

City of Mississauga Department Comments

Date Finalized: 2023-11-08	File(s): B52.23
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-11-16 1:00:00 PM

Consolidated Recommendation

The City recommends that the applications be refused.

Application Details

B52/23

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 11.07m (approx. 36.32ft) and an area of approximately 242.00sq m (2604.87sq ft).

A417/23

The applicant requests a minor variance for the severed lands of B52/23 proposing:

1. A lot area of 242.00sq m (approx. 2604.87sq ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 550.00sq m (approx. 5920.15sq ft) in this instance;
2. A lot frontage of 11.07m (approx. 36.32ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (approx. 49.21ft) in this instance;
3. A front yard setback of 4.83m (approx. 15.85ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.50m (approx. 24.61ft) in this instance;
4. An interior side yard setback of 1.20m (approx. 3.94ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 2.42m (approx. 7.94ft) in this instance;
5. A combined side yard setback of 2.40m (approx. 7.87ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard setback of 3.60m (approx. 11.81ft) in this instance;
6. An eave height of 8.40m (approx. 27.56ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance;
7. A gross floor area of 292.63sq m (approx. 3149.84sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 238.40sq m (approx. 2566.12sq ft) in this instance.

A418/23

The applicant requests a minor variance for the retained lands of B52/23 proposing a lot area of

City Department and Agency Comments	File:B52.23	2023/11/08	2
-------------------------------------	-------------	------------	---

549.88sq m (approx. 5918.86sq ft) whereas By-law 0225-2007, as amended, requires a lot area of 720.00sq m (approx. 7750.02sq ft) in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A417.23 and A418.23 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A417.23 and A418.23 shall lapse if the consent application under file B52.23 is not finalized within the time prescribed by legislation.

Background

Property Address: 1634 Ewald Road

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

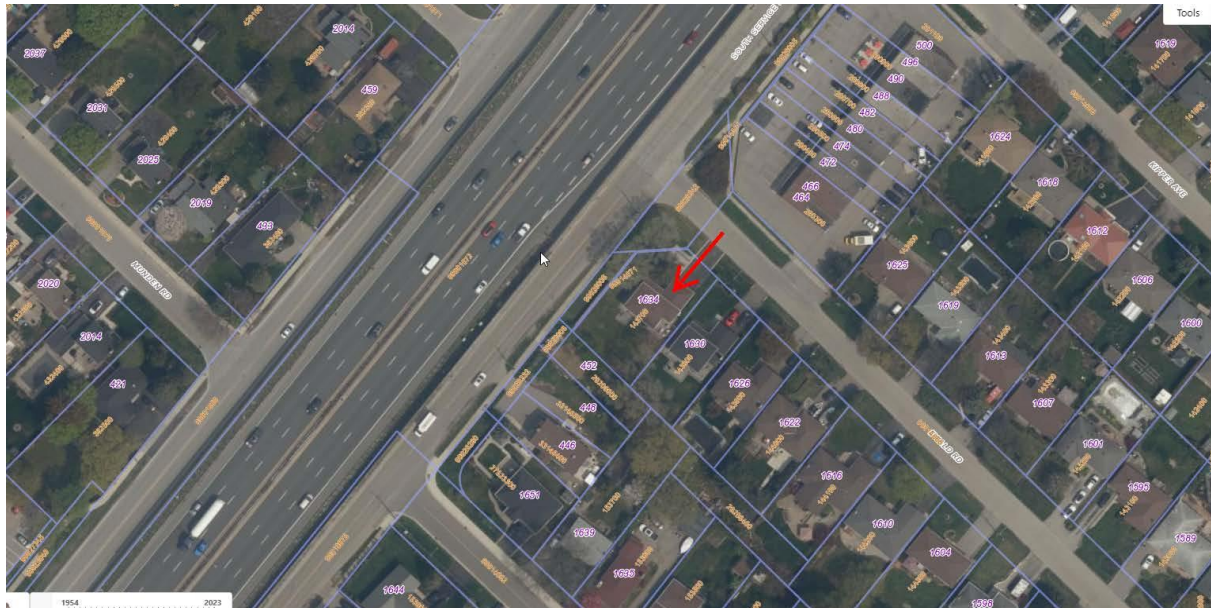
Zoning: R3-1- Residential

Other Applications: none

Site and Area Context

The subject properties are located within the Mineola Neighbourhood Character Area, southeast of Cawthra Road and Atwater Avenue. The immediate neighbourhood is primarily residential, consisting of one and two-storey detached dwellings on lots with frontages ranging from approximately 9.36m (30.74ft) to 23.09m (75.75ft) and areas from 278.99m² (3,000.78ft²) to 816.31m² (8,784.09ft²). The subject property contains a two-storey detached dwelling, with mature vegetation in the front yard.

The applications propose a severance of the existing lot to create two new residential lots, requiring variances for lot areas, frontage, setbacks, side yard width, eave height and gross floor area.



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:

As noted above, 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 the local legislation.

Planning staff are of the opinion that the consent application does not align with the criteria outlined in Subsections 51(24)(c), (f), and (i) of the Planning Act. These subsections pertain to conformity with the official plan, the dimensions and configurations of the proposed lots, and the sufficiency of municipal services.

The suggested lot configurations and dimensions fail to align with the established lot pattern. They are significantly undersized in comparison to both the neighboring lots and the minimum requirements stipulated in the zoning by-law. The irregular shape of the existing lot can be attributed to the presence of city and provincially-owned reserves. Consequently, the proposal yields parcels that are more irregular and shallow compared to the current lot, which deviates from the rectangular lot shapes commonly observed in the nearby vicinity.

In the context of evaluating the adequacy of municipal services for the proposed development, it has come to the attention of Transportation and Works staff that the property on South Service Road, where the development is planned, lacks an existing sanitary service connection. As a result, it is necessary for the applicant to initiate contact with The Region of Peel to arrange for the required sanitary service connection.

Based on this crucial deficiency, Planning staff's opinion is that the proposal is premature, as the applicant has not yet provided the necessary information or taken the essential steps to ensure that the property can be effectively and compliantly serviced with the required sanitary connections. Consequently, further progress on the development proposal is contingent upon the resolution of this sanitary service issue.

The subject property is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP), which permits detached, semi-detached, duplex, triplex, street townhouse and other forms of low-rise dwellings with individual frontages.

Section 5.3.5 (Neighbourhoods) of the MOP states that neighbourhoods are not meant to remain static, however, when new development occurs it should be sensitive to the neighbourhoods existing and planned character. Through a review of lots within the immediate area, staff note that the proposed lot areas and frontages are uncharacteristic for detached dwellings in the neighbourhood.

Section 9.2.2.3 of the MOP states that while new development need not mirror existing development; new development in Neighbourhoods will respect the existing lotting pattern. The proposal fails to adhere to the established lotting pattern. Specifically, the proposed severance calls for the division of the land into two significantly undersized lots, which deviate from the prevailing lotting pattern. In the immediate vicinity, there is no evidence of detached dwellings on lots with similar dimensions in terms of area and/or depth.

Planning staff expresses concerns regarding variance #6 and its potential impact on the overall massing of the project and are of the opinion that it does not meet the intent of the zoning by-law, nor is minor or appropriate development. Additionally, there may be a need for additional variances beyond the ones currently proposed. These additional variances may not receive support from the planning staff.

Based on the preceding information, staff is of the opinion that the application does not conform to Section 51(24) of the Planning Act. As such, staff recommend that the consent and associated minor variance applications be refused.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We are noting that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 52/23.

Should Committee see merit in the applicant's request we are providing the following conditions/requirements to be imposed as conditions of approval:

A. Items Required Prior to the Issuance of Final Consent

1. Overall Servicing Plan

We request that the applicant submit a Functional Servicing Proposal and Servicing Plan prepared by a Consulting Engineer for this department's review/approval to confirm that all the necessary municipal services can be provided for the proposed lot. It is also to show the location of all existing/proposed services.

2. 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.

3. Acoustical Report

Due to the proximity and noise emanating from South Service Road and The Queen Elizabeth Way, the owner will be required to retain the services of an Acoustical Consultant to prepare a detailed Acoustical Report for the subject lands and make comments/recommendations in support of this severance application. This report is to determine the need for the implementation of any noise attenuation measures that are to be incorporated into the construction of the site works to achieve the City's and the M.O.E.'s current noise level objectives. The scope of this report is to define the minimum noise attenuation requirements for the control of outdoor and indoor environmental sound levels.

We are also noting for the owner's information that securities will be required to ensure that any noise attenuation measures such as air conditioning units are installed for the dwellings to be constructed.

4. Development Agreement

Upon the review of the Acoustical Report which would contain the appropriate Warning Clauses, the owner may be required to enter into a Development Agreement which is to be registered against title of the subject lands. The said

agreement is to advise any prospective purchasers that, despite the inclusion of noise control features, noise levels emanating from South Service Road and The Queen Elizabeth Way may continue to be of concern, occasionally interfering with some of the activities of the dwelling occupants as the noise exposure level may exceed the noise criteria of the municipality and the Ministry of the Environment and Climate Change.

In view of the above, the applicant should contact this Department with regard to obtaining a sample copy of a Development Agreement to determine which clauses are to be incorporated.

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 fees required to be paid to the Legal Services Department for their services, in particular for the preparation of documents required for items pertaining to a Development Agreement and/or road widening. The fee amounts payable will be in accordance with the current fees and charges bylaw.

6. Required Easements for Sanitary Service

We note that it appears that a sanitary service is not available fronting the proposed lot on South Service Road. The applicant will need to contact The Region of Peel to make the necessary arrangements for a sanitary service connection. Appropriate easements for a service connection may be required.

The applicant will need to provide the appropriate documentation indicating that all the necessary easements required for sanitary services to the proposed lot have been reviewed and approved to the satisfaction of The Region of Peel. Should any required easements be necessary for storm sewer connections resulting from a review on documents submitted for condition #1, the applicant/owner will be required to provide a letter or schedule prepared by the applicant's Solicitor which would specifically describe any new easements to be established through this Consent Application. It should also be noted 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(s) can be identified and also be incorporated into the Certificate of Secretary-Treasurer.

7. 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

8. MTO and 0.3m Reserve

We advise that this portion of South Service Road is under the ownership of the Ministry of Transportation Ontario (MTO). There is also a 0.3m reserve which is in City ownership across the frontage of these lands on South Service Road.

We understand that MTO have been circulated this application and as such, their comments will identify any road widening or access restrictions/requirements.

Should MTO allow access onto South Service Road, the applicant will then need to apply for a 'Lifting of the Reserve' application with The City. Confirmation of approval for lifting the reserve will be required prior to clearing T&W conditions.

B. General Information

1. Site Plan Approval

Any re-development of the subject lands will require the owner obtaining Site Plan Approval where any site specific conditions/requirements relating to detailed lot grading and drainage, servicing, access, etc. will be addressed.

2. Servicing

Based on the information available, the retained parcel drains to the existing municipal ditch/culvert system on Ewald Rd, and the severed parcel drains to the 1050mm diameter municipal storm sewer on South Service 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.

Please note that this site is within the MTO regulated area, so MTO approval may be required.

3. 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.

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: Minan Song, Planner in Training

Appendix 3 – Parks, Forestry & Environment

The Parks & Culture 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 tree(s) within the municipal boulevard on Ewald Road:

- Siberian Elm (33 cm DBH) – Good Condition – \$1,300.00
- Siberian Elm (20 cm DBH) – Good Condition – \$644.00

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 \$1,944.00 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 Matthew McMullen at 905-615-3200 ext. 3508 or Mike Newbold at 905-615-3200 ext. 8280 to arrange a hoarding inspection.
2. Payment for street tree fees and other charges can be made at the Parks and Forestry customer service counter located at 950 Burnhamthorpe Road West, in the form of a

City Department and Agency Comments	File:B52.23	2023/11/08	10
-------------------------------------	-------------	------------	----

certified cheque, bank draft, or money order made payable to “The Corporation of the City of Mississauga”. A Submission of Fees and Securities form is required to process payment. Please contact Nicholas Rocchetti to request a Submission of Fees and Securities form and any other inquiries 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.

Comments Prepared by: Nicholas Rocchetti, Park Planning Assistant

Appendix 4 – Region of Peel

Minor Variance/Consent: A-23-417M, A-23-418M, B-23-052M / 1634 Ewald Rd

Development Engineering: Wendy Jawdek (905)-791-7800 x6019

Comments:

- Please be advised that this severed lot does not have frontage to an existing municipal sanitary sewer.
- 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. New services will 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 by email at 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 by email at siteplanservicing@peelregion.ca
- 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/>
- For location of existing water and sanitary sewer Infrastructure please contact Records by e-mail at PWServiceRequests@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 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" 417-418/23)
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 November 8, 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 November 8, 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 November 6, 2023.