

City of Mississauga Department Comments

Date Finalized: 2024-10-03 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): B61.24 A442.24 A443.24 Ward: 3
	Meeting date:2024-10-10 1:00:00 PM

Consolidated Recommendation

The City has no objection to the proposed consent and associated variances. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

Application Details

B61/24

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 15.24m (approx. 50.00ft) and an area of approximately 374.73sq. m (approx. 4033.64sq ft).

A442/24

The applicant requests the Committee to approve a minor variance for the severed lands of B61/24 proposing

1. A lot area of 374.73sq m (approx. 4033.64sq ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 550.00sq m (approx. 5920.20sq ft) in this instance;
2. A front yard setback of 7.00m (approx. 22.97ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.50m (approx. 24.61ft) in this instance;
3. A rear yard setback of 7.00m (approx. 22.97ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.50m (approx. 24.61ft) in this instance;

A443/24

The applicant requests the Committee to approve a minor variance on the retained lands of B61/24 proposing a lot area of 503.00sq. m (approx. 5414.29sq ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 550.00sq m (approx. 5920.20sq ft) in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

- The variance application approved under File(s) A442.24 & A443.24 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A442.24 & A443.24 shall lapse if the consent application under file B61.24 is not finalized within the time prescribed by legislation.

Background

Property Address: 4083 Tomken Rd

Mississauga Official Plan

Character Area: Rathwood Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3 - Residential

Other Applications: None

Site and Area Context

The subject property is located on the east side of Tomken Road, south of the Rathburn Road East and Tomken Road intersection in the Rathwood Neighbourhood Character Area. It is a through lot containing a single storey dwelling and detached garage with a lot area of +/- 878.18m² (9,452.01ft²) Limited mature vegetation is present throughout the front and rear yards. The surrounding area context is predominantly residential, as there are varying built forms including detached, semi-detached, townhouse and apartment dwellings on varying lot sizes. Additionally, there are commercial properties close in proximity, in the form of multi-tenant commercial plazas.

The applicant is proposing to sever the existing lot into two lots and construct two new dwellings, requiring variances for lot area, front and rear yard setbacks.

"[Enter air photo]"

Comments

Planning

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

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. 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 concerning the application of the four tests to this minor variance request are as follows:

The subject property is located in the Rathwood Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). Section 9 of the MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with existing conditions, the surrounding context and the landscape of the character area. Staff are satisfied that the application is consistent with the official plan, as the severed lots and retained lands would be adequately sized for residential dwellings and consistent with other lots in the area. The proposal represents appropriate intensification for this area of the City and are suitable for the proposed use. The proposed lot sizes are appropriate given the established lot fabric and mix of property sizes and built form along Lovington Crescent. Staff are of the opinion the proposal will not negatively impact the character of the street or the area's lot fabric. Furthermore, staff have no concerns with the severances regarding the criteria set out in Section 51(24) of the Planning Act as the site is appropriately serviced and is suitable for the planned use of the property. Staff are therefore of the opinion that the application conforms to Section 51(24) of the Planning Act.

In addition to the consent applications, the applicant has submitted two minor variance applications, under files A442.24 and A443.24.

Variance 1 on both applications request relief from the minimum lot area. The intent of this provision in the zoning by-law is to ensure that new lots are appropriately sized and fit within the context of the surrounding area. Planning staff are satisfied that the lots fit appropriately into the character of the surrounding area and are complementary to the existing lot fabric.

Variance 2 for the proposed severed parcel requests a reduced front yard setback. The intent of a front yard setback is to ensure a consistent character is maintained along the streetscape and a sufficient front yard space is incorporated into the design of neighbourhoods. Staff are satisfied that the proposed dwelling will maintain a front yard generally in line with other properties on the street. Further, staff are satisfied that a sufficient front yard space is incorporated into the proposed design of the dwelling.

Variance 3 for the proposed severed parcel requests a reduced rear yard setback. The intent of the rear yard provisions in the by-law is to ensure that there is a sufficient buffer between primary structures on abutting lots as well as an appropriate rear yard amenity area for the dwelling. Staff are satisfied the rear yard setback is negligible and will not cause any massing impacts to abutting properties. Furthermore, staff are of the opinion that an appropriate buffer is maintained and that the rear yard amenity area is sufficient for the proposed development.

Given the above, Planning staff are satisfied that the minor variance applications maintain the general intent and purpose of both the official plan and zoning by-law, are minor in nature and represent appropriate development of the subject property. As such, Planning staff have no objections the associated consent and minor variance applications.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Re: **C.A. 'A' 442.24 & 443.24**
4083 Tomken Road, Ward 3

We note that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 61/24.

Enclosed for Committee's ease of reference are photos depicting the subject property.







**Re: C.A. 'B' 61.24
4083 Tomken Road, Ward 3**

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. Grading and Drainage Plan

The applicant's Consulting Engineer will be required to prepare and submit a Grading and Drainage Plan to this department for review/approval which contains sufficient details to ensure grading compatibility with the adjacent lands.

2. Servicing Plan/Storm Sewer Outlet

The applicant's Consulting Engineer will be required to prepare and submit a Servicing Plan to this department for review/approval to confirm that all the necessary municipal services can be provided for the proposed lots.

We note that the storm sewer outlets for this site will be the existing 450 mm diameter storm sewer on Tomken Road and the 375 mm storm sewer on Lovington Crescent. The applicant is encouraged to design the basement elevation 1 m above the obvert of the storm sewer on the municipal street to eliminate the need for a sump pump.

3. Sanitary Sewer Service on Tomken Road

Acknowledging that any requirements for sanitary sewers are to be addressed and under the jurisdiction of the Region of Peel, we have reviewed available records and note that we are not aware of any sanitary sewer service on Tomken Road. This requirement should be taken into consideration in reviewing this request as a private sanitary sewer easement may be required on the lot fronting Lovington Crescent which could significantly impact the building envelope.

4. Access Review

An Access Review completed by a qualified Transportation Engineering Professional is to be provided to this department for review/approval. The traffic consultant must provide a draft terms of reference to the City's Traffic Planning Section for review and receive confirmation prior to commencing the assessment. The draft terms of reference can be addressed to trans.projects@mississauga.ca. The assessment shall also provide recommendations, including for any mitigation measures as required.

5. Conceptual Site Plan Depicting Proposed Access Locations

A Conceptual Site Plan depicting the proposed access locations for both the Tomken Road and Lovington Crescent lots is to be provided to this department for review/approval. The Site Plan is to demonstrate that the proposed access locations are feasible while ensuring that adequate sight visibility and vehicle manoeuvrability for any vehicles entering and exiting the driveway(s) can be provided.

The access associated with the proposed lot fronting onto Tomken Road is to be located on the southerly side of the property in order to provide adequate sight visibility due to the existing wood privacy fence along the northern limits of the property. We note there is an existing hydro pole which may be impacted by a new access on the southerly side of the site as any utility must be a minimum of 1.5 m away from the driveway access.

The access associated with the proposed lot fronting onto Lovington Crescent is to be located at the southerly limits of the property as a portion of the frontage to the north is owned by the abutting townhouse development and not part of the Lovington Crescent municipal right-of-way.

The Site Plan is also to make reference to Block 157, Plan M-372 which will have to be lifted and addressed through a separate process.

6. 0.3 m Reserve, Block 157, Plan M-372

We note that partial frontage of Lovington Crescent is owned by the adjacent lands municipally known as 4104 Tomken Road. The other partial frontage of Lovington Crescent has a 0.3 m reserve (Block 157, Plan M-372) and should the proposed access be deemed feasible the 0.3 m reserve will need to be lifted.

Prior to issuance of final consent, satisfactory arrangements are to be made to lift the existing 0.3 m reserve across a portion of the frontage on Lovington Crescent. Details for the lifting of the 0.3 m reserve can be found on the City's website at <https://www.mississauga.ca/publication/lift-1-foot-reserve-application-form/>.

7. 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.

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

B. GENERAL INFORMATION

1. Lot Grading and Drainage

The applicant will be required to submit a certified lot Grading and Drainage Plan to this department for review/approval prior to building permit issuance. 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 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 1.5 m 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 storm sewers available to this property would be the 450 mm storm sewer on Tomken Road and the 375 mm storm sewer on Lovington Crescent. The applicant is encouraged to design the basement elevation 1 m 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 m 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 Ricky Takk at (905) 615-3200 ext. 8912 or rajwant.takk@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.

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: Crystal Abainza, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

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 Lovington Crescent:

- Norway Maple (33cm DBH) – Good Condition – \$2,200.00
- Silver Maple (30cm DBH) - Good Condition - \$1,700.00

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 \$3,900.00 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 Tomken 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 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 inquires regarding the payment process.

An 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 Technician, Forestry Section, Community Services Department at 905-615-3200 ext. 4264 or via email jamie.meston@mississauga.ca.

Comments Prepared by: Jamie Meston, Landscape Technician

Appendix 4 – Region of Peel

Applications: B-24-061M, A-24-442M, A-24-443M / 4083 Tomken RoadDevelopment Engineering: Brian Melnyk (905) 791-7800 x3602**Comments:**

- 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.
- 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 by email at 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.

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"442-443/24)
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 Oct 3, 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 Oct 3, 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 Sept 26, 2024.