

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2024-11-06	File(s): B60.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:11/14/2024 1:00:00 PM

Consolidated Recommendation

The City recommends the application be deferred to identify the correct variances.

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 22.31 m (approx. 73.2ft) and an area of approximately 874.95sq. m (approx. 2870.57sq ft).

Recommended Conditions and/or Terms

- Appendix A – Conditions of Provisional Consent

Background

Property Address: 1032 Barberry Lane

Mississauga Official Plan

Character Area: Meadowvale Village Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

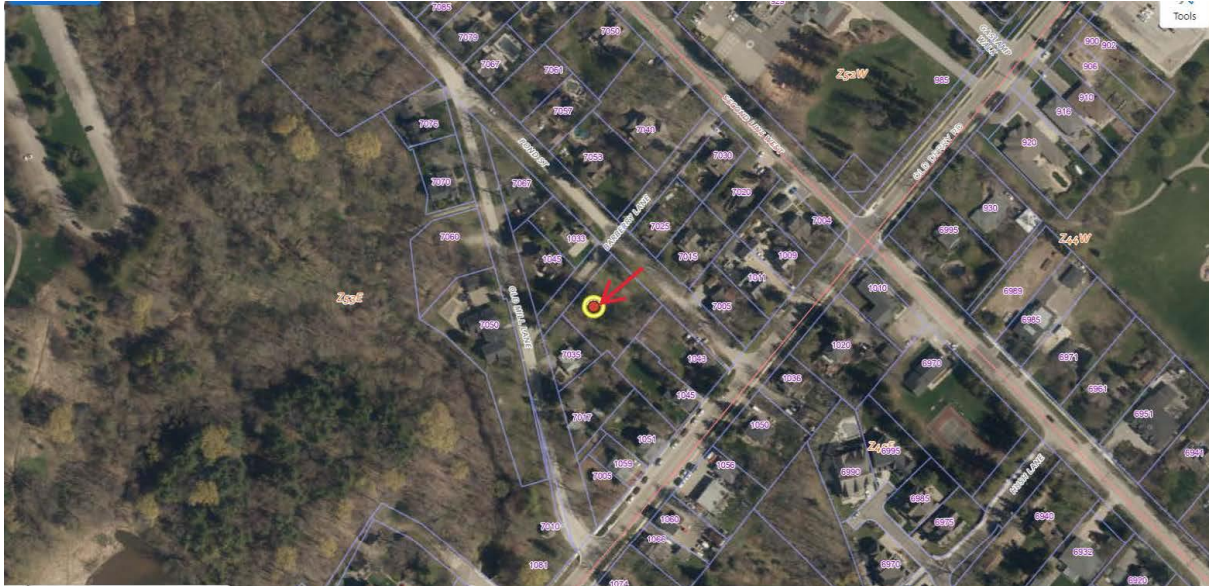
Zoning: R1-32 - Residential

Other Applications: None

Site and Area Context

The subject property is located north-west of the Second Line West and Old Derry Road intersection in the Meadowvale Village Neighbourhood Character Area. It is a corner lot that contains a single storey dwelling and a single storey detached garage. The subject property has an approximate area of +/- 1750.25m² (0.43ac) and a lot frontage of 39.37m (129.16ft). Mature vegetation exists on the subject property, and the surrounding context is predominantly residential, consisting of detached dwellings on lots of varying sizes.

The applicant is proposing to sever the existing lot into two lots for residential purposes.



Comments

Planning

Provincial Matters

The Provincial Policy Statement 2024 (PPS 2024) promotes 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.

Staff comments concerning the application are as follows:

The subject property is located in the Meadowvale Village Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP).

While Planning staff note no concerns with the proposed consent application, staff note additional variances are required for lot area and lot frontage. The R1-32 zone requires a minimum lot area of 1,050m² (0.25ac) and the R1 parent zone requires a minimum lot frontage of 22.5m (73.81ft). Staff note both the retained and severed parcels will require associated minor variance applications, as they have a deficient lot area and frontage.

Given the above, staff recommend deferral of the application to identify the correct variances.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

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.

2. Functional Servicing Plan

We request that the applicant submit a Functional Servicing Plan prepared by a Consulting Engineer for this department's review/approval to confirm that all the necessary municipal services can be provided for the proposed lots. Upon the review of the Functional Servicing Proposal, it will be determined if any servicing easements will have to be established in order to support this severance proposal.

3. Acoustical Report

The owner will be required to retain the services of an Acoustical Consultant to prepare a detailed Acoustical Report for the subject lands and make comments/recommendations in support of this severance application. This report is to determine the need for the implementation of any noise attenuation measures that are to be incorporated into the construction of the site works to achieve the City's and the M.O.E.'s current noise level objectives. The scope of this report is to define the minimum noise attenuation requirements for the control of outdoor and indoor environmental sound levels.

4. Development Agreement for Warning Clauses and Notice Provisions

The applicant/owner will be required to enter into a Development Agreement for Warning Clauses and Notice Provisions with the City which is to be registered against title and is to address the following items:

- a) The Development Agreement is to advise prospective purchasers that despite the inclusion of noise control features within this development area and within the building units, sound levels from increasing aircraft traffic may continue to be of concern,

occasionally interfering with some of the activities of the dwelling occupants, as the noise exposure level exceeds the City's and M.E.C.P's noise criteria.

This agreement is also to advise purchasers that this development is between the NEF 30-35 aircraft noise contours for the Lester B. Pearson International Airport and is subject to potential noise impact from aircraft using the airport. Noise from the aircraft will continue to exist, potentially interfering with normal activities of the occupants, particularly outdoors. In the future, the airport and the operations related thereto may be altered or expanded and the noise levels may be affected or increased.

- b) The applicant is to contact this department with regards to obtaining information regarding which warning clauses will be applicable.

5. Fee Requirements as Per Fees and Charges By-Law

As per the City of Mississauga's Fees and Charges By-law there will be a fee required to be paid to the Legal Services Department for their services, in particular for the preparation of documents required for items pertaining a Development Agreement. The fee amount payable will be in accordance with the current Fees and Charges Bylaw and be submitted to the Transportation and Works Department in the form of a certified cheque.

6. Conceptual Site Plan

A conceptual Site Plan depicting the proposed driveway locations for the proposed lots is to be provided for our review/approval.

7. Clarification of Ownership for PIN 14085-1817 at Northwesterly Limits

Clarification is to be provided indicating the ownership of the lands described as PIN 14085-1817 which is the parcel shown at the northwesterly limits of the property. We are providing this comment as there is some uncertainty due to the way this parcel is depicted on the Severance Sketch prepared by J. H. Gelbloom Surveying Limited, Ontario Land Surveyor's.

8. 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.campagnatasca@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

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. We are also noting that should any utilities need to be relocated, all costs incurred will also be to the owner. The driveway accesses shall maintain a 1.5M setback from aboveground features such as utilities and trees.

In addition, we advise that the applicant will be required to apply for Access Modification Permits prior to Building Permit Issuance.

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: Crystal Abainza, Zoning Examiner

Appendix 3 – Heritage

The property is designated Part V of the Ontario Heritage Act as part of the Meadowvale Village Heritage Conservation District, and therefore subject to said district's Plan (HCD Plan). The HCD Plan is found here:

https://www7.mississauga.ca/Departments/Rec/celebration-square/culture_website/cultureplanning/resources/HeritageConservationPlan_Full_Meadowvale.pdf

As such, a completed Heritage Property Permit Application, a building permit set of architectural drawings (coordinated with all consulting disciplines) and a Heritage Impact Assessment are required to alter the property. A copy of the Heritage Property Permit Application form is available on line at: <https://www7.mississauga.ca/documents/culture/heritage/2248.pdf>.

The city's Heritage Impact Assessment Terms of Reference are available on line at: https://www7.mississauga.ca/documents/culture/heritage/HeritageImpactAssessment_TermsOfReference2017.pdf

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 4 – Region of Peel Comments

Application for Consent: B-24-060M / 1032 Barberry Lane

Development Engineering: Brian Melnyk (brian.melnik@peelregion.ca)(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.

- 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 at 905-791-7800 extension 7882 or by e-mail at PWServiceRequests@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 at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.

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: 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 City of Mississauga, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated Nov 6, 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 Nov 6, 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 Nov 6, 2024.

NOTE:

Subsection 50(3) and/or 50(5) of the Planning Act, shall apply to any subsequent conveyance or transaction that is subject to this consent and the Secretary-Treasurer's Certificate shall contain reference to this stipulation.