

City of Mississauga Department Comments

Date Finalized: 2024-09-16 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): B52.24 A393.24 A394.24 Ward: 1
	Meeting date:2024-09-19 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred for a Zoning review.

Application Details

B52.24

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 7.57m (approx. 24.84ft) and an area of approximately 201.70sq. m (approx. 2171.10sq ft).

A393.24

The applicant requests the Committee to approve a minor variance to allow for the construction of a semi-detached dwelling on the severed lot of B52/24, whereas By-law 0225-2007, as amended, does not permit a semi-detached dwelling use in this instance.

A394.24

The applicant requests the Committee to approve a minor variance to allow for the construction of a semi-detached dwelling on the retained lot of B52/24, whereas By-law 0225-2007, as amended, does not permit a semi-detached dwelling use in this instance.

Background

Property Address: 1460 Moonbrook Road

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Medium Density

Zoning By-law 0225-2007

Zoning: RM6-24 - Residential

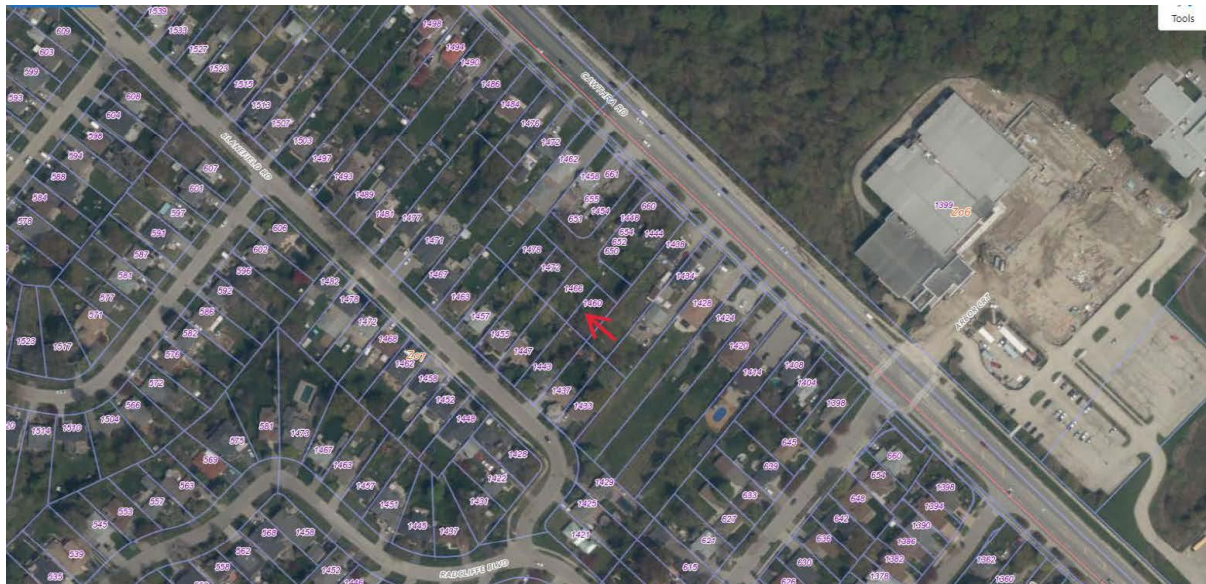
Other Applications: B53.24 A395.24 A396.24, B54.24 A397.24 A398.24, B55.24 A399.24 A400.24, 21T-M-19/002, OZ 18-010.

Site and Area Context

The subject property is located west of Cawthra Road and south of South Service Road and is within the Mineola Neighbourhood Character Area. The neighbourhood context consists mostly of low-density housing, with detached homes immediately abutting the subject site to the west.

The site recently went through an official plan amendment, rezoning and plan of subdivision application, under files OZ 18-010 W1 and T-M19002 W1, that resulted in an approval of 4 detached dwellings and 12 townhouses dwellings fronting onto a Common Element Condominium (CEC) road. The lot is currently vacant. The surrounding area context is predominantly residential, consisting of detached dwellings. The property is in close proximity to existing City parks and amenities. Some vegetative elements are present on the subject property.

The applicant is proposing to sever the lot two facilitate the development of two semi-detached dwellings.



Comments

Planning

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. Approval of applications must meet the requirements set out under 45(1) and/or 45(2) (a) or (b) in the *Planning Act*.

Staff comments regarding the application are as follows:

The application seeks to sever the subject lot into two parcels for the development of two semi-detached dwellings, requiring a variance to permit a semi-detached dwelling use on the property whereas it is not permitted. Identical applications have been proposed on all 4 detached dwellings that are a part of the same subdivision with property addresses 1460, 1466, 1472 and 1478 Moonbrook Road.

Applications B52.24 A393.24 A394.24, B53.24 A395.24 A396.24, B54.24 A397.24 A398.24 and B55.24 A399.24 A400.24 are in conjunction with each other and as such the same comments are applicable for all 4 applications.

The previous planning approvals applicable to the entire site changed the land use designation of the subject lands from Residential Low Density II to Residential Medium Density to permit townhouses. A Special Site was added to further permit detached dwellings along the western portion of the site and immediately adjacent to the existing low rise neighbourhood.

In addition, a site-specific zone that contains particular regulations for both detached and townhouse dwellings was approved for the site under the RM6-24 (Townhouses on a CEC-Road – Exception) zone category.

Staff do not have concerns with the introduction of the semi-detached dwellings on the subject site. However, Planning staff note that there are currently no regulations within the site-specific zone category to regulate a semi-detached dwelling use, nor have appropriate additional variances to the zone category been sought.

Further, due to the absence of a building permit or independent zoning review application, Zoning staff have been unable to review the proposal and confirm the required variances to the existing site exception zone to accommodate a semi-detached dwelling use.

As such, staff are of the opinion that the application needs to be deferred to allow the applicant an opportunity to apply for an independent zoning review to accurately capture all variances required and to reconcile the variances with the site-specific zoning requirements. Additionally, this would allow the applicant to work with City staff and address any other potential concerns.

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’ 52/24.

We have reviewed the application and advise that the City has recently processed a Site Plan application (SP-22/143) and also a Plan of Subdivision for 4 detached dwellings and 12 townhouse dwellings fronting onto a Common Element Condominium (CEC) road which is now registered as 43M-1263 (21T-M-19/002) where all of our concerns would have been addressed.

It seems that the applicant is attempting to sever the 4 detached residential lots at the rear of the development to create semi detached dwellings for a total of 8 dwellings.

We have discussed the proposal with our Legal Section and they have confirmed that all clauses registered on title through the previous registration of 43M-1263 will carry onto the newly created lots.

We question if the applicant has informed all of the Utility Companies who had previously reviewed/approved the servicing plans submitted through the registration of 43M-1263. The addition of 4 dwellings may cause issues with some of the Utility Companies.

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

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.

We note that the original grading plan that was reviewed/approved through the registration of the subdivision must be adhered to and that the new plan be prepared by the same Consultant.

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

3. Approval from the Utility Companies

The applicant's Consulting Engineer is to provide written certification that all of the necessary Utility Companies including The Region of Peel have been provided the opportunity to review the proposed changes to the original servicing drawings and that they are all in agreement with the changes.

4. Updated Plans

The plans that we currently hold on file for this project will need to be updated to reflect the new proposal. The applicant must provide this Department with an updated Site plan, Grading plan, Servicing plan and also a P.O.T.L. plan showing the proposed configurations.

For further information regarding the above noted comments, please contact John Salvino at (905) 615-3200 ext. 5183 or 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

Based on the information available, the retained and severed parcels drain to the private storm sewer system on Moonbrook Rd before ultimately discharging to the 1050mm diameter Regional storm sewer on Cawthra Rd.

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.

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.

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

The Parks & Culture Planning Section of the Community Services Department has no objections to the above noted consent application and notes:

1. Given that the property is subject to a development application, SP 22 143, all of Community Services' comments and/or requirements are being addressed through the development application.
2. 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

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-24-052M, A-24-393M, A-24-394M / 1460 Moonbrook Road

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.

Conditions (provided by Camila Marczuk):

- 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: 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. ("A" 419-420 /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 Sept 13, 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 Sept 13, 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 Aug 28, 2024.