

City of Mississauga Department Comments

Date Finalized: 2024-08-22	File(s): B46.24 A363.24 A364.24 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-08-29 1:00:00 PM

Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the application meets the requirements of Section 45 (1) and Section 50(3) of the Planning Act. The applicant may wish to defer the application to ensure the accuracy of the requested variance and that additional variances are not required.

Application Details

B46.24

The applicant requests the Consent of the Committee to sever a parcel of land for the purposes of a lot addition. The parcel of land has an area of approximately 0.11 acres (442sq m) and a depth of approximately 64.50m (approx. 211.62ft). The new parcel will be added to the property immediately to the east known as 1390 Captain Court.

A363.24

The applicant requests the Committee to approve a minor variance for the severed lands of B46.24 proposing:

1. A dwelling height of 12.03m (approx. 39.47ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling height of 9.00m (approx. 29.53ft) in this instance;
2. An accessory structure area (existing pergola) of 37.11sq m (approx. 399.45sq ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 20.00sq m (approx. 215.28sq ft) in this instance;
3. A dwelling depth of 27.21m (approx. 89.28ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance;
4. An eave overhang of 2.75m (approx. 9.02ft) whereas By-law 0225-2007, as amended, permits a maximum eave overhang of 0.45m (approx. 1.48ft) in this instance;
5. A driveway width within six meters of the garage face of 9.67m (approx. 31.73ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.5m (approx. 27.89ft) in this instance; and,
6. A driveway width beyond six meters of the garage face of 15.02m (approx. 49.28ft)

whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.5m (approx. 27.89ft) in this instance;

7. A height to the underside of the eaves of 11.47m (approx. 37.63ft) whereas By-law 0225-2007, as amended, permits a maximum height to the underside of the eaves 6.50m (approx. 21.33ft) in this instance.

A364.24

The applicant requests the Committee to approve a minor variance for the retained lands of B46.24 proposing a combined side yard width of 4.05m (approx. 13.29ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard width of 8.57m (approx. 28.12ft) in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) B46.24 A363.24 A364.24 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) shall lapse if the consent application under file B46.24 A363.24 A364.24 is not finalized within the time prescribed by legislation.

Background

Property Address: 1390 and 1400 Captain Court

Mississauga Official Plan

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

Zoning By-law 0225-2007

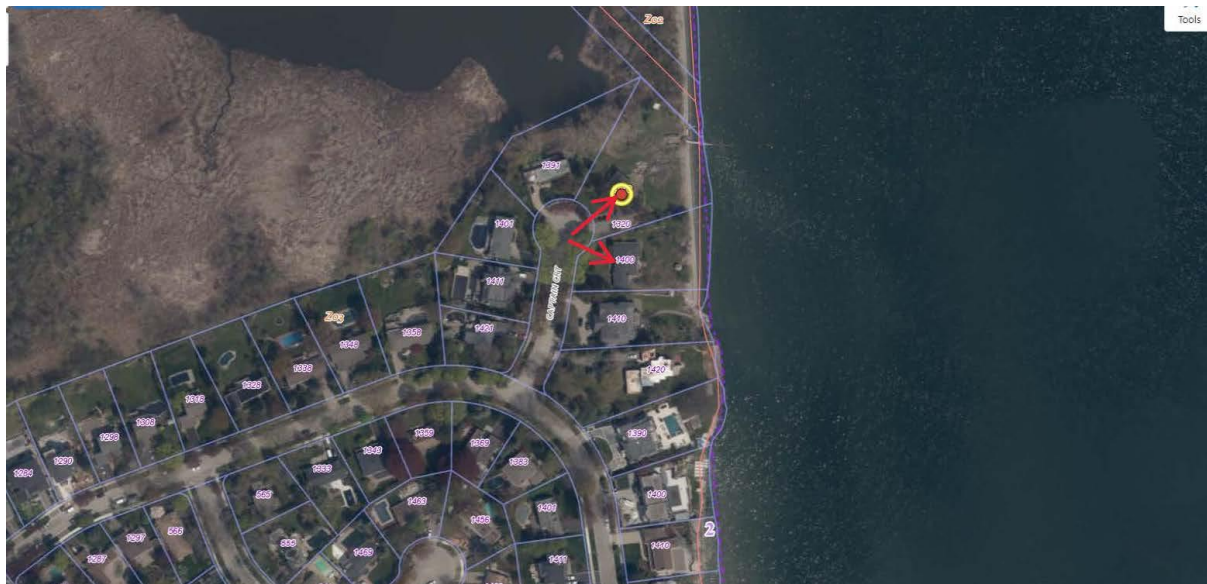
Zoning: R1-2 - Residential

Other Applications: None

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood, southeast of the Southdown Rd. and Lakeshore Rd. W. intersection. The immediate neighbourhood is entirely residential consisting of one and two-storey detached dwellings on lots with mature vegetation in both the front and rear yards. Staff note that 1390 and 1400 Captain Court were once two separate parcels that have since merged due to the lots falling into same ownership. As such, the existing property contains two one-storey detached dwellings with vegetation throughout.

The applicant is proposing to sever a parcel of land for the purpose of a lot addition. The application further seeks variances for the detached dwelling on the severed lot for dwelling and eave height, dwelling depth, driveway width and accessory structure area. A variance for combined width of side yards is requested for the retained lot.



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:

Staff note that this property was previously before the Committee of Adjustment on May 11, 2023 under file A110.23 seeking variances for the construction of a new dwelling. The proposed dwelling was to span both 1390 and 1400 Captain Court. Staff had recommended support of the application and the application was approved by the Committee.

The current application seeks to sever a portion of the land from 1400 Captain Court to be added to 1390 Captain Court. The subject property is designated Residential Low Density I on Schedule 10 of the Mississauga Official Plan (MOP). Staff are satisfied that the consent is to facilitate a lot line adjustment in this case. Planning staff have no concerns with the proposed consent. The lot addition will straighten the existing lot lines and create two lots that are appropriately shaped. Furthermore, the conveyance of land does not cause any lot area or frontage deficiency for the retained lands.

With respect to Application A363.24 requesting variances for the severed lands, staff note that the design approved under file A110.23 was almost identical to what is being proposed now. Variances #2 and #3 pertaining to the pergola area and the dwelling depth are identical to what was approved under file A110.23. Staff are satisfied that the consent does not impact the nature of the variances and that staff comments remain same. Staff are satisfied that the variances have minimal negative impact and are minor in nature.

Variances #1 and #7 pertain to dwelling height and eave height. The application proposes a dwelling height of 12.03m (approx. 39.47ft) and an eave height of 11.47m (approx. 37.63ft). Similar variances were approved under file A110.23 for a dwelling height of 11.73m (38.48ft) and an eave height of 11.20m (36.74ft). Staff are of the opinion that the increase is minor from what was previously approved and have no concerns with these variances.

Variances #4 pertains to eave overhang. Staff are of the opinion that the eaves do not add significant massing to the dwelling and therefore will not negatively impact adjacent properties or the public realm.

Variances #5 and #6 pertain to driveway width. A driveway width of 16.32m was approved previously. The driveway proposed is designed in a manner that the maximum width of 15.02m (approx. 49.28ft) spans only a portion. The driveway measures 5.60m (18.37ft) at the property line. No variance is needed for landscaping. Staff are satisfied that the driveway will accommodate the appropriate number of parking spaces and that the proposed driveway width is appropriate for the lot and does not pose negative impacts.

With regards to Application A364.24, the sole requested variance pertains to combined side yard width. The detached dwelling is existing, and the variance is required due to the lot line adjustment. The proposed dwelling provides adequate side yard setbacks for both the easterly

and westerly side yards, maintains both access to the rear yard and space between primary structures on neighbouring properties.

It is staff's opinion that the consent and associated minor variances are sympathetic to the surrounding area and do not impact the neighbouring properties. Through a detailed review of the application, staff are of the opinion that the applications are appropriate to be handled through the consent and minor variance process. Further, the applications raise no concerns of a planning nature.

Comments Prepared by: Shivani Chopra, 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' 46/24.

This Department has reviewed the application where the intent is to sever a parcel of land on the side of 1400 Captain Court and to be merged with the abutting property to the east known as 1390 Captain Court in order to facilitate a lot addition.

In view of the above, we have no objections or conditions for the applicant's request for the proposed lot addition.

Below are photos of the subject are for reference.

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

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



City of Mississauga Department Comments









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.

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](#).

We note that a Building Permit is required. In the absence of a Building Permit we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed.

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

Comments Prepared by: Alana Zheng, Planner Zoning Examination

Appendix 3 – Parks, Forestry & Environment

Park Planning

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

The lands to the rear of the property are owned by Credit Valley Conservation Authority and leased by the City of Mississauga, identified as Rattray Marsh (P-126), 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. Construction access from the adjacent park/greenlands is not permitted.
2. If 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.

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 Captain Court:

- Flowering Crabapple (25cm DBH) – Fair Condition – \$1,000.00
- Flowering Crabapple (31cm DBH) – Fair Condition – \$1,400.00
- Norway Maple (55cm DBH) – Good Condition - \$6,000.00
- Norway Maple (60cm DBH) – Good Condition - \$7,000.00
- Norway Maple (64cm DBH) – Good Condition - \$8,000.00
- Norway Maple 'Schwedler' (49cm DBH) – Good Condition - \$4,900.00

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 \$28,300.00 for the preservation of the municipal trees.

In addition, Forestry notes the following:

1. No public trees shall be injured or removed. If public tree injury or 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 Jamie Meston to request a Submission of Fees and Securities form and any other inquiries 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 Jamie Meston, Landscape Architect Assistant, Forestry Section, Community Services Department at 905-615-3200 ext. 4264 or via email jamie.meston@mississauga.ca.

Comments Prepared by: Jamie Meston, Landscape Architect Assistant

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-24-046M, A-23-363M, A-24-364M / 1390 and 1400 Captain Court

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.
- 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
- 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.
- 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: Petrele Francois (905) 791-7800 x3356

Comments:

- Please be advised that the subject lands are located in a Core Area of the Greenland System, the regulated and floodplain 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 the regulated area in Peel. We, therefore, request that City staff consider comments from the CVC and incorporate their conditions of approval appropriately. Final approval of this application requires all environmental concerns to be addressed to the satisfaction of the CVC.

Comments Prepared by: Petrele Francois, Junior Planner

Appendix 6 – CVC

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 flood and Shoreline erosion and Dynamic beach hazards associated with Lake Ontario. As such, the property is subject to the Prohibited Activities, Exemptions, and Permits 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:

B26/24

It is our understanding that the applicant is requesting the Committee to sever a parcel of land for the purposes of a lot addition (i.e., lot line adjustment). The parcel of land has an area of approximately 0.11 acres (442sq m) and a depth of approximately 64.50m (approx. 211.62ft).

A363.24

The applicant requests the Committee to approve a minor variance for the severed lands of B46.24 proposing:

1. A dwelling height of 12.03m (approx. 39.47ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling height of 9.00m (approx. 29.53ft) in this instance;
2. An accessory structure area (existing pergola) of 37.11sq m (approx. 399.45sq ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 20.00sq m (approx. 215.28sq ft) in this instance;
3. A dwelling depth of 27.21m (approx. 89.28ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance;
4. An eave overhang of 2.75m (approx. 9.02ft) whereas By-law 0225-2007, as amended, permits a maximum eave overhang of 0.45m (approx. 1.48ft) in this instance;
5. A driveway width within six meters of the garage face of 9.67m (approx. 31.73ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.5m (approx. 27.89ft) in this instance; and,
6. A driveway width beyond six meters of the garage face of 15.02m (approx. 49.28ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.5m (approx. 27.89ft) in this instance;

7. A height to the underside of the eaves of 11.47m (approx. 37.63ft) whereas By-law 0225-2007, as amended, permits a maximum height to the underside of the eaves 6.50m (approx. 21.33ft) in this instance.

A364.24

The applicant requests the Committee to approve a minor variance for the retained lands of B46.24 proposing a combined side yard width of 4.05m (approx. 13.29ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard width of 8.57m (approx. 28.12ft) in this instance.

CVC COMMENTS:**B46.24**

It is our understanding that the proposed consent application is for a lot line adjustment and no new lots are being created. As such, we have no major concerns and **no objection** to the lot line adjustment, as the hazards remain on both lots. Please be advised, that this is not the approval of the proposed plans. We noted a proposed retaining wall that will require further review to confirm that it will not impact the natural hazards (e.g., located outside the hazards with appropriate setbacks).

A363.24

The applicant has been in correspondence with CVC regarding works proposed at 1390 Captain Court and as per our latest technical review, there are outstanding comments pertaining to accurately delineating hazard lines on the plans. All our comments will need to be addressed prior to issuance of a CVC permit, and they may impact the proposed accessory structures at the rear of the property. Based on CVC policies, no new development can be supported within the hazards. Upon reviewing the information provided, CVC has **no objection** to the approval of the minor variances proposed at this time. However, the applicant is to note, this does not mean approval of the current plans as further information is required to ensure all proposed works are sited appropriately outside of the hazards plus setbacks.

A364.24

Based on the review of the information, it is our understanding the applicant is proposing to reduce the side yard setback associated with the consent application (B46/24) pertaining to the lot line adjustment. As such, CVC has **no objection** to the proposed variance. However, please be advised that the proposed variance does not meet the minimum Access width as per MNRF's guideline for maintenance/repair works to the rear of the property. This could impact future proposed development at 1400 Captain Court.

The applicant is to note that the subject properties at 1390 and 1400 Captain Court are regulated by CVC and any proposed development within the Regulated Area will require a CVC permit.

The applicant is to note that CVC has not received payment of the review fee of \$1,228 for this Minor Variance/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. 3500) should you have any further questions. Please circulate CVC on any future correspondence or applications regarding this site.

Comments Prepared by: Andrew Douglas, Heritage Analyst

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" /23)
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 _____, 2023.
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 _____, 2023.
6. 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 _____, 2023.
7. 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 _____, 2023.
8. A letter shall be received from Metrolinx indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated _____, 2023.

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9. 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 _____, 2023.