress for both pedestrian and vehicular traffic to access the building/existing parking stalls on site.

The applicant/owner is to provide a Draft Reference Plan that shows the new easements as parts along with a letter prepared by their Solicitor which describes any new private easement(s) to be established. It should be acknowledged that any documentation received will be forwarded as an attachment to our clearance memo to the Committee of Adjustment so that any new proposed private easement can be identified and also be incorporated into the Certificate of Secretary-Treasurer.

For further information regarding the above noted comments, please contact John Salvino at (905) 615-3200 ext. 5183 or [john.salvino@mississauga.ca](mailto:john.salvino@mississauga.ca).

Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is processing Preliminary Zoning Review application PREAPP 23-7201. Based on review of the information available in this 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 application. These comments may no longer be valid should there be changes contained within this Committee of Adjustment application that have not been submitted and reviewed through the application

noted above. The applicant must submit any changes and/or updates to information and/or drawings separately through the above application 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: Maria Fernandez, Zoning Examiner

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

The Park Planning Section of the Community Services Department has no objections to the above noted consent application and notes

1. If future construction is required, 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-law.

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, Parks Planning Assistant

### **Appendix 4 – Region of Peel**

We have no comments or objections.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner

### **Appendix 5- Bell**

***Subject: Application for Consent – Severance  
94-100 Lakeshore Road East  
CofA File: B38.23 Bell File: 905-23-310***

Subsequent to review of the Severance Application by our local Engineering Department, it has been identified that Bell Canada will require a transfer of easement over these lands to protect existing aerial facilities, supply service to the properties, and to maintain service in the area.

According to our records, Bell's aerial cable runs parallel to and along the rear property boundary as identified in the sketch provided.

Bell Canada would like to confirm that a blanket easement over the lands or a 3.0m wide orridor to be measured 1.5m on either side of the aerial cable, then to extend from the pole to a minimum of 1.0m past any anchor installation to be measured 0.5m on either side of the guy, as can be accommodated, would satisfy our needs.

Since the easement is necessary in order to provide and maintain service to this area, all costs associated with this transaction is the responsibility of the landowner. Compensation should be set to the nominal amount of \$2.00 for the acquisition of these rights. Additionally, Bell Canada requires separate, registered postponements for any mortgages and certification of title. We hope this proposal meets with your approval and request a copy of the Committee of Adjustments decision.

We look forward to the owners' Solicitor contacting us with a draft reference plan and accompanying draft easement and LTTS documents for our approval prior to registration, along with an acknowledgement and direction for our execution.

If you have any questions or concerns, please feel free to contact me.



Comments Prepared by: Carrie Gordon, Right of Way Associate

#### **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 November 1, 2023.
5. A letter shall be received from Bell indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated August 11, 2023.