

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2025-02-20	File(s): B1.25 A14.25
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2/27/2025 3:30:00 PM

Consolidated Recommendation

The City recommends the application be deferred.

Application Details

B1.25

The applicant requests the consent of the Committee to sever a parcel of land to create a new lot. The parcel of land has a frontage of approximately 102.46m (approx. 336.15ft) and an area of approximately 12.18 acres (approx. 4.93 hectares).

A14.25

The applicant requests the Committee to approve a minor variance for the severed lands of B1.25 to allow a private access easement proposing a lot frontage of 6.1m (approx. 20.01 ft) by way of a private easement whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 30.00m (approx. 98.43ft) onto a public road in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) "A14.25" must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) "A14.25" shall lapse if the consent application under file "B1.25" is not finalized within the time prescribed by legislation.

Background

Property Address: 3570 Hawkestone Rd

Mississauga Official Plan

Character Area: Mavis-Erindale Employment Area
Designation: Business Employment

Zoning By-law 0225-2007

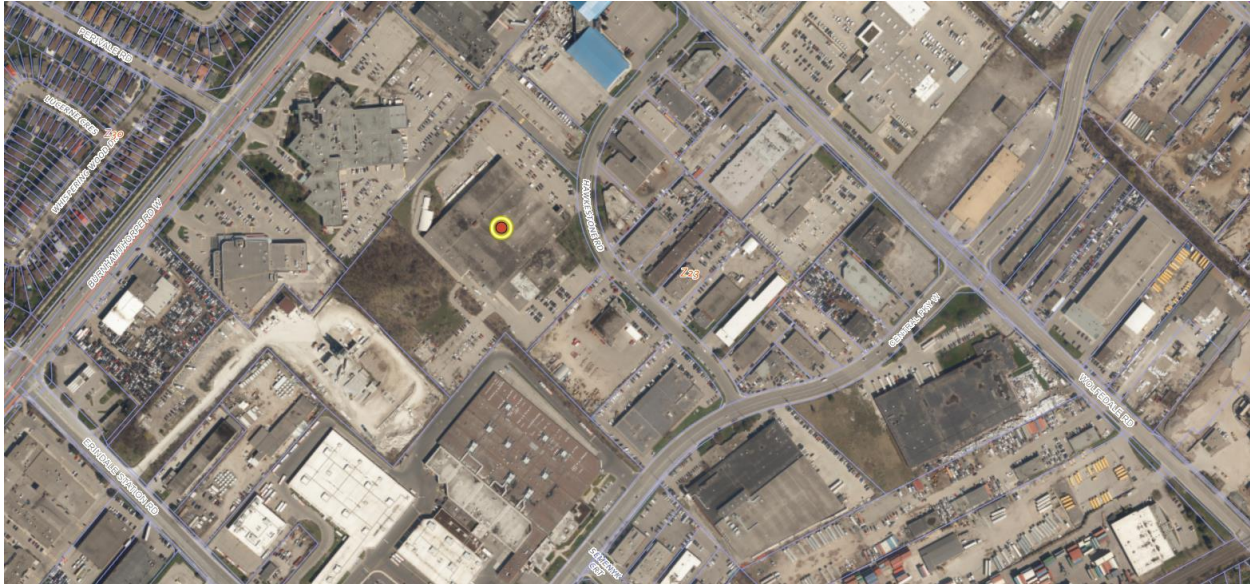
Zoning: E2-19-Employment

Other Applications: None

Site and Area Context

The subject property is located south-west of the Burnhamthorpe Road West and Wolfedale Road intersection in the Mavis-Erindale Employment Character Area. It currently contains a one-storey industrial building attached to a two-storey office component and associated surface parking lot. Limited landscaping and vegetative elements are present on the subject property. The surrounding area context is exclusively employment, consisting of one and two-storey industrial buildings on varied sized lots.

To the rear of the subject property contains a vacant parcel of surplus lands owned by the applicant. The applicant is proposing to sever the vacant parcel from the subject property and establish an access easement to ensure that the severed parcel has adequate access to a municipal right-of-way. A variance is required to allow a private access easement proposing a reduced lot frontage.



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.

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. In evaluating such requests, the Committee needs to be satisfied that the proposal meets the four tests set out in the *Planning Act*.

Staff comments concerning the applications for consent and the four tests to the minor variance request are as follows:

A cover letter submitted with the application indicates that the applicant is currently in negotiations with the City of Mississauga to acquire the proposed severed lands in order to

allow for the expansion of the Mississauga Transit Central Parkway Garage located on the abutting south lands at 975 Central Parkway West.

The application is to sever 1.62ha (3.99ac) of surplus lands at the rear of the subject property with the ultimate goal to add it to 975 Central Parkway West. The retained lands on the east side of the subject property will have a lot area of 3.31 ha (8.18ac).

While Planning staff have no concerns with the severance of proposed lands and adding it to the 975 Central Parkway West in principle, staff are concerned with the current status of negotiations. Should negotiations fail to result in the City acquiring the severed portion, the Committee could be permitting a creation of a lot with no frontage with access only provided by way of an easement. As a result, staff are of the opinion that the application is premature.

Additionally, Transportation and Work's staff have provided concerns corresponding to the size of the access easement proposed. They are advising that modifications will be required to ensure the private access easement takes into consideration the on-site manoeuvrability and adequate internal site circulation patterns of any vehicles, including emergency service vehicles and commercial motor vehicles.

Given the outstanding concerns noted above, staff recommend the application be deferred.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

RE: 'A' 14.25 – 3570 Hawkestone Road

We are noting for Committee's information that any Transportation & Works Department concerns/requirements for this proposal will be addressed through Consent Application 'B' 1.25. As indicated in the Notice of Public Hearing a private access easement will be required, otherwise the severed parcel would be land locked. Through Consent Application 'B' 1.25 the location and width of the private access easement will be addressed. This Department notes that modifications will be required to the width of the proposed access easement depicted on the Site Concept Plan prepared by Glen Schnarr & Associates Inc. Any private access easement will have to take into consideration the on-site manoeuvrability of any vehicles, including emergency service vehicles, which would require access to the severed lands.

RE: 'B' 1.25 – 3570 Hawkestone Road

Indal Technologies Inc. (Canada) currently owns the lands municipally known as 3570 Hawkestone Road and operates a manufacturing facility. To the rear of the subject site there is a vacant parcel of surplus land also owned by the applicant. The intent of this application is to sever the vacant land from the subject site and establish an access easement to ensure that the severed parcel has adequate access to a municipal right-of-way.

The Site Concept Plan submitted by Glen Schnarr & Associates indicates a 6.1 m access easement at the southern limit of the subject site in favor of the severed lands. We are advising that modifications will be required to this proposed access easement, particularly the overall width and turning radii, to facilitate adequate turning movements for vehicles accessing the severed lands including emergency service vehicles.

We note be that a servicing easement will also be required to address the requirement for any municipal services as the severed lands do not have direct frontage onto a municipal right-of-way. Specifics pertaining to servicing easement will be addressed upon the review of a Functional Servicing Proposal.

We also note that there are several 43R-Plans deposited on this property and advise that restrictive easements may exist. With the consent application, any existing easement(s) would transfer with a change of title to the property.

In view of the above, and should Committee see merit in the application we provide the following comments for the Committee's consideration:

A. Items Required Prior to the Issuance of Final Consent

1. Revised Site Concept Plan Depicting Access Easement

A Site Concept Plan prepared by Glen Schnarr & Associates Inc. (dated January 9, 2025) indicates a 6.1 m access easement at the southern limit of the subject site in favour of the severed lands. As proposed, this Department foresees maneuverability concerns with vehicles accessing the severed lands due to the proposed easement width and turning radii, specifically in proximity to the 90 degree turning locations.

This Department requires a revised Site Concept Pan depicting turning movement diagrams to demonstrate adequate internal site circulation patterns for vehicles, including emergency service vehicles, accessing the severed lands. The turning movement diagrams will assist in determining the required width of the access easement. We acknowledge that the access easement may be temporary in nature until the severed lands are merged on title with one of the abutting properties; however, once the severance is finalized the severed lands could be sold on the free market and therefore will require adequate access to Hawkestone Road.

2. Functional Servicing Proposal

We request that the applicant submit a Functional Servicing Proposal prepared by a Consulting Engineer for this Department's review/approval to confirm that all the necessary municipal services can be provided for the severed lands.

Acknowledging that the severed lands would not have any direct frontage onto a municipal right-of-way, a servicing easement would have to be established through the retained lands to Hawkestone Road.

3. Solicitor Letter Addressing Required Access Easement

The applicant/owner will be required to provide a 43R-Plan and letter/schedule prepared by the applicant's Solicitor that specifically describes the details of the new private access easement to be established. It should also be noted that any documentation received will be forwarded as an attachment with our clearance memo to the Committee of Adjustment Office to ensure that any new proposed private easement can be identified and be incorporated into the Certificate of Secretary-Treasurer.

B. General Information

1. Site Plan Approval

Any re-development of the severed lands will require the owner to obtain Site Plan Approval where any site-specific conditions/requirements relating to detailed lot grading and drainage, servicing, access, etc. will be addressed.

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

Comments Prepared by: Emily Majeed, Planner-in-Training

Appendix 3 – Parks, Forestry & Environment

Park Planning Comments

The Parks, Forestry and Environment Division of the Community Services Department has reviewed the consent application and advises as follows:

The subject property contains components of the City's Natural Heritage Systems (NHS), specifically *confirmed Natural Green Space* (i.e. woodland >0.5ha in size, >40m wide on average, and >60% tree canopy coverage as determined from air photo interpretation), and *candidate Significant Natural Area* (i.e. potential to support significant species or communities). 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.

As per policy 6.3.25 of the City of Mississauga Official Plan, the creation of a new lot that extends into, or fragment ownership of Significant Natural Areas, Natural Green Spaces, Residential Woodland and their associated buffers will generally be discouraged by the City and will be supported by an environmental impact study. Based on the Parks, Forestry and Environment Division's review of the application, the proposed new lot lines are not fragmenting the ownership of the natural heritage features present.

Should the application be approved, Parks, Forestry and Environment wishes to impose the following condition(s):

1. An Environmental Impact Study (EIS) is to be submitted for review and approval. A checklist can be provided for reference upon request. Any potential development or site alteration on the severed lands should be predicated on the provision of an Environmental Impact Study that is reviewed and approved by the Community Services Department – Forestry Section.

In addition, Community Services notes the following:

1. The removal of woodland features should only be considered in cases where:
 - a) The woodland is not confirmed to be a Significant Natural Area.
 - b) All provincial and federal requirements under the Endangered Species Act and Risk Act are satisfied.
 - c) Development of an appropriate Ecosystem Offsetting/Compensation Plan through the EIS process to the satisfaction of the Community Services Department – Forestry Section. The ecosystem offsetting/compensation plan shall adhere to the Credit Valley Conservation Authority (CVC) Ecosystem Offsetting Guidelines (2020). Typically, this would include cash-in-lieu for the creation and maintenance of a new woodlands feature off-site. Please note that the City's current standard costing for per hectare (ha) woodland restoration is \$182,539.24/ha, indexed annually.
2. Should future development occur, 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 consent/minor variance application 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 Removal Permit, 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/>.

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 Comments

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. Regional site servicing connection approvals are required prior to the local municipality issuing full building permit. 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 servicingconnections@peelregion.ca.

Condition:

- 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 and or municipal service easements.

Comments Prepared by: Brian Melnyk, Development Engineering

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. (A14.25)
4. A letter shall be received from the City of Mississauga, Transportation & Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated February 20, 2025.
5. A letter shall be received from the City of Mississauga, Parks, Forestry and Environment, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated February 20, 2025.
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 February 20, 2025.