

City of Mississauga Department Comments

Date Finalized: 2023-12-07	File(s): B58.23
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-12-14 1:00:00 PM

Consolidated Recommendation

The City has no objections to the requested consent and associated minor variance applications. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

Application Details

B58/23

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 12.50m (approx. 41.01ft) and an area of approximately 567.76 m (6111.32sq ft).

A480/23

The applicant requests a minor variance for the severed lands of B58/23 proposing:

1. A corner lot area of 567.76sq m (approx. 6111.32sq ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 720.00sq m (approx. 7750.02sq ft) in this instance;
2. A westerly exterior side yard setback of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 6.00m (approx. 19.69ft) in this instance;
3. An easterly interior side yard setback of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires a minimum easterly interior side yard setback of 1.81m (approx. 5.94ft) in this instance; and,
4. A lot frontage of 12.50m (approx. 41.01ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 19.50m (approx. 63.98ft) in this instance.

A481/23

The applicant requests a minor variance for the retained lands of B58/23 proposing:

1. A westerly exterior side yard setback of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 6.00m (approx. 19.69ft) in this instance;
2. An easterly interior side yard setback of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires a minimum easterly interior side yard setback of 1.81m (approx. 5.94ft) in this instance; and,

3. A lot frontage of 12.50m (approx. 41.01ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 19.50m (approx. 63.98ft) in this instance.

Amendments

While Planning staff are not in a position to interpret the zoning by-law, staff note that the required frontage for an interior lot in this zone is 15m (49.21ft). As such, variance #3 for file A481.23 should be amended.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A480.23 and A481.23 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A480.23 and A481.23 shall lapse if the consent application under file B58.23 is not finalized within the time prescribed by legislation.

Background

Property Address: 1203 Canterbury Road

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

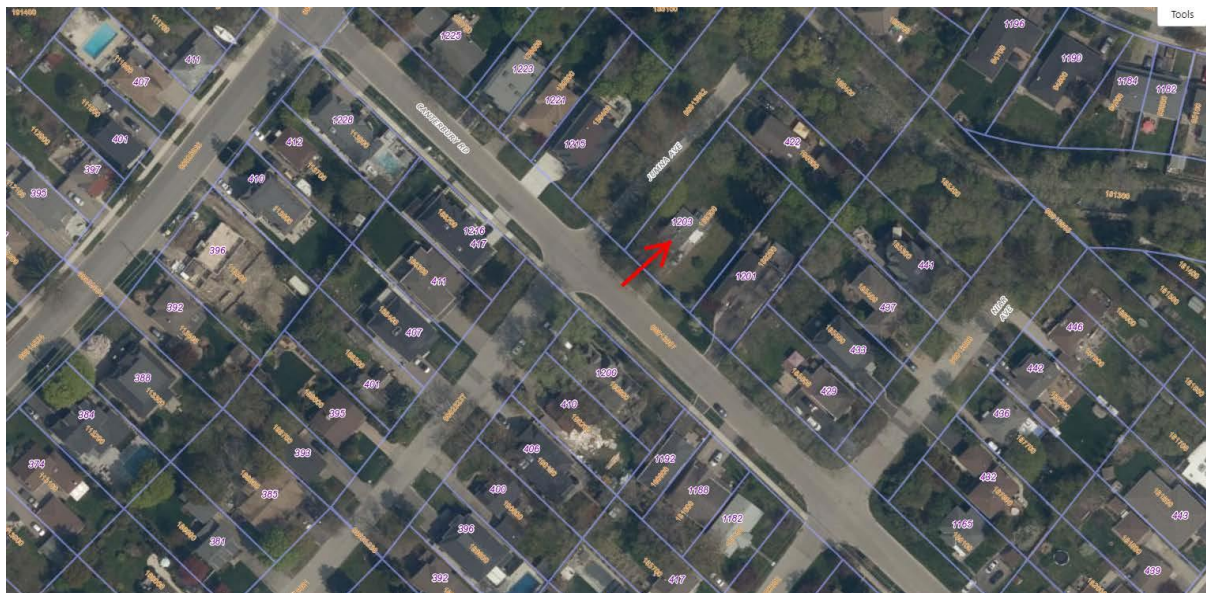
Zoning: R3-1- Residential

Other Applications: None

Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, southeast of the Mineola Gardens and Atwater Avenue intersection. The immediate neighbourhood is entirely residential consisting primarily of one and two storey-detached dwellings with some mature vegetation in the front yards. Lot frontages for single detached dwellings in the area generally range between approximately 12.3m (40.35ft) and 25m (82.02ft). The subject property contains an existing one-storey dwelling with mature vegetation in the front yard.

The applicant is proposing to sever a parcel of land for the creation of a new lot and new detached two-storey dwellings on both the severed and retained parcels requiring variances related to lot frontage, side yard setbacks and lot area (severed 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 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 II in Schedule 10 of the Mississauga Official Plan (MOP), which permits detached, semi-detached, duplex, triplex and other forms of low-rise dwellings with individual frontages. 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 official plan and zoning by-law envisions a mix of dwelling types with an eclectic lot fabric in the surrounding area. The proposed parcels are consistent with detached lots found within the immediate area and contribute to the eclectic nature of the existing and planned community. Staff are of the opinion that the proposed lot frontages are approximately in line with other residential properties in the area and will not negatively impact the character of the street or the area's lot fabric.

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 a sensitive intensification that is compatible with the area and does not negatively impact the established lot fabric of the neighbourhood. Furthermore staff have no concerns with the severance 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 of the opinion that the application conforms to the official plan and the proposed parcels are suitable to accommodate detached dwellings.

In addition to the consent application, the applicant has submitted minor variance applications under files A480.23 and A481.23.

File A480.23 requests four variances for the proposed corner lot for lot area, exterior side yard setback, interior side yard setback and lot frontage.

File A481.23 requests three variances for the retained lands for side yard setbacks and lot frontage.

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

Variance #1 and #4 for file A480.23 and Variance #3 for file A481.23 pertain to corner lot area and lot frontage. The intents of these regulations in the zoning by-law are to ensure that new lots are appropriately sized and fit within the context of the surrounding area. Through a comprehensive review of the surrounding lands, Planning staff are satisfied that the requested lot frontage reduction is consistent with lots in the immediate area. Staff have no concerns with the proposed lot area and lot frontage, as the proposed lots appear to be compatible with the neighbourhood and can accommodate appropriately sized detached dwellings.

Variance #2 and #3 for File A480.23 and Variance #1 and #2 for file A481.23 pertain to deficient side yard setbacks. The general intent of side yard regulations is to ensure that an adequate buffer exists between a structure's massing and the adjoining properties or the public realm for corner lots, appropriate drainage is maintained and access to the rear yard remains unencumbered. Staff note that the variances requested for interior side yard setback of 1.22m (4ft) are required to only accommodate the second storey for both the proposed detached dwellings on the retained and severed lots. The first storey requires an interior setback of 1.2m (3.93ft) for lots with frontage lesser than 18m (59.05ft) in this zone. Staff have no concerns with the interior side yard setbacks as the second storey is designed to align with the first storey, which meets the zoning by-law regulations. Staff are of the opinion that the proposed interior side yard for both the lots provides an adequate buffer by building directly on top of the first floor, posing no impacts to drainage and unencumbered access to the rear yard. For exterior side yard setback, staff note that although the variance appears high numerically, the proposed setback is consistent with setbacks found on corner lots in the vicinity. Furthermore, staff are satisfied the presence of a municipal boulevard adds a visual buffer to the exterior side yard, mitigating any massing impacts to the public realm.

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

Given the above Planning staff are satisfied that the minor variance applications maintain the general intent and purpose of both the official plan and zoning by-law, are minor in nature, and represent appropriate development of the subject property.

Comments Prepared by: Shivani Chopra, Planner in Training

Appendices

Appendix 1 – Transportation and Works Comments

Should Committee see merit in the subject application we are providing the following conditions/requirements that will have to be addressed to the satisfaction of this department prior to the issuance of final consent:

Items Required Prior to the Issuance of Final Consent

1. 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.

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

GENERAL INFORMATION

1. Servicing

We note for the owner's information that all costs incurred in providing the required services (i.e., sanitary, water, storm, hydro, gas, etc.) to the subject lands will be the responsibility of the owner.

2. Access

We advise the applicant that all costs incurred in providing any new driveway entrances to the subject lands or any modifications/reinstatement required (including the existing driveway), would be at cost to the owner. We are also noting that should any utilities need to be relocated, all costs incurred will also be to the owner. Driveway accesses shall maintain a 1.5m setback from aboveground features such as utilities and trees.

3. Lot Grading and Drainage

We advise the applicant that issuance of any building permits for any new dwellings 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.

4. Storm Sewer Outlet

The applicant is advised that there is no storm sewer system available in front of the proposed lot on Canterbury Road. In this regard, we advise that all dwellings to be constructed on the subject lands will require a sump pump to discharge the weeping tile to grade. It is the full responsibility of the applicant to advise any prospective purchasers of the properties of this requirement. In situations where a sump pump is required and where a high groundwater table may exist, the sump pump may run continuously. The applicants are encouraged to design the weeping tile elevation to be at least 1.0 meter above the seasonal groundwater elevation. The owner is advised that the City has no obligations to address any concerns related to the operation of private sump pump systems.

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 and Culture Planning Section of the Community Services Department has reviewed the above noted consent application and has no objections 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 Canterbury Road:

- Sugar Maple (65 cm DBH) – Good Condition - \$8,800.00
- Norway Spruce (38 cm DBH) – Good Condition - \$2,800.00
- Norway Spruce (32 cm DBH) – Good Condition - \$2,100.00
- Norway Spruce (32 cm DBH) – Good Condition - \$2,100.00
- Norway Spruce (24 cm DBH) – Good Condition - \$1,300.00
- Norway Spruce (26 cm DBH) – Good Condition - \$1,400.00
- Norway Spruce (10 cm DBH) – Good Condition - \$644.09

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 \$19,144.09 for the preservation of the municipal trees.
2. No public trees shall be injured or removed. If public tree removal is required, a permit must be issued as per By-law 0020-2022.
3. No private trees shall be injured or removed. If a private tree with a diameter of 15 centimetres or greater on private property is to be injured or destroyed, a permit must be issued as per By-law 0021-2022.

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 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 inquires 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, Planner-in-Training

Appendix 4 – CVC

**Re: City File No. B58.23, A 480.23 & A481.23
CVC File No. B 23/058 & A 23/480-481
2748532 ONTARIO INC.
1203 Canterbury Road
Part of Lot 12, Concession 2 SDS
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 CVC mapping and information available, a portion of the property at 1203 Canterbury Road is within the CVC Regulated Area due to the floodplain associated with Cooksville Creek. As such, the property is subject to CVC's Ontario Regulation 160/06: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses. 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 has applied for the following applications pertaining to the subject site:

1. Application B58/23 - The applicant requests the approval of Committee to sever a parcel of land for the creation of a new lot. The parcel of land has a frontage of approximately 12.50m (approx. 41.01ft) and an area of approximately 567.76 sq m (6111.32 sq ft).
2. Application A480/23 - The applicant requests the approval of Committee for a minor variance for the severed lands of B58/23 proposing: a. A corner lot area of 567.76sq m (approx. 6111.32sq ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 720.00sq m (approx. 7750.02sq ft) in this instance;

b. A westerly exterior side yard setback of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 6.00m (approx. 19.69ft) in this instance;

c. An easterly interior side yard setback of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires a minimum easterly interior side yard setback of 1.81m (approx. 5.94ft) in this instance; and,

d. A lot frontage of 12.50m (approx. 41.01ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 19.50m (approx. 63.98ft) in this instance.

3. Application A481/23 - The applicant requests the approval of Committee for a minor variance for the retained lands of B58/23 proposing: a. A westerly exterior side yard setback of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 6.00m (approx. 19.69ft) in this instance;

b. An easterly interior side yard setback of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires a minimum easterly interior side yard setback of 1.81m (approx. 5.94ft) in this instance; and,

c. A lot frontage of 12.50m (approx. 41.01ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 19.50m (approx. 63.98ft) in this instance.

COMMENTS:

Based on our review of the proposal, the floodplain associated with Cooksville Creek is located at the rear of the property, and the new lot line appears to be encroaching into the floodplain. It is typically our expectation that the hazard lands be off-lot and remain on the retained parcel and not be fragmented. In order to achieve this, the retained lot would form an 'L' configuration; however, based on discussions with City staff, it is our understanding that a lot in an 'L' configuration is not desired by the City.

It is also our understanding that the City has a greenlands overlay over the rear portion of the property, which requires approval of the City and Conservation Authority, including any necessary studies, prior to any proposed development within that area.

Further, through our review of the Site Plan (Hirman Architects, last revised September 25, 2023), the proposed building envelopes on both the lands to be severed and lands to be retained appear to be located outside of the floodplain associated with Cooksville Creek, with a buffer. As there is a suitable building envelope on both lots outside the hazard for future development, CVC staff have **no objection** to the approval of the requested severance and associated minor variances by the Committee at this time.

Following the Committee of Adjustment process, a CVC permit will be required prior to any proposed development in the Regulated Area on the retained and severed parcels. The applicant should contact CVC staff for further pre-consultation to confirm permitting requirements before submitting a permit application.

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).

Comments Prepared by: Trisha Hughes, Acting Senior Planner

Appendix 5 – Metrolinx

1203 Canterbury Road - B58.23, A480.23, A481.23

Metrolinx is in receipt of the Consent and two Minor Variance applications for 1203 Canterbury Rd to facilitate the severance of the lands for the creation of a new lot and to facilitate the construction of a new single detached dwelling with a secondary basement suite on each the lot to be severed and retained.

Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of the Metrolinx Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.

Conditions of Approval:

- As per section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, the Owner shall grant Metrolinx an environmental easement for operational emissions. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property. A copy of the form of easement is included for the Owner's information. The applicant may contact Farah.Faroque@metrolinx.com with questions and to initiate the registration process. (It should be noted that the registration process can take up to 6 weeks).
- The Proponent shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the Railway Corridor:
 - **Warning:** The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or

successors as aforesaid may expand or alter their operations, which expansion or alteration 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 lots, blocks or units.

Comments Prepared by: Farah Faroque, Project Analyst

Appendix 6 – Region of Peel

Minor Variance & Consent: A-23-480M / A-23-481M / B-23-058M – 1203 Canterbury Rd
Development Engineering: Brian Melnyk (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.
- Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. 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.
- 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.
- 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.

Planning: Ayooluwa Ayoola (905) 791-7800 x8787

Comments:

- The subject land is 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.
- The subject land is located within the Credit Valley Conservation Authority (CVC) Flood Plain. The Regional Official Plan (ROP) designates floodplains as a natural hazard under Policy **2.16.11**. Within this designation, ROP policies seek to ensure that development and site alterations do not create new or aggravate existing flood plain management problems along flood susceptible riverine environments. We rely on the

environmental expertise of the **CVC** for the review of development applications located within or adjacent to natural hazards in Peel. We, therefore, request that City staff consider comments from the **CVC** and incorporate their conditions of approval appropriately.

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" 480-481/23)
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 December 7, 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 December 7, 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 December 1, 2023.

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