

City of Mississauga Department Comments

Date Finalized: 2024-06-12	File(s): B37.24 A271.24 A272.24
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2024-06-20 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

B37/24

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 22.08m (approx. 72.44ft) and an area of approximately 610.19sq m (6568.03sq ft).

A271/24

The applicant requests a minor variance for the severed lands of B37/24 proposing:

1. A lot area of 610.19sq m (approx. 6568.09sq ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 695.00sq m (approx. 7480.98sq ft) in this instance;
2. A lot frontage of 22.08m (approx. 72.44ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 30.00m (approx. 98.43ft) in this instance;
3. A front yard setback of 7.50m (approx. 24.61ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 9.00m (approx. 29.53ft) in this instance;
4. An interior side yard setback for an interior lot of 1.81m (approx. 5.94ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback for an interior lot of 2.41m (approx. 7.91ft) in this instance;
5. An interior side yard setback for an interior lot of 1.85m (approx. 6.07ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback for an interior lot of 2.41m (approx. 7.91ft) in this instance;
6. A combined side yard width of 16.60% whereas By-law 0225-2007, as amended, requires a minimum combined side yard width of 27.00% in this instance;
7. A lot coverage of 35.20% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% in this instance;
8. An eave height of 7.10m (approx. 23.30ft) whereas By-law 0225-2007, as amended, permits a maximum eave height of 6.40m (approx. 21.00ft) in this instance;
9. A gross floor area of 350.04sq m (approx. 3767.83sq ft) whereas By-law 0225-2007, as

amended, permits a maximum gross floor area of 312.03sq m (approx. 3358.69sq ft) in this instance; and,

10. A projection of the garage beyond the front wall or exterior side wall of the first storey of 0.27m (approx. 0.89ft) whereas By-law 0225-2007, as amended, permits a maximum projection of the garage beyond the front wall or exterior side wall of the first storey of 0m in this instance.
A272/24

The applicant requests a minor variance for the retained lands of B37/24 proposing:

1. A lot frontage of 26.03m (approx. 85.40ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 30.00m (approx. 98.43ft) in this instance;
2. A front yard setback of 7.50m (approx. 24.61ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 9.00m (approx. 29.53ft) in this instance;
3. A combined width of side yards of 18.60% whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 27.00% in this instance;
4. A lot coverage of 31.00% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% in this instance;
5. An eave height of 7.10m (approx. 23.30ft) whereas By-law 0225-2007, as amended, permits a maximum eave height of 6.40m (approx. 21.00ft) in this instance; and,
6. A projection of the garage beyond the front wall or exterior side wall of the first storey of 6.42m (approx. 21.06ft) whereas By-law 0225-2007, as amended, permits a maximum projection of the garage beyond the front wall or exterior side wall of the first storey of 0m in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A271.24 and A272.24 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A271.24 and A272.24 shall lapse if the consent application under file B37.24 A271.24 A272.24 is not finalized within the time prescribed by legislation.

Background

Property Address: 1271 Lorne Park Rd

Mississauga Official Plan

Character Area: Clarkson-Lorne Park Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

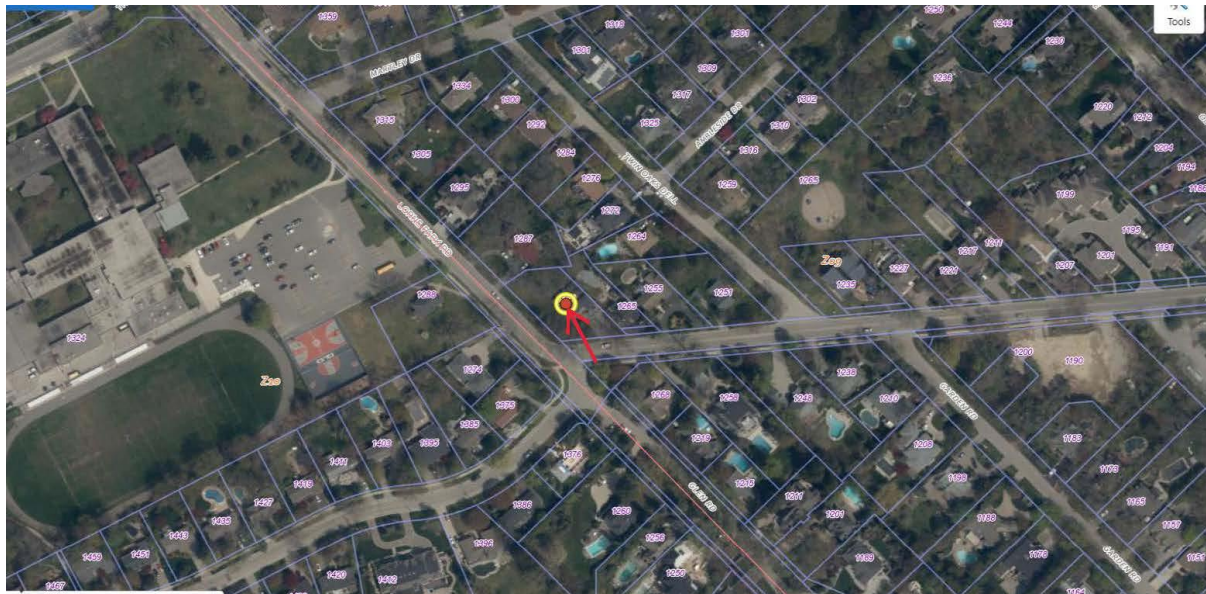
Zoning: R2-5- Residential

Other Applications: NONE

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, northeast of the Lorne Park Road and Birchwood Drive intersection. The neighbourhood contains a mix of institutional, residential, and commercial uses. The residential uses consist of one and two-storey detached and semi-detached dwellings with mature vegetation and landscape elements in the front yards. The subject property contains an existing one storey detached dwelling with mature vegetation in the front yard.

The applicant is proposing to demolish the existing one-storey detached dwelling and sever the property into two new parcels. The applicant is proposing a two-storey detached dwelling on each of the lots requiring variances related to frontage, lot area, lot coverage, setbacks, eave height, side yard width and gross floor area.



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 are as follows:

The site is located within the Clarkson-Lorne Park Character Area, and is designated Residential Low Density I by the Mississauga Official Plan (MOP). The Residential Low Density I designation permits detached dwellings; semi-detached dwellings and duplex dwellings.

Transportation and Works staff have identified concerns regarding the proposed lot area and frontage variances. The MOP requires land dedications across the entirety of the property frontage for the future widening of the Lorne Park Road right of way. The applicant has not considered the land dedication requirement in their proposal. Planning staff have discussed this requirement with the applicant and are of the opinion that the proposal is premature. Staff will need to evaluate the amended proposal once the accurate variances and drawings have been prepared that reflect the land dedication requirement.

As such, staff recommend that the application be deferred to allow the applicant an opportunity to address Transportation and Works staff's comments contained in Appendix 1 to this report and to discuss the proposal with Planning staff once drawings and variances have been revised to reflect the land dedication requirement.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We are noting that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 37/24.

This Department has reviewed the application as submitted and advise that our Traffic Section has a concern with the proposal.

Our Traffic Section is advising that as per the OP (Official Plan), there is a land dedication required across the frontage of these lands for the Lorne Park Road right of way to meet the ultimate required width of 26m. This requirement will change the proposal dramatically with regards to building footprints, setbacks to front yards and rear yards, etc.

To determine the exact amount of land required, the applicant's Consultant must contact our Traffic Section (Yousef Hereich at ext. 8363) for further instruction and have a Draft R Plan prepared showing the limits of the land dedications and submit it for our review internally.

In view of the above, we are of the opinion that the subject consent application should be **deferred** until the applicant has submitted the required Draft R Plan and prepared a revised sketch for the proposed dwellings that shows the required road widening along Lorne Park Road with the new dimensions and setbacks.

Typically, this department would provide general requirements and conditions of approval for applications such as this. At this time however, without first addressing the above matter, the potential application revisions necessary render the application inert until the functional lotting and feasibility are readdressed and confirmed as remaining satisfactory or requiring revision. Once consent to proceed from our Traffic team is received following their review of the updated R Plan outlined above, this department will be in a better position to properly evaluate the request and provide detailed comments and conditions of approval should Committee see merit in the request.

G. Russell,
Supervisor, Development Engineering South
905-615-3200, ext. 5833

Comments Prepared by: Geoff Russell, Supervisor, Development Engineering - South





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

Park Planning

The Parks and Culture Planning Section of the Community Services Department has reviewed the consent application and advises as follows:

1. 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.

Comments Prepared by: Nicholas Rocchetti, Planner in Training

Forestry

The Forestry 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 Lorne Park Road:

- Pin Oak (101cm DBH) – Good Condition – \$19,500.00
- Pin Oak (49cm DBH) - Good Condition - \$4,800.00 (Boundary)
- Pin Oak (86cm DBH) - Good Condition - \$14,200.00

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 \$38,500.00 for the preservation of the municipal trees.
2. The applicant shall provide a cash contribution of \$849.91 for the planting of one (1) street tree on Lorne Park Road. This figure is subject to the most recent Fees and Charges By-law at the time of payment and is therefore subject to change.

In addition, Forestry notes the following:

1. 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.
2. 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.
3. Please note if a tree is identified as a shared tree with the adjacent property owner, and the applicant intends to apply for a Tree Removal Permit, written consent must be obtained by both parties.
4. 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.
5. 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 Rita Di Michele to request a Submission of Fees and Securities form and any other inquires regarding the payment process.

A Tree Removal Application to Permit the Injury or Destruction of Trees on Public and Private Property can be found at <https://www.mississauga.ca/publication/application-to-permit-the-injury-or-destruction-of-trees-on-public-and-private-property/>.

Should further information be required, please contact Rita Di Michele, By-law Inspector, Community Services Department at 905-615-3200 ext. 5872 or via email rita.dimichele@mississauga.ca.

Comments Prepared by: Rita Di Michele, By-law Inspector

Appendix 4 – Heritage

The property has archaeological potential due to its proximity to a present or past watercourse or known archaeological resource. Due to the archaeological potential, an archaeological assessment must be completed. The applicant should contact the Ministry of Citizenship and Multiculturalism to determine if an archaeological assessment has been completed for this property. If an assessment has already been completed, please provide Heritage Planning with a letter from the Ministry confirming all archaeological resource concerns have met licensing and resource conservation requirements for the property. If an assessment has not been completed a licenced archaeologist with experience in (heritage resource management) must be retained by the property owner in order to meet the requirements of the Ministry.

Comments Prepared by: Andrew Douglas, Heritage Analyst

Appendix 5 – Region of Peel

Applications: B-24-037M, A-24-271M, A-24-272M / 1271 Lorne Park Road

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.

Conditions:

- Arrangements satisfactory to the Region of Peel, Public Works Department shall be made with respect to servicing the severed and retained parcels.

Comments Prepared by: Brooke Herczeg, Zoning Examiner

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" 271-272 /24)
4. 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 June 12, 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 June 12, 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 June 5, 2024.