

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2024-11-06	File(s): B37.24 A271.24 A272.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 11/14/2024 1:00:00 PM

Consolidated Recommendation

The City recommends that the consent and associated minor variance applications 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 22.45m (approx. 73.66ft) and an area of approximately 544.59sq. m (approx. 5861.97sq ft).

A271/24

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

1. A lot area of 544.69sq m (approx. 5863.04sq 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 22.45m (approx. 73.66ft) 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 5.69m (approx. 18.67ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 9.00m (approx. 29.53ft) in this instance;
4. A building height of 9.76m (approx. 32.02ft) whereas By-law 0225-2007, as amended, permits a maximum building height of 9.00m (approx. 29.53ft) in this instance;
5. A combined width of side yards of 23.80% whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 27.00% in this instance;
6. A lot coverage of 31.80% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% in this instance;
7. An eave height of 7.63m (approx. 25.03ft) whereas By-law 0225-2007, as amended, permits a maximum eave height of 6.40m (approx. 21.00ft) in this instance;
8. A garage projection beyond the front wall or exterior side wall of the first storey of 0.30m (approx. 0.98ft) whereas By-law 0225-2007, as amended, permits a maximum garage projection of 0m in this instance;

A272/24

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

1. A lot area of 635.79sq m (approx. 6843.64sq 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 front yard setback of 3.60m (approx. 11.81ft) 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 21.70% 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 40.70% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30.00% in this instance;
5. An eave height of 7.64m (approx. 25.07ft) whereas By-law 0225-2007, as amended, permits a maximum eave height of 6.40m (approx. 21.00ft) in this instance;
6. A garage projection 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 garage projection of 0m in this instance;
7. An interior side yard setback of 1.80m (approx. 5.91ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 2.41m (approx. 7.91ft) in this instance;
8. An exterior side yard of 5.33m (approx. 17.49ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 7.50m (approx. 24.61ft) in this instance;
9. A gross floor area of 353.83sq m (approx. 3808.63sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 317.15sq m (approx. 3413.80sq ft) in this instance; and,
10. A building height of 10.20m (approx. 33.47ft) whereas By-law 0225-2007, as amended, permits a maximum building height of 9.00m (approx. 29.53ft) in this instance.

Background

Property Address: 1271 Lorne Park Rd

Mississauga Official Plan

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

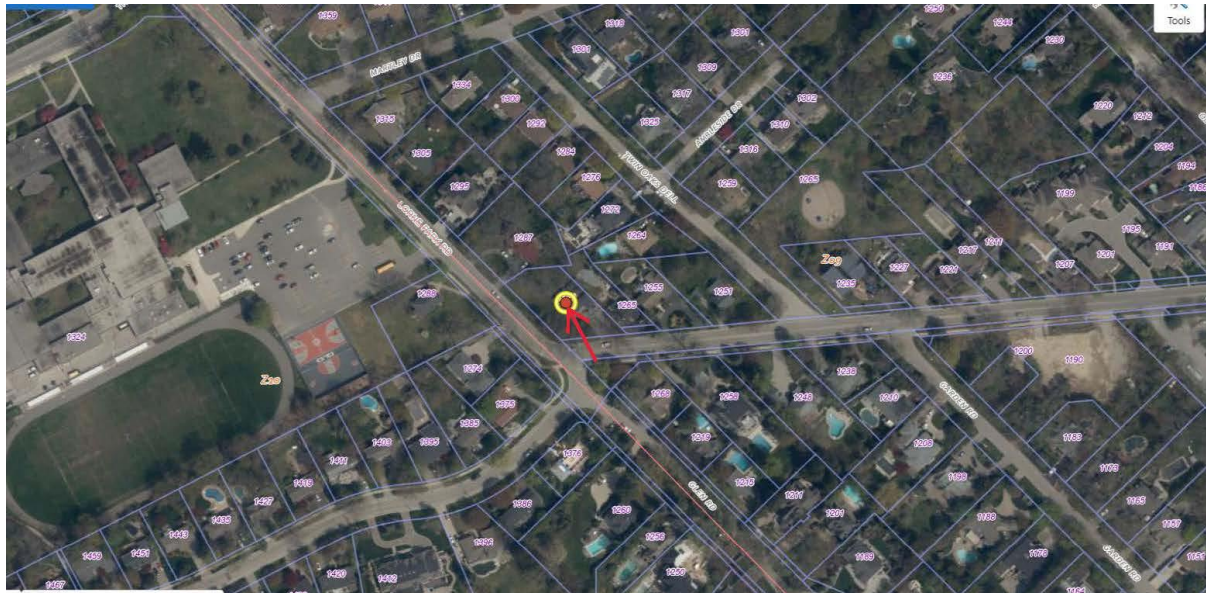
Zoning By-law 0225-2007

Zoning: R2-5- Residential

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 lot requiring variances related to frontage, lot area, lot coverage, setbacks, dwelling height, eave height, garage projection, gross floor area, side yard width and gross floor area.



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 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 only in this instance.

This application was before the Committee of Adjustment on June 20, 2024, wherein the file was deferred to address Transportation and Works staff's concerns regarding the proposed lot area and frontage variances due to land dedications across the entirety of the property frontage for the future widening of the Lorne Park Road right of way. The applicant worked with TW staff to address those concerns and revised the proposed lot areas and frontages.

The current application seeks variances for frontage, lot area, lot coverage, setbacks, dwelling height, eave height, garage projection, gross floor area, side yard width and gross floor area for both the severed and retained lots. Planning staff have identified a number of concerns.

While Planning staff are not in a position to provide a Zoning review, the lot frontage for the corner lot (A272.24) does not appear accurate. The zoning by-law defines the front lot line for a corner lot as the shorter of the two lot lines that divide the lot from the street or a private road. As such, a variance is required for the lot frontage. Additionally, the associated variances would be incorrect and will need to be revised based on the correct front lot line. Further, the proposed lot coverage and building height appear excessive. Due to the proposed massing, the dwelling does not maintain any amenity area. Staff note the gross floor area calculations also appear to be incorrect. As such, due to the inaccuracies in the variances, staff are unable to review the proposal.

Lastly, without accurate variances and revised drawings, staff are unable to determine the feasibility of the proposed severance as well.

Based on the above noted concerns, staff are of the opinion that the application be deferred to allow the applicant an opportunity to accurately identify all the required variances. Once variances have been identified, staff recommend the applicant meet with Planning staff to discuss the proposal.

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' 37/24.

We advise that since the initial submission, the applicant has been in contact with our Traffic Section and a resolution on a Draft 'R' Plan has been reached regarding the required land dedication along the frontage of the property.

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/Servicing and Drainage Plan

The applicant's consulting engineer will be required to prepare an Overall Grading/Servicing and Drainage Plan which contains sufficient details to ensure grading compatibility with the adjacent lands and existing servicing for the lands and submit the grading and drainage proposal to this department for review/approval.

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. Dedication of Road Widening

The Owner will be required to gratuitously dedicate the following to the City of Mississauga:

A right of way widening towards the ultimate 26 metre right-of-way of Lorne Park Road as identified in the Official Plan. This condition will be cleared upon receipt of confirmation Legal Services identifying that the transfer has taken place and associated fees have been paid.

For any clarification or questions regarding this requirement please contact Mohammed Ayesh at x8529.

4. 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 legal documents. 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.

5. Environmental Site Screening Questionnaire

As per the land dedication requirement, a completed Environmental Site Screening Questionnaire and Declaration (ESSQD) form (Rev. 2020 02), signed by a Commissioner of Oaths and the owner, must be submitted to the Transportation and Works Department for review.

For any clarification or questions regarding this requirement please contact Jessica Yong at x3174.

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.

The most southerly lot shall have driveway access onto the east/west portion of Lorne Park Road. The most northerly lot shall have access onto the north/south portion of Lorne Park Road. Any new driveway shall maximize the corner clearance from the bend/intersection of Lorne Park Road, to the extent possible.

4. Storm Outlet

The storm sewer outlet for this site is the existing 825mm storm sewer on Lorne Park Road. The applicant is encouraged to design the basement elevation 1 metre 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 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.

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: Crystal Abainza, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

Park Planning Comments

The Parks & 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 – Park Planning, Community Services Department at 905-615-3200 ext. 4659 or via email nicholas.rocchetti@mississauga.ca.

Comments Prepared by: Nicholas Rocchetti, Planner

Forestry Comments

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 (88cm DBH) - Good Condition - \$14,200.00
- Pin Oak (53cm DBH) - Good Condition - \$4,800.00 (Boundary)
- Pin Oak (104cm DBH) – Good Condition – \$19,300.00
- Siberian Elm (12cm DBH) – Good Condition - \$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 Jamie Meston, Landscape Technician, 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 – 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 Comments

Please note that our previous comments still apply.

Comments Prepared by: Petrele Francois, Junior Planner

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, 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, Forestry 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 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.

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.