

# City of Mississauga Department Comments

Date Finalized: 2024-06-05	File(s): B34.24
To: Committee of Adjustment	Ward: 11
From: Committee of Adjustment Coordinator	Meeting date:2024-06-13 1:00:00 PM

## Consolidated Recommendation

The City recommends the application be refused.

## Application Details

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 39.23m (approx. 128.71ft) and an area of approximately 1261.50sq m (13578.67sq ft).

### Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

## Background

**Property Address: 5128 Elderview Court**

### Mississauga Official Plan

Character Area: Central Erin Mills Neighbourhood  
Designation: Residential Low Density I

### Zoning By-law 0225-2007

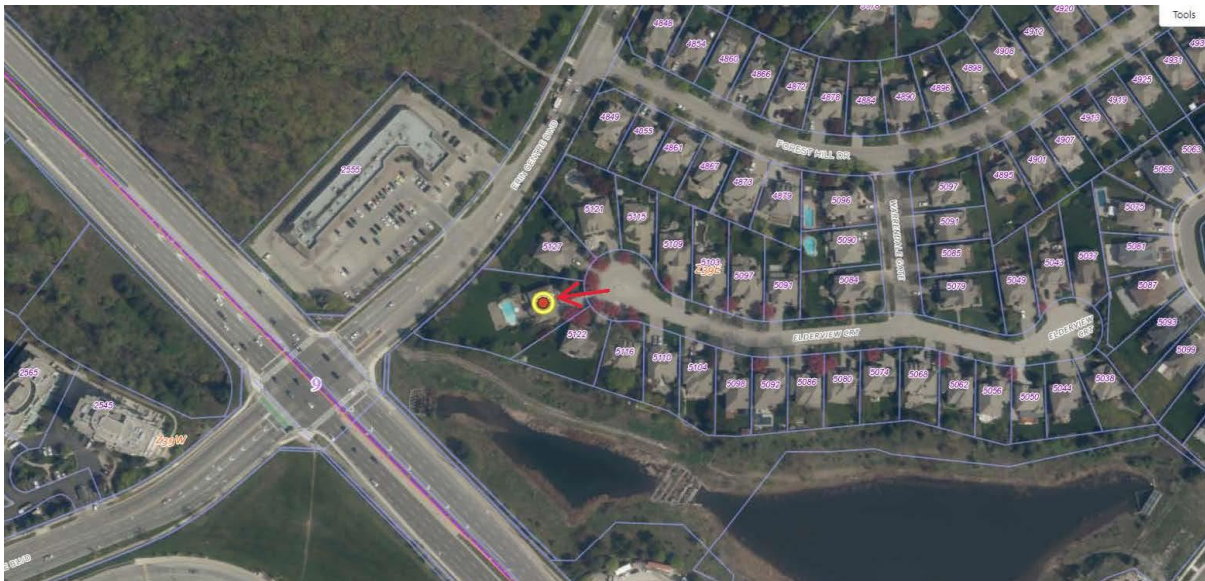
**Zoning: R2-8-Residential**

**Other Applications: None**

## Site and Area Context

The subject property is located south-east of the Erin Mills Parkway and Erin Centre Boulevard intersection in the Central Erin Mills Neighbourhood Character Area. It is an interior lot containing a two-storey detached dwelling with an attached garage. The subject property has an approximate lot area of +/- 2,912.50m<sup>2</sup> (31,349.88ft<sup>2</sup>) and a lot frontage of +/- 19.77m (64.86ft). Limited landscaping elements are present with mature vegetation along the property frontage and lot boundaries. The surrounding context is predominantly residential, consisting of detached dwellings but also includes a mix of uses including a commercial plaza to the north and greenlands abutting the property to the west.

The applicant proposes a severance of the existing lot to create two new residential lots.



## 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.

#### 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 application for consent are as follows:

The subject property is located in the Central Erin Mills Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). 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), (d), (f) and (g) of the Planning Act. These subsections pertain to conformity with adjacent plans of subdivision, the suitability of land, the dimensions and configurations of the proposed lots and the restrictions on the land proposed to be subdivided. The subject property is located within the Central Erin Mills Neighbourhood Character Area and are designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan. This designation permits detached, semi-detached and duplex dwellings.

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 application proposes a new access on Erin Centre Boulevard through an irregularly shaped lot which fails to adhere to the established lotting pattern.

Section 51(24)(g) states the proposal shall have regard for the restrictions or proposed restrictions, if any, on the land proposed to be subdivided. Staff note the subject property incurs a 0.3m reserve along the rear lot line to restrict any type of future access onto Erin Centre Boulevard. Transportation & Work's staff further noted they would not be in support of lifting the 0.3m reserve to create legal access to Erin Centre Boulevard. Additionally, Transportation & Work's staff have concerns about the proposed access location to the severed lands due to its proximity within the functional area of a major intersection.

Based on the preceding information, staff are of the opinion that the proposed severance does not conform to Section 51(24) of the Planning Act and as such, staff recommend the application be refused.

Given the above, Planning staff are of the opinion that the criteria of Section 51(24) of the Planning Act are not met. Furthermore Planning staff are of the opinion that the proposal does not represent appropriate development of the subject property and do not maintain the general intent of the official plan. Staff therefore recommend that the application be refused.

Prepared by: Daniel Grdasic, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

**This department cannot support this consent application and strongly requests that the application be refused.**

The intent of the application would be to sever the rear portion of this extraordinary sized lot to create a new frontage onto Erin Centre Boulevard. The subject lands are identified as Lot 74 and were developed under Plan of Subdivision 43M-856. Acknowledging the significant size of this lot when developed, it was never envisioned that the lot could be subdivided in the future to have a new access to Erin Centre Boulevard.

At the time of the development of the subject lands under Plan of Subdivision 43M-856, the City placed a 0.3M reserve identified as Block 12 across the rear of the subject and abutting two lots (Lots 72 & 73) to restrict any type of future access onto Erin Centre Boulevard. Without the City lifting the 0.3M reserve, no legal access can be provided to Erin Centre Boulevard, and there is no intention that the Transportation and Works Department would lift this 0.3M reserve.

In addition to the above, we note that to be consistent with Traffic Engineering best practices, driveways should typically not be located within the functional area of a major intersection. Slow-moving or stopped vehicles are typically encountered on the roadway immediately beyond a major intersection. This is a particular problem for vehicles that have made a left or right turn at the intersection as drivers are still focused on the manoeuvre and are ill-prepared to perceive and react to an unexpected vehicle.

We also note that, in accordance with the Vision Zero Action Plan and Traffic Engineering best practices, it is the City's intent to limit the number of driveways on major roads to optimize roadway safety and efficiency, reduce the number of vehicular and pedestrian/cyclist conflict points, ensure sufficient space is available for street appurtenances (trees, utilities, streetlights, signage, etc.), allow for an uninterrupted streetscape, and optimize traffic flows.

For further information regarding the above noted comments, please contact Tony Iacobucci at (905) 615-3200 ext. 5129 or [tony.iacobucci@mississauga.ca](mailto:tony.iacobucci@mississauga.ca)

Comments Prepared by: Tony Iacobucci, Development Engineering

### 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, Zoning Examiner

### **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:

The lands adjacent to the property are owned by the City of Mississauga, identified as Woodland Chase Trail (P-269), 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 measure(s):

- 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. If future development is proposed, construction access from the adjacent park/greenlands is not permitted.
2. If future access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
3. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.
4. 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 – Credit Valley Conservation

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 slope hazard associated with Mullet creek. As such, the property is regulated by CVC under Ontario Regulation 41/24. As such, the property is subject to the Development, Interference with Wetlands, and Alterations to Shorelines & Watercourses Regulation (Ontario Regulation 41/24). 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 sever a parcel of land for the creation of a new lot. The parcel of land has a frontage of approximately 39.23m (approx. 128.71ft) and an area of approximately 1261.50sq m (13578.67sq ft).

### COMMENTS:

Based on the review of the information provided, it appears that the hazards associated with Mullet Creek are just off-lot (assuming that a 6m access allowance is an appropriate buffer and can be applied on lot), CVC has no concern with the approval of the proposed severance at this time.

However, a CVC permit will be required prior to any proposed development in the Regulated Area, and setbacks from the southern property limit (along the valley) will be required (generally, a minimum 10 m buffer is applied to the greatest constraint).

The applicant is to note that CVC has not received payment of the review fee of \$478 for this Consent 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-24-034M / 5128 Elderview Ct.

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

#### Comments:

- The severed lot will not have frontage to existing municipal sanitary sewer.
- We have no objection with the adjustment of the lots provided water service 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 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.
- Installation of and alterations to property line water valves 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 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 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).

**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.

Planning: Petrele Francois (905) 791- 7800 x3356

**Comments:**

- The subject land is located 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 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 Natural Area and Corridor (NAC) of the Greenlands Systems designated under Policy 2.14.18 of the Regional Official Plan (ROP). NACs are to be protected, restored, and enhanced for the long-term ecological function and biodiversity of the Greenlands System.

Comments Prepared by: Petrele Francois, 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 Region of Peel indicating that satisfactory arrangements have been made with respect to payment of the "Review Fee", and their comments dated June 5, 2023.