

City of Mississauga Department Comments

Date Finalized: 2024-01-24	File(s): B20.23 B21.23 B22.23 B23.23 B24.23 B25.23 B26.23 B10.24 B11.24 Ward: 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	
	Meeting date:2024-02-01 1:00:00 PM

Consolidated Recommendation

The City has no objections to the consent applications.

Application Details

B20/23

The applicant requests the approval of Committee to create an easement for water service over Part 1, Plan 43R-39074 in favour of Lots 2, 3, 4, 5, 6, and 7 and Block 10, Plan 43M-2072.

B21/23

The applicant requests the approval of Committee to create an easement for water service over Part 2, Plan 43R-39074 in favour of Lots 1, 3, 4, 5, 6, and 7 and Block 10, Plan 43M-2072.

B22/23

The applicant requests the approval of Committee to create an easement for water service over Part 3, Plan 43R-39074 in favour of Lots 1, 2, 4, 5, 6, and 7 and Block 10, Plan 43M-2072.

B23/23

The applicant requests the approval of Committee to create an easement for water services over Parts 2 and 4 on an undeposited R-Plan in favour of Lots 1, 2, 3, 5, 6 and 7 and Block 10, Plan 43M-2072.

B24/23

The applicant requests the approval of Committee to sever Parts 5 and 6 on an undeposited R-Plan for the purposes of a lot addition to Block 10, Plan 43M-2072. The parcels of land have an area of approximately 21.30sq m (approx. 229.27sq ft). The applicant also requests the approval of Committee to create an easement for water services over Part 7 on an undeposited R-Plan in favour of lots 1, 2, 3, 4, 6 and 7 and Block 10, Plan 43M-2072.

B25/23

The applicant requests the approval of Committee to sever Part 12 on an undeposited R-Plan for the purposes of a lot addition to Block 10, Plan 43M-2072. The parcel of land has an area of approximately 14.10sq m (approx. 151.77sq ft).The applicant also requests the approval of

Committee to create an easement for water services over Parts 9 and 11 on an undeposited R-Plan in favour of Lots 1, 2, 3, 4, 5 and 7 and Block 10, Plan 43M-2072.

B26/23

The applicant requests the approval of Committee to sever Parts 16 and 17 on an undeposited R-Plan for the purposes of a lot addition to Block 10, Plan 43M-2072. The parcels of land have an area of approximately 21.70sq m (approx. 233.58sq ft). The applicant also requests the approval of Committee to create an easement for sanitary service over Part 15, and an easement for water services over Part 18, on an undeposited R-Plan in favour of Lots 1 to 6 and Block 10, Plan 43M-2072.

B10/24

The applicant requests the approval of Committee to sever Parts 3 and 4 on an undeposited R-Plan for the purposes of a lot addition to Lot 4, Plan 43M-2072. The parcels of land have an area of approximately 8.70sq m (approx. 93.65sq ft).

B11/24

The applicant requests the approval of Committee to sever Part 9 and 10 on an undeposited R-Plan for the purposes of a lot addition to Lot 6, Plan 43M-2072. The parcels of land have an area of approximately 10.20sq m (approx. 109.79sq ft).

Recommended Conditions and Terms

- Appendix A – Conditions of Provisional Consent

Background

Property Address: 513, 519, 525, 531, 537, 543 Ferncrest Way and 6680 McLaughlin Road

Mississauga Official Plan

Character Area: Meadowvale Village Neighbourhood

Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R16-2 - Residential

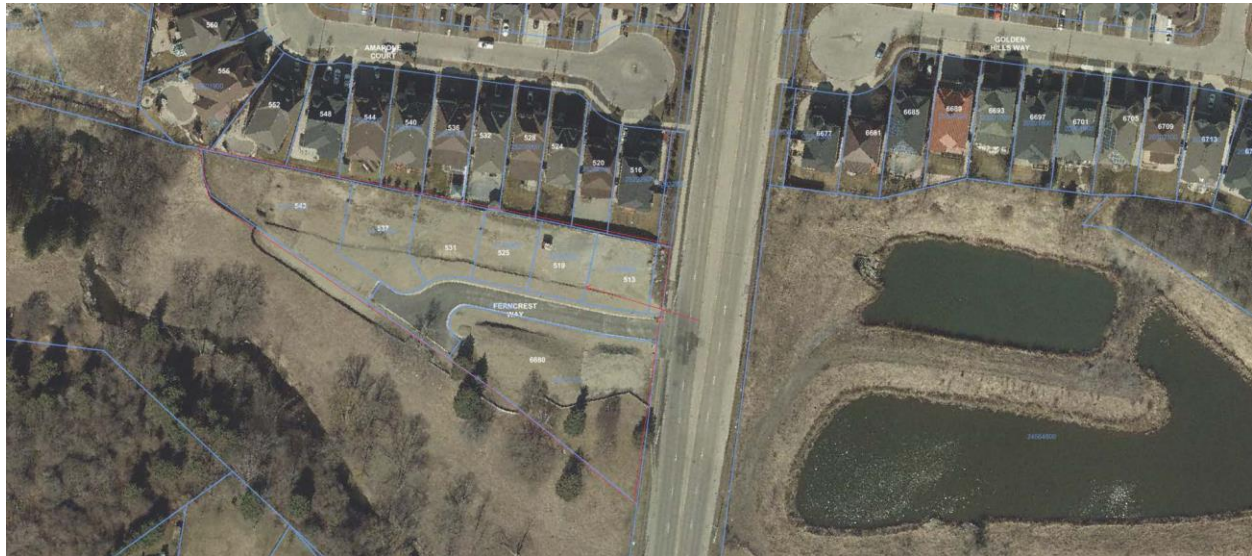
Other Applications: None

Site and Area Context

The subject property is located south-west of the McLaughlin Road and Rothschild Trail intersection in the Meadowvale Village neighbourhood. The property currently has 6 vacant lots abutting McLaughlin Road. The surrounding area context is predominantly residential,

consisting of detached dwellings on similarly sized lots. The property is in close vicinity of publically and privately owned open spaces to the south and east. Limited landscaping and vegetative elements are present on the subject property.

The applicant has applied for the consent of the Committee to create multiple easements for water and sanitary services.



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. Approval of applications must meet the requirements set out under 45(1) and/or 45(2) (a) or (b) 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 are as follows:

The applicant is proposing to create a number of easements for water and sanitary services. The application was deferred from the July 20th hearing in order to amend the application to add more consent applications to accurately reflect the draft R-Plan. Staff note the original consent applications were revised to accurately identify and depict the location of the easements and required lot additions for the established lots of the recently registered plan of subdivision as well as the condominium roadway. Planning staff rely on comments from Transportation and Works and the Region of Peel for applications pertaining to servicing easements, and note that they did not raise any concerns with the application. Additionally, the Credit Valley Conservation Authority has no objections to the application.

Planning staff are of the opinion that the consent applications will provide adequate utilities and municipal services to the lots, and will contribute to orderly development on the subject properties.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Information submitted in the Notice of Public Hearing for these applications indicates that the intent is to create a number of easements for water and sanitary services. Through these applications, the applicant is also requesting to re-align some of the Lots/Blocks, which have been identified as “Lot Additions”.

A Draft 43R-Plan and Parts Summary has been provided, however the Parts Summary only indicates the various part numbers and there is no indication or description with regards to the various easements being proposed. It should be noted that this Parts Summary may have to be updated as it is dated November 2, 2021 and any Part Numbers should also reference the 43R-Plan which the part pertains to.

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

Solicitor Letter Addressing Required Easement(s)

Acknowledging that private servicing easements will be required for these consent application's, the applicant/owner will be required to provide a 43R-Plan and letter/schedule prepared by the applicant's Solicitor which would specifically describe any new private easement(s) to be established. It should also be noted that any documentation received will be forwarded as an attachment with our clearance memo to the Committee of Adjustment Office in order that any new proposed easement(s) can be identified and also be incorporated into the Certificate of Secretary-Treasurer.

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 – Parks, Forestry & Environment

The Parks and Culture Planning Section of the Community Services Department has no objections to the above noted consent application and advises as follows:

The lands adjacent to the property are owned by the City of Mississauga, identified as Fletcher's Flats (P-428), classified as a Significant Natural Area within the City's Natural Heritage System, and zoned G1. Section 6.3.24 of the Mississauga Official Plan states that the Natural Heritage System will be protected, enhanced, restored and expanded through the following measures:

- a) ensuring that development in or adjacent to the Natural Heritage System protects and maintains the natural heritage features and their ecological functions through such means as tree preservation, appropriate location of building envelopes, grading, landscaping...

Should the application be approved, Community Services provides the following notes:

1. Given that the property is subject to a development application, all of Community Services' comments and/or requirements are being addressed through SP 18-38.
2. Construction access from the adjacent park/greenlands is not permitted.
3. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
4. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.

Should further information be required, please contact Nicholas Rocchetti, Planner-in-Training/Park Assets, 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: CVC File No. B23/020-026_B24/010-011

**Municipality File No. B20.23 B21.23 B22.23 B23.23 B24.23 B25.23 B26.23
B10.24 B11.24**

Faud Mashal

**513 Ferncrest Way
Lot 9 Con 2 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, the subject property is regulated due to the adjacent slope valley and floodplain associated with Fletcher's Creek. As such, the property is regulated by CVC under Ontario Regulation 160/06. As such, 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 minor variance to allow construction of a new dwelling proposing:

1. Application B20/23 - The applicant requests the approval of Committee to create an easement for water service over Part 1, Plan 43R-39074 in favour of Lots 2, 3, 4, 5, 6, and 7 and Block 10, Plan 43M-2072.
2. Application B21/23 - The applicant requests the approval of Committee to create an easement for water service over Part 2, Plan 43R-39074 in favour of Lots 1, 3, 4, 5, 6, and 7 and Block 10, Plan 43M-2072.
3. Application B22/23 - The applicant requests the approval of Committee to create an easement for water service over Part 3, Plan 43R-39074 in favour of Lots 1, 2, 4, 5, 6, and 7 and Block 10, Plan 43M-2072.
4. Application B23/23 - The applicant requests the approval of Committee to create an easement for water services over Parts 2 and 4 on an undeposited R-Plan in favour of Lots 1, 2, 3, 5, 6 and 7 and Block 10, Plan 43M-2072.
5. Application B24/23 - The applicant requests the approval of Committee to sever Parts

5 and 6 on an undeposited R-Plan for the purposes of a lot addition to Block 10, Plan 43M-2072. The parcels of land have an area of approximately 21.30sq m (approx. 229.27sq ft). The applicant also requests the approval of Committee to create an easement for water services over Part 7 on an undeposited R-Plan in favour of lots 1, 2, 3, 4, 6 and 7 and Block 10, Plan 43M-2072.

6. Application B25/23 - The applicant requests the approval of Committee to sever Part 12 on an undeposited R-Plan for the purposes of a lot addition to Block 10, Plan 43M-2072. The parcel of land has an area of approximately 14.10sq m (approx. 151.77sq ft). The applicant also requests the approval of Committee to create an easement for water services over Parts 9 and 11 on an undeposited R-Plan in favour of Lots 1, 2, 3, 4, 5 and 7 and Block 10, Plan 43M-2072.

7. Application B26/23 - The applicant requests the approval of Committee to sever Parts 16 and 17 on an undeposited R-Plan for the purposes of a lot addition to Block 10, Plan 43M-2072. The parcels of land have an area of approximately 21.70sq m (approx. 233.58sq ft). The applicant also requests the approval of Committee to create an easement for sanitary service over Part 15, and an easement for water services over Part 18, on an undeposited R-Plan in favour of Lots 1 to 6 and Block 10, Plan 43M-2072.

8. Application B10/24 - The applicant requests the approval of Committee to sever Parts 3 and 4 on an undeposited R-Plan for the purposes of a lot addition to Lot 4, Plan 43M-2072. The parcels of land have an area of approximately 8.70sq m (approx. 93.65sq ft).

9. Application B11/24 - The applicant requests the approval of Committee to sever Part 9 and 10 on an undeposited R-Plan for the purposes of a lot addition to Lot 6, Plan 43M-2072. The parcels of land have an area of approximately 10.20sq m (approx. 109.79sq ft).

COMMENTS:

CVC has reviewed and commented on this site through previous applications, including Draft Plan of Subdivision (T-M06005), Zoning By-law Amendment (OZ 06/021), and Site Plan application (SP 18 38 W11). It is our understanding that these consent applications are to establish easements for water and sanitary servicing for the residential lots, consistent with the previously reviewed plans.

The applicant is to note that CVC has not received payment of the review fee of \$478 for this Minor Variance application. The applicant should forward this directly to CVC at the earliest convenience.

I trust that these comments are sufficient. Please do not hesitate to contact the undersigned at stuti.bhatt@cvc.ca or 905-670-1615 (ext. 350) should you have any further questions. Please circulate CVC on any future correspondence or applications regarding this site.

Comments Prepared by: Stuti Bhatt, Junior Planner

Appendix 5- Region of Peel

Consent: B-23-020M	513 Ferncrest Wy
B-23-021M	519 Ferncrest Wy
B-23-022M	525 Ferncrest Wy
B-23-023M	531 Ferncrest Wy
B-23-024M	537 Ferncrest Wy
B-23-025M	543 Ferncrest Wy
B-23-026M	6680 McLaughlin Rd
B-24-010M	537 Ferncrest Wy
B-24-011M	537 Ferncrest Wy

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

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.

Development Engineering: Iwona Frandsen (905)-791-7800 x7920

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 service easements.

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.

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.
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 January 24, 2024.
5. 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 January 22, 2024.