

City of Mississauga

Memorandum:

City Department and Agency Comments

B7Date Finalized: 2024-11-21 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): B67.24 A527.24 A528.24
	Meeting date:11/28/2024 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

B67/24

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 20.76m (approx. 68.11ft) and an area of approximately 3596.00sq. m (approx. 38707.34sq ft).

A527/24

The applicant requests a minor variance for the severed lands of B67/24 proposing a lot frontage of 20.76m (approx. 68.11ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 22.50m (approx. 73.82ft) in this instance.

A528/24

The applicant requests a minor variance for the retained lands of B67/24 proposing:

1. A detached garage (existing) in a front yard whereas By-law 0225-2007, as amended, does not permit a detached garage in a front yard in this instance;
2. A combined width of side yards of 3.97m (approx. 13.03ft) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 8.99m (approx. 29.50ft) in this instance; and,
3. A side yard setback to a detached garage (existing) of 1.40m (approx. 4.59ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback to a detached garage of 1.80m (approx. 5.91ft) in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

- The variance application approved under File(s) "A572.24-528.24" must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) "A572.24-528.24" shall lapse if the consent application under file "B67.24" is not finalized within the time prescribed by legislation.

Background

Property Address: 1520 Pinetree Cres

Mississauga Official Plan

Character Area: Mineola Neighborhood

Designation: Greenlands, Residential Low Density I

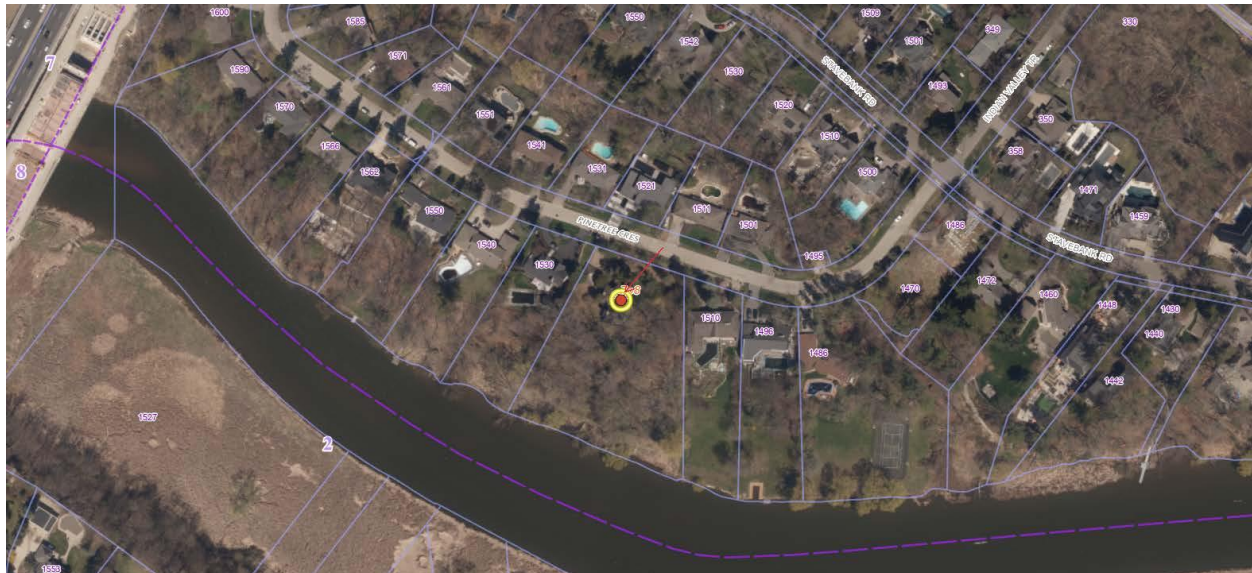
Zoning By-law 0225-2007

Zoning: R1-1 - Residential

Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, north of Mississauga Road and south of Stavebank Road. The neighbourhood is entirely residential, consisting of a mix of one and two-storey detached dwellings with significant mature vegetation in the front, rear and side yards. The subject property contains a two and a half storey single detached dwelling with a detached garage. Mature vegetation is present in the front yard while Stavebank Creek abuts the subject property to the rear yard.

The application is proposing to sever the southerly portion to create a new lot.



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 applications for consent are as follows:

Planning staff note that the subject property is designated under the Ontario Heritage Act. The applicant is required to submit a Heritage Impact Assessment, which requires approval from the Heritage Advisory Committee (HAC). Through discussions with Heritage Planning, a Heritage Impact Assessment has not been submitted by the applicant at the time of finalising comments. As such, staff recommend that the application be deferred to allow the applicant the opportunity to submit the required information, address any concerns HAC has and obtain approval from HAC prior to the application being heard at the Committee of Adjustment.

Further, the subject property is regulated by the Credit Valley Conservation Authority due to the flood and slope hazards associated with the Credit River, as well as the existing wetland.

Planning staff rely on the Credit Valley Conservation Authority's technical expertise in such matters. CVC staff are not supportive of the severance at this time and are recommending the file be deferred.

As such, given the preceding information, Planning staff are of the opinion that the application is premature and that it be deferred pending resolution of the above noted 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' 67/24.

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. Municipal Address Requirement

Prior to the issuance of final consent, satisfactory arrangements are to be made with the Corporate Services Department, Information Technology Division, Digital Workflows, Business Intelligence & Visualization Technologies Section, GIS Data Management 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 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

The storm sewer outlet for this site is the existing 250mm diameter storm sewer on Pinetree Crescent. 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.

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: 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:

The lands to the rear of the property are identified as Not To Be Named (P-234) *(Between Knareswood Dr and Pine Tree Cres), 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...;
- b) placing those areas identified for protection, enhancement, restoration and expansion in public ownership, where feasible.

Should the application be approved, Community Services wishes to impose the following conditions:

1. All lands below the greatest environmental constraint at the rear of the property (top-of-bank, long-term stable slope, or natural features), including an associated 10 meter buffer, shall be gratuitously dedicated to the City for conservation purposes. Placing the natural hazard lands into public ownership will contribute to the protection and enhancement of the Natural Heritage System.
2. Prior to the preparation of plans, the applicant is to contact Community Services Department – Parks & Culture Planning to coordinate a site visit for site staking with appropriate staff from the Conservation Authority and the City. The plans must identify the top-of-bank, Regional storm floodline, stable valley slope, and/or woodland boundary/dripline to the satisfaction of the pertinent Conservation Authority and the City.
3. An Environmental Impact Study (EIS) is to be submitted for review and approval. A checklist can be provided for reference upon request.

4. Submit a draft Reference Plan identifying the lands to be dedicated to the City.
5. Submit a Site Servicing Plan and Grading plan that is to the satisfaction of the Community Services Department.
6. Submit a Tree Preservation and Inventory Plan to the satisfaction of the Community Services Department.
7. Prior to the Greenlands dedication, the applicant is to provide written confirmation that the Transportation and Works Department has received and approved a Phase 1 and Phase 2 (if required) Environmental Site Assessment Report (ESA), together with a Record of Site Condition (RSC) for these dedicated lands. Both set of documents are to be prepared, signed, dated and sealed by a Professional Engineer.
8. A 1.5 metre high, black vinyl chain-link fence shall be built to current municipal standards. The fencing is to be located 0.15 metres inside the lands to be dedicated to the City.
9. The applicant shall provide fencing securities in the amount of \$10,000.00. The fencing will be erected and maintained to the satisfaction of the Community Services Department – Parks & Culture Planning Section. Gates will not be permitted in the fence.
10. Securities, in the amount of \$15,000.00, are to be provided to ensure the required clean-up, as well as the preservation and protection of the adjacent City owned lands to the satisfaction of the Community Services Department – Parks & Culture Planning Section.

In addition, Community Services notes the following:

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.
1. Payment for fees and securities 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 Nicholas Rocchetti to request a Submission of Fees and Securities form and any other inquiries regarding the payment process.

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 – 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 above noted minor variance/consent applications and advises as follows:

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 Permit Application, written consent must be obtained by both parties.

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/>.

Additionally, Forestry would like to note the following trees (City or boundary) along the property's (and neighbouring property) frontage. Care should be taken to protect the below noted trees as best as possible:

- Eastern White Pine: 13.5cm DBH, good condition, minimum Tree Protection Zone (TPZ) 1.5m, boundary tree.
- White Spruce: 20cm DBH (estimated), good condition, minimum Tree Protection Zone (TPZ) 1.5m, boundary tree.
- Siberian Elm: 11cm DBH, fair condition, minimum Tree Protection Zone (TPZ) 1.5m, boundary tree.
- Red Oak: 39cm DBH, good condition, minimum Tree Protection Zone (TPZ) 2.4m, boundary tree.
- Scotch Pine: 19cm DBH, fair-poor condition, minimum Tree Protection Zone (TPZ) 1.5m, City tree.

- Austrian Pine: 45cm DBH (estimated), good condition, minimum Tree Protection Zone (TPZ) 3.0m, boundary tree (shared property line between City and neighbouring property 1510 Pinetree Cres.)
- Eastern Hemlock: 11cm DBH (estimated), good condition, minimum Tree Protection Zone (TPZ) 1.5m, boundary tree (shared property line between City and neighbouring property 1510 Pinetree Cres.)

If necessary, Tree Protection Hoarding for City trees shall be installed as per By-law 0020-2022. Any public tree injuries and/or removals need to apply for Tree Application Permits as noted in Item 1. As per this By-law, no person shall perform any work within a TPZ without a valid permit.

For privately owned trees to be protected, and where necessary, Tree Protection Hoarding shall be installed as per By-law 0021-2022. Any private tree injuries and/or removals (for trees 15cm DBH or greater) need to apply for Tree Application Permits as noted in Item 2.

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 – Heritage

The property is designated under the *Ontario Heritage Act*. As such, a completed Heritage Property Permit Application, and a Heritage Impact Assessment is 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 More comments may be forthcoming once the Heritage Impact Statement is accepted.

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

Applications: B-24-067M, A-24-527M, A-24-528M / 1520 Pinetree Crescent 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.
- 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.
- 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.

Conditions:

- Please be advised that arrangements satisfactory to the Region of Peel, Public Works, shall be made with respect to servicing the site prior to obtaining the Building Permit.

Note: Petrele Francois (petrele.francois@peelregion.ca)(905) 791-7800 x3356

- Please be advised that part of the subject lands is located within a floodplain and the regulated area of the Credit Valley Conservation Authority (CVC). We request that City staff consider comments from the CVC and incorporate their conditions of approval appropriately.

Comments Prepared by: Petrele Francois, Junior Planner

Appendix 6- Conservation Authority Comments

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 5.1 and 5.2 of the *Provincial Planning Statement* (2024);

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 the flood and slope hazards associated with the Credit River, as well as wetland (Credit River Marshes Provincially Significant Wetland Complex). 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:

B67/24

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 20.76m (approx. 68.11ft) and an area of approximately 3596.00sq. m (approx. 38707.34sq ft).

A24/527

The applicant requests a minor variance for the severed lands of B67/24 proposing a lot frontage of 20.76m (approx. 68.11ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 22.50m (approx. 73.82ft) in this instance.

A24/528

The applicant requests a minor variance for the retained lands of B67/24 proposing:

1. A detached garage (existing) in a front yard whereas By-law 0225-2007, as amended, does not permit a detached garage in a front yard in this instance;
2. A combined width of side yards of 3.97m (approx. 13.03ft) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 8.99m (approx. 29.50ft) in this instance; and,
3. A side yard setback to a detached garage (existing) of 1.40m (approx. 4.59ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback to a detached garage of 1.80m (approx. 5.91ft) in this instance.

COMMENTS:**B24/67 and A24/527:**

CVC policy does not support the creation of a new lot that extends into, or fragments ownership of hazardous land, in consideration of the long-term management concerns related to risks to life and property. Based on our review of available information, the proposed new lot lines are traversing through the slope and flood hazards associated with the Credit River, as well as the mapped wetland.

It is typically our expectation that hazard lands be off-lot and remain on the retained parcel, and not be fragmented. In order to achieve this, the retained lot would form an “L-shape” configuration is generally not desired by the City.

At this time, the proposed severance is premature. As a next step, a site visit should be scheduled to stake Top of Bank and valley vegetation associated with the Credit River. This should be arranged with an Ontario Land Surveyor (or equivalent) to survey any staked features. If City staff would also like to attend a site visit, it should be coordinated with the relevant staff.

A Geotechnical Slope Stability Study will also be required to confirm the location of the Long Term Stable Slope Line on the property.

Further to the above, it must be demonstrated that there is an appropriate building envelope on both the lot to be severed and the lot to be retained for future development outside of and setback from the natural hazards. Based on the proposed plans, there is not enough information to determine if a suitable building envelope (including dwelling, accessory structures, etc.) exists on the lot to be severed, outside of and appropriately setback from the natural hazards. Generally, a 10m setback is added from the greatest constraint to proposed habitable structures and a 6m setback is added from the greatest constraint to proposed accessory structures.

A24/528:

Based on the review of the information, it is our understanding that two of the minor variances proposed relate to an existing detached garage. CVC staff have **no objection** to the approval of the minor variances related to the existing detached garage at this time. However, the minor variance related to the combined width of side yards appears to be partially related to the proposed severance. As per the above comments, further information is required for the proposed severance.

CONCLUSION:

Based on the above, CVC staff recommend **deferral** of the requested severance (B24/67) and minor variance (A24/527) application by the Committee until the above concerns have been addressed to the satisfaction of CVC.

The applicant is to note that CVC has not received payment of the review fee of \$3,645 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: 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" 527-528 /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 November 13, 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 November 13, 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 November 21, 2024.
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 November 13, 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.

