

# City of Mississauga Department Comments

Date Finalized: 2024-02-22 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): B16.24, A79.24 and A80.24 Ward: 1
	Meeting date:2024-02-29 3:30:00 PM

## Consolidated Recommendation

The city has no objections to the consent and minor variance applications.

## Application Details

### B16/24

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 6.20m (approx. 20.34ft) and an area of approximately 268.00sq m (2884.73sq ft).

### A79/24

The applicant requests a minor variance for the severed lands of B16/24 proposing a lot frontage of 6.20m (approx. 20.34ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 6.80m (approx. 22.31ft) in this instance.

### A80/24

The applicant requests a minor variance for the retained lands of B16/24 proposing a lot frontage of 6.20m (approx. 20.34ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 6.80m (approx. 22.31ft) in this instance.

## Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance applications approved under Files A79.24 and A80.24 must be finalized

## Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A79.24 and A80.24 shall lapse if the consent application under file B16.24, A79.24 and A80.24 is not finalized within the time prescribed by legislation.

## Background

**Property Address: 22 Maple Ave N**

### Mississauga Official Plan

Character Area: **Port Credit Neighbourhood (West)**

Designation: **Residential Low Density II**

### Zoning By-law 0225-2007

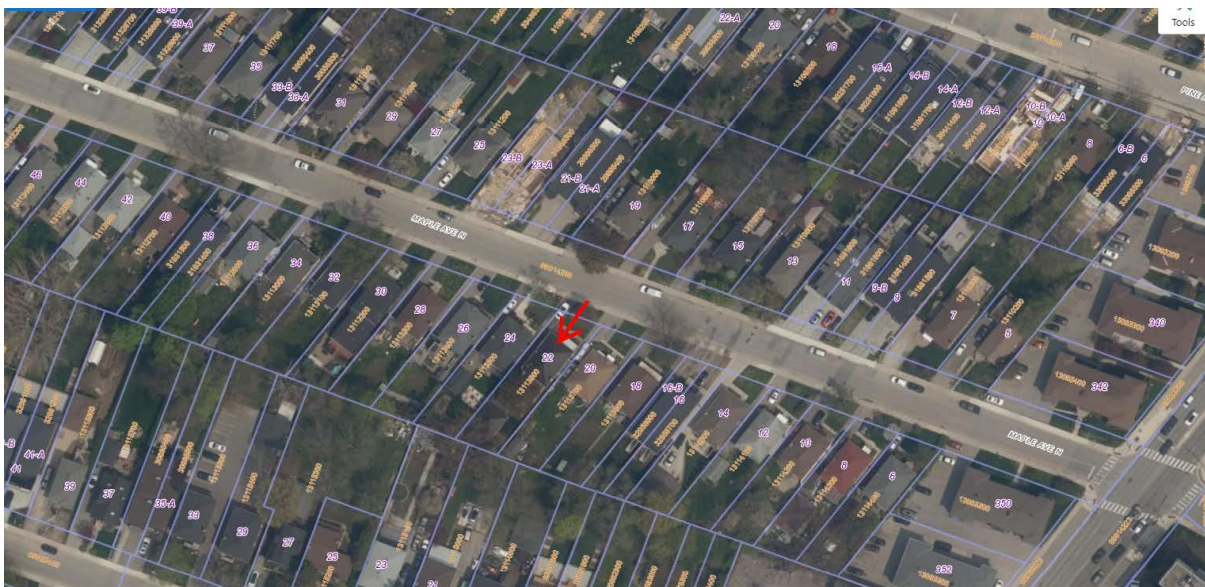
Zoning: **RM7-5- Residential**

Other Applications: none

### Site and Area Context

The subject property is located in the Port Credit Neighbourhood (West) Character Area, north of the Maple Avenue North and Lakeshore Road West intersection. The immediate neighbourhood contains residential, commercial and employment uses. The residential uses consist of a mix of detached and semi-detached dwellings on lots of varying lot sizes and frontages. Frontages in the area range from 6.14m (20.14ft) to 15.60m (51.18ft). The subject property contains an existing one-storey detached dwelling with mature vegetation in the front yard.

The applicant is proposing to sever the lot in order to create two new parcels to be developed with semi-detached dwellings. The development proposal requires variances related to lot 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:

#### **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, which permits detached, semi-detached, duplex, triplex and other forms of low rise dwellings with individual frontages. The official plan policies for lands within the Port Credit Neighbourhood Character Area are contained within the Port Credit Local Area Plan, in the North Residential Neighbourhood precinct (Shawnmarr/Indian Heights). Lands within the North Residential Neighbourhoods are predominately stable residential areas allowing for infill development that is compatible with and enhances the existing character of the area. The zoning by-law allows for a mix of residential uses and lot sizes, creating an eclectic lot fabric within the immediate and broader neighbourhood. The surrounding area contains a mix of lot areas and frontages that range from 6.14m (20.14ft) to 15.60m (51.18ft). Staff note that the area contains a mix of housing forms, which further contribute to the eclectic nature of the neighbourhood.

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. While the proposed lot frontages fall short of zoning by-law requirements, the frontages are comparable with frontages in the neighbourhood. The proposed severance would result in lots that could be developed with appropriate sized dwellings for the neighbourhood. 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 sensitive intensification that is compatible with the area and does not negatively impact the established lot fabric of the neighbourhood. As such, staff is of the opinion that the proposal maintains the general intent and purpose of the official plan.

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

Since 1961, the Village of Port Credit Zoning By-law No. 1227 has permitted a variety of housing types for the subject lands including detached, duplex, triplex, double duplex, double triplex, fiveplex, converted dwelling and boarding or lodging house. In 1997, City Plan (the Official Plan) was adopted, permitting detached, semi-detached, duplex and other forms of dwellings with individual frontages on a public street. In 2007, the City undertook a zoning bylaw conformity and consolidation exercise which included public consultation. This led to the adoption of the current RM7 zone provisions.

The variances relate to lot frontage for the severed and retained lots. The intent of the zoning by-law is to ensure that new lots are appropriately sized and fit within the context of the surrounding area. Staff have no concerns with the proposed variances, as the proposed lots appear to be capable of reasonably accommodating new dwellings. Furthermore, the proposed lots are reflective of the lots in the area and raise no concerns of a planner nature.

Staff is therefore satisfied that the proposal meets the general intent and purpose of the zoning by-law.

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

It is staff's opinion that the proposed development is sympathetic to the surrounding area and is capable of reasonably accommodating new dwellings. Furthermore, the proposed lot sizes and frontages for the retained and severed properties are generally consistent with existing properties in the area. As such, it is staff's opinion that the proposed development is appropriate and sensitive form of intensification and is minor in nature.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

A79-80

We are noting that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 16/24.

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 Grading and Drainage Plan

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#### A. 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](mailto:susie.tasca@mississauga.ca)

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

## 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 525mm diameter storm sewer on Maple Ave. North. The applicant is encouraged to design the basement elevation 1 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 Walter Copping at 905-615-3200 ext. 5831. 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.

### 5. Municipal Address Requirement

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For further information please contact Walter Copping at 905-615-3200 ext. 5831.

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.

Please note that prior to land division zoning clearance being issued the severed and retained lands must comply with the provisions of Zoning By-law 0225-2007, as amended, with respect to, among other things, minimum lot frontage, minimum lot area, setbacks to the existing building(s), on site parking, etc., or alternatively, that any minor variance(s) is approved, final and binding and/or the demolition of any existing building(s) is complete. Information on how to obtain a land division clearance letter can be found [here](#).

Comments Prepared by: Minan Song, Planner in Training

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

The Parks and 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 trees within the municipal boulevard on Broadview Avenue:

- Autumn Blaze Red Maple (26 cm DBH) – Good Condition – \$1,400.00



Should the application be approved, Community Services wishes to impose the following condition(s):

1. The applicant shall provide tree protection securities in the amount of \$1,400.00 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 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, Planner in Training - Park Assets, Community Services Department at 905-615-3200 ext. 4659 or via email [Nicholas.Rocchetti@mississauga.ca](mailto:Nicholas.Rocchetti@mississauga.ca).

Comments Prepared by: Nicholas Rocchetti, Planner in Training

#### **Appendix 4 – Metrolinx**

##### **22 Maple Ave N - B16.24, A79.24, A80.24**

Metrolinx is in receipt of the Consent and two Minor Variance applications for 22 Maple Ave N to facilitate the severance of the lands for the creation of a new lot and to facilitate the construction of a new semi-detached dwelling on the both the retained and severed lots. 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](mailto: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 5- Region of Peel**

**Minor Variance and Consent: A-24-079M, A-24-080M & B-24-016M / 22 Maple Ave N**  
Development Engineering: Wendy Jawdek (905)-791-7800 x6019

**Comments:**

- Installation of and alterations to property line water valves and chambers and sanitary/storm sewer maintenance holes require inspection by Region of Peel inspectors

to confirm if these works are completed in accordance with Region of Peel Design Criteria, standards, and specifications.

- Proposals to connect to an existing service lateral require approval from a Region of Peel inspector at construction stage.
- 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 is 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](mailto: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](mailto: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 by email at [siteplanservicing@peelregion.ca](mailto: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](mailto:PWServiceRequests@peelregion.ca)
- 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.

**Conditions:**

- 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 Prepared by: Ayooluwa Ayoola, Junior Planner

**Appendix 6 – Bell**

**Subject: Application for Consent – Severance  
22 Maple Ave N, Mississauga  
CofA File: B16.24 Bell File: 905-24-036**

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

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

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

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

We hope this proposal meets with your approval and request a copy of the Committee of Adjustments decision. We look forward to the owners' Solicitor contacting us with a draft reference plan and accompanying draft easement and LTTS documents for our approval prior to registration, along with an acknowledgement and direction for our execution.

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

Comments Prepared by: Carrie Gordon Right of Way Associate

#### **Appendix A – CONDITIONS OF PROVISIONAL CONSENT**

**SHOULD THE COMMITTEE GRANT A PROVISIONAL CONSENT, THE FOLLOWING IS A LIST OF THE RECOMMENDED CONDITIONS TO BE ATTACHED TO THE DECISION AND THESE CONDITIONS MAY BE REVISED BY THE COMMITTEE AT THE PUBLIC MEETING.**

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the conveyed land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no services easement(s) and/or right(s)-of-way, are necessary.

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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" A79-80/24)
  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 February 22, 2024.
  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 February 22, 2024.
  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 February 20, 2024.
  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 February 16, 2024.
  8. A letter shall be received from Bell indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated January 29, 2024.