

City of Mississauga Department Comments

Date Finalized: 2024-01-04	File(s): B1.24 A1.24 A2.24 Ward: 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-01-11 1:00:00 PM

Consolidated Recommendation

The City recommends the application be refused.

Application Details

B1/24

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 10.10m (approx. 33.14ft) and an area of approximately 516.00sq m (5554.18sq ft).

A1/24

The applicant requests a minor variance for the severed lands of B1/24 proposing:

1. A lot area of 516sq m (5554.18sq ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 550sq m (approx. 5920.15sq ft) in this instance; and,
2. A lot frontage of 10.10 (approx. 33.14ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (approx. 49.21ft) in this instance.

A2/24

The applicant requests a minor variance for the retained lands of B1/24 proposing:

1. A lot area of 516sq m (5554.18sq ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 550sq m (approx. 5920.15sq ft) in this instance; and,
2. A lot frontage of 10.10 (approx. 33.14ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (approx. 49.21ft) in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A1.24 and A2.24 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A1.24 and A2.24 shall lapse if the consent application under file B1.24 A1.24 A2.24 is not finalized within the time prescribed by legislation.

Background

Property Address: 345 Queen Street South

Mississauga Official Plan

Character Area: Streetsville Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

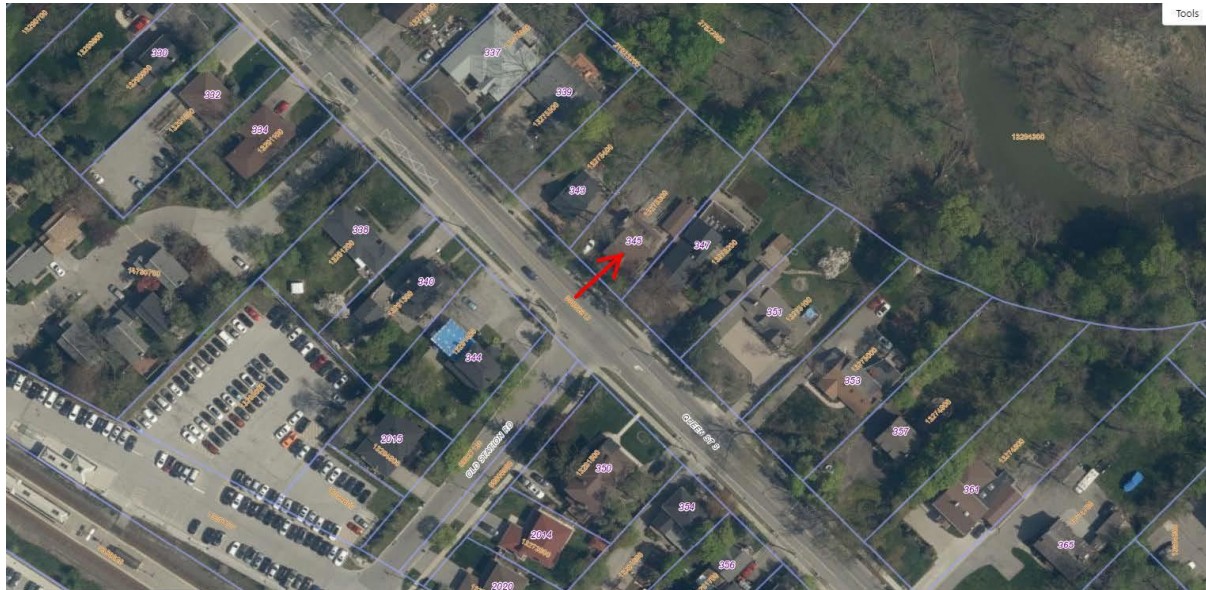
Zoning: R3- Residential

Other Applications: None

Site and Area Context

The subject property is located on the east side of Queen Street South, north of Reid Drive in the Streetsville Neighbourhood Character Area. It is an interior lot containing a 1 ½ storey detached dwelling with a detached garage in the rear yard. The subject property has an approximate lot frontage of +/- 20.20m (66.27ft) and a lot area of +/- 1,052.79m² (3,454.03ft²). Mature vegetation exists along the frontage with limited landscaping elements on the subject property. The surrounding context is exclusively residential and office, consisting of detached dwellings on lots of similar sizes.

The applicant proposes a severance of the existing lot, creating two new residential lots, requiring variances for lot area and frontage.



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 (h) of the Planning Act. These subsections pertain to conformity with the official plan, conservation of natural resources and the dimensions and configurations of the proposed lots.

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 other residential lots located along Queen Street South in the Streetsville Neighbourhood. Additionally, the lots do not meet the minimum requirements stipulated in the zoning by-law.

The subject property is located within the Streetsville Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits only detached dwellings in this instance. It also forms part of the Special Site 1 area, which sets out policies for lands fronting on the east and west side of Queen Street South between Reid Drive and Princess Street.

In order to maintain the planned and existing character of the neighbourhood, Policy 16.24.5.1.8 of the official plan states existing lot sizes should be retained by subject properties within the Special Site 1 area.

Additionally, 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 the 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 lot pattern. In the immediate vicinity, there is no evidence of detached dwellings on lots with similar dimensions in terms of area and/or frontage.

Section 51(24)(h) states the proposal shall have regard for the conservation of natural resources and flood control. Staff note the subject property is regulated due to the slope hazard associated with the Credit River. Credit Valley Conservation Authority (CVC) staff noted the Credit River valley is considered part of the hazardous lands and CVC policy does not support the creation of new lots that extend into, or fragment ownership of hazardous land. CVC staff note the natural hazards must be reviewed and delineated to confirm it there is a suitable building envelope available for both proposed lots.

Based on the preceding information, staff are of the opinion that the application does not meet the intent of the official plan and zoning by-law, nor is it minor or appropriate development. Moreover, the application does not conform to Section 51(24) of the Planning Act. As such, staff recommend the consent and associated minor variance applications be refused.

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 this property will be addressed under Consent Application 'B' 1/24.

Should Committee see merit in the applicant's request we are providing the following conditions/requirements for Committee's consideration:

A. Items Required Prior to the Issuance of Final Consent

1. Overall Site Plan/Grading and Drainage Plan

The applicant's consulting engineer will be required to prepare an Overall Site Plan, which is to include Grading and Drainage information. Sufficient details are to be shown to ensure grading compatibility with the adjacent lands and submit the grading and drainage proposal to this department for review/approval.

Upon the review of the Site Plan/Overall Grading and Drainage Plan it may be determined that catch basins may be required and satisfactory arrangements will have to be made for the construction of any required catch basins.

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.

2. Conceptual Site Plan Depicting Driveway Locations

Prior to the issuance of final consent, satisfactory arrangements are to be made with the Traffic Planning Section with regards to providing a Conceptual Site Plan depicting the driveway locations. As per City of Mississauga Official Plan 16.24.5.1.6, the vehicular entrances should be combined to minimize the number of access points on Queen Street South. In this regard, the applicant will be required to provide a Conceptual Site Plan depicting the driveway locations and the access modifications required. The Conceptual Site Plan must also include the design for a turnaround facility (hammerhead turnaround) on site. This is required to ensure that vehicles can enter into the municipal right-of-way in a forward motion from the private properties.

For further information, please contact Bo Yang Yu at (905) 615-3200 ext. 4784 or boyang.yu@mississauga.ca, Transportation and Works Department Infrastructure Planning & Engineering Services Division.

B. GENERAL INFORMATION

1. 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.

2. Servicing

All costs incurred in providing any service laterals will be the responsibility of the owner. The owner will also be responsible for all costs incurred for the required road reinstatement (if required). If the service connections are to be installed by a private contractor retained by the owner, issuance of an open cut permit will be subject to the owner depositing adequate securities with the City to guarantee proper road reinstatement.

3. Access

The applicant will be required to apply for Access Modification Permits prior to Site Plan Approval and/or Building Permit Issuance. We advise the applicant that all costs incurred in providing any new driveway entrance(s) to the subject lands or any modifications/reinstatement required, would be at cost to the owner. Driveway accesses shall maintain a 1.5m setback from aboveground features such as utilities and trees. We are also noting that should any utilities need to be relocated, all costs incurred will also be to the owner.

4. Storm Sewer Outlet

The storm sewer outlet for this site is the existing 375mm storm sewer on Queen Street South. The applicant is encouraged to design the basement elevation 1.0 metre above the obvert of the storm sewer on the street to eliminate the need for a sump pump.

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.

For further information, please contact Samer Elhallak at (905) 615-3200 ext. 3192.

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: Minan Song, Planner in Training

Appendix 3- Region of Peel

Minor Variance: A-24-001M, A-24-002M, B-24-001M / 345 Queen Street South

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.
- We have no objection with the adjustment of the lots provided water services curb stops and boxes are in grass areas and minimum 1.0m from the edge of the driveway. Water services and appurtenances must have horizontal separation of minimum 1.2m from all utilities and structures.
- 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 a Core Area of the Greenlands System in Peel as identified under policy **2.14.5** of the Regional Official Plan. Development and site alteration are prohibited in Core Areas of the Greenlands System (ROP 2.14.15), which is subject to policy 2.14.16. The applicant must ensure Core Areas are not damaged or destroyed. If the Core Area is intentionally damaged or destroyed, the Region or City will require replacement or restoration of the ecological features, functions and/or landforms as a condition of development approval (ROP 2.14. 17).

Comments Prepared by: Ayooluwa Ayoola, Junior Planner

Appendix 4 – Heritage

The subject property is located within the Streetsville Village Core Cultural Heritage Landscape. This landscape is currently under review as a Heritage Conservation District by Heritage Planning.

The area is identified as a 19th century residential streetscape which has remained largely unchanged over time in terms of lot layout and size and architectural style of the houses. These characteristics are foundational to the overall character of the Streetsville neighbourhood.

The proposed severance is inconsistent with this character. The Heritage Impact Assessment (HIA), does not address the disruptive nature of the proposed severances to the character of this main street of Streetsville.

This application is unprecedented for this area and would have a disruptive and detrimental impact to the heritage of Streetsville.

Heritage Planning staff recommend that the application be refused.

Additionally, any demolition of the current property will require a heritage permit application www.mississauga.ca/heritageplanning. Heritage Planning is not in receipt of any application for this property.

This application should be refused until Heritage Planning staff have received a heritage application and fully reviewed the proposal.

The property also has archaeological potential due to its proximity to a present or past watercourse or known archaeological resource. The applicant should contact the Ministry of Citizenship and Multiculturalism to determine the archaeological concerns related to the application. A letter from the Ministry of Citizenship and Multiculturalism confirming that all archaeological resource concerns have met licensing and resource conservation requirements for the property must be submitted to Heritage Planning.

Comments Prepared by: Paula Wubbenhorst, Heritage Planner

Appendix 5- Metrolinx

345 Queen Street South - B1.24, A1.24, A2.24

Metrolinx is in receipt of the Consent and two Minor Variance applications for 345 Queen St S 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 CP Galt Subdivision which carries Metrolinx's Milton GO Train service.

Advisory Comments:

- The Proponent is advised of the following:
 - **Warning:** Metrolinx and its assigns and successors in interest operate commuter transit service within 300 metres from the subject land. In addition to the current use of these lands, there may be alterations to or expansions of the rail and other facilities on such lands in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx or any railway assigns or successors as aforesaid may expand their operations, which expansion 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 units. Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under these lands.

Comments Prepared by: Farah Faroque, Project Analyst

Appendix 6- CVC

Re: City File No. B1.24, A1.24 & A2.24

CVC File No. B 24/001 & A24/001-002

Sonia Ruparell

345 Queen Street South

Part of Lot 3, Concession 4 WHS

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, the subject property is regulated due to the slope hazard associated with the Credit River, and is adjacent to the floodplain. 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). A CVC permit is required prior to any development proposed within the Regulated Area. A copy of our mapping is attached for reference.

PROPOSAL:

It is our understanding that the applicant has applied for the following applications pertaining to the subject site:

1. Application B1/24 - 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 10.10 (approx. 33.14ft) and an area of approximately 516.00 sq m (5554.18 sq ft).
2. Application A1/24 - The applicant requests the approval of Committee for a minor variance for the severed lands of B1/24 proposing:

a. A lot area of 516 sq m (5554.18 sq ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 550 sq m (approx. 5920.15 sq ft) in this instance; and,

b. A lot frontage of 10.10 (approx. 33.14ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (approx. 49.21ft) in this instance.

3. Application A2/24 - The applicant requests the approval of Committee for a minor variance for the retained lands of B1/24 proposing:

a. A lot area of 516 sq m (5554.18 sq ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 550 sq m (approx. 5920.15 sq ft) in this instance; and,

b. A lot frontage of 10.10 (approx. 33.14ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (approx. 49.21ft) in this instance.

COMMENTS:

CVC staff have pre-consulted with the applicant regarding the proposed severance and attended a site visit to review top of bank on November 28, 2023. Based on a desktop analysis and available information, it appears that the conservative stable slope line encroaches further into the property than the top of bank.

CVC staff have concerns with regards to the proposed severance due to the slope hazard. CVC policy does not support the creation of a new lot that extends into, or fragments ownership of hazardous land, in consideration of the long-term management concerns related to risks to life and property. It is typically our expectation that hazard lands, with appropriate buffers, be off-lot and remain on the retained parcel or be dedicated to the City, thus not fragmenting the features. Generally, a minimum 10m buffer is added to the greatest constraint to establish the new lot limits.

It must also be demonstrated that there is a sufficient building envelope on the proposed lot to be created and the lot to be retained to incorporate all necessary infrastructure (e.g., dwelling, driveway, accessory structures, septic, etc.) for future development outside of and setback from the natural hazards.

To determine if the proposed severance can meet policy, the natural hazards need to be reviewed and delineated to confirm if the proposed new lot will be outside the hazards with an appropriate buffer, and a suitable building envelope is available on both lots. As such, further information (i.e., Geotechnical Assessment) is required to confirm the Long Term Stable Slope Line in accordance with CVC policies, and updated plans must show appropriate lot lines and setbacks for proposed development on the lot to be created and lot to be retained.

Once the extent of hazards are confirmed based on further study, CVC staff may have

further comment on lot configuration and proposed development to meet policies. Please also be advised that a CVC permit will be required prior to any development proposed in the Regulated Area.

Conclusion

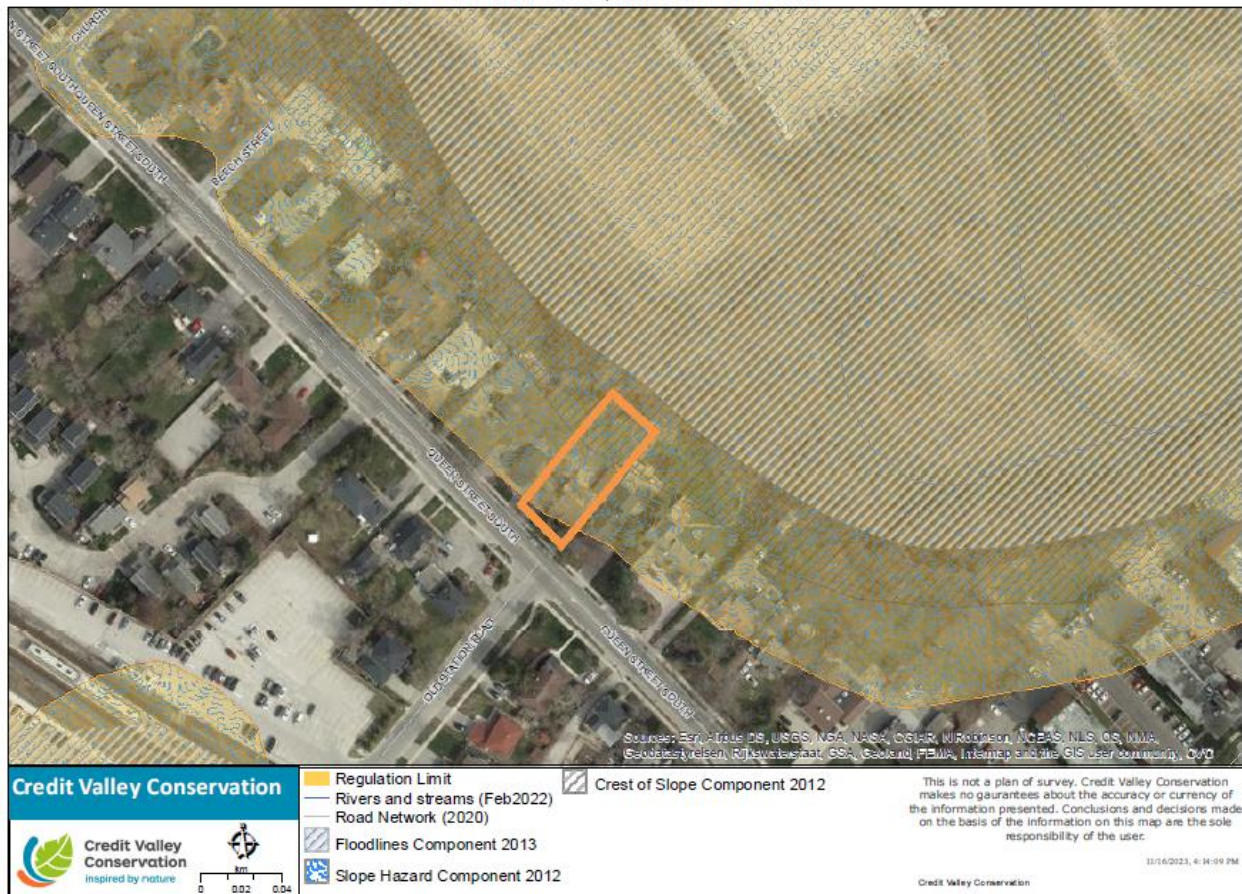
Based on the above, CVC staff **recommend deferral** of the requested severance and minor variances by the Committee until the above concerns have been addressed to the satisfaction of CVC. Please circulate CVC any future correspondence regarding this application.

The applicant is to note that CVC has not received payment of the review fee for these applications. The applicant should contact CVC to arrange payment at the earliest convenience.

The applicant is to note that a CVC permit will be required prior to any development proposed within the Regulated Area. Further pre-consultation with CVC staff on proposed development will be required to confirm requirements.

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).

345 QUEEN ST S, MISSISSAUGA



Comments Prepared by: Trisha Hughes, Acting Senior 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

City Department and Agency Comments	File:B1.24 A1.24 A2.24	2024/01/04	14
-------------------------------------	---------------------------	------------	----

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" A1-A2/24)
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 4, 2024.
5. A letter shall be received from the City of Mississauga, Culture Division, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated January 4, 2024.
6. A letter shall be received from the Credit Valley Conservation indicating that satisfactory arrangements have been made with respect to payment of the "Review Fee", and their comments dated December 15, 2023.