

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2025-02-27	File(s): B60.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 3/6/2025 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the consent and associated minor variance applications. The applicant may wish to defer the application to ensure that all required variances have been accurately identified.

## Application Details

### B60.24

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

### A21.25

The applicant requests the Committee to approve a minor variance for the severed lands of B60.24 proposing:

1. A lot area of 874.95sq m (approx. 9,417.88sq ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 1050.00sq m (approx. 11,302.11sq ft) in this instance; and
2. A lot frontage of 22.27m (approx. 73.06ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of eaves of 22.50m (approx. 73.82ft) in this instance.

### A22.25

The applicant requests the Committee to approve a minor variance for the retained lands of B60.24 proposing:

1. A lot area of 875.30sq m (approx. 9,421.65sq ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 1050.00sq m (approx. 11,302.11sq ft) in this instance; and
2. A lot frontage of 22.27m (approx. 73.06ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of eaves of 22.50m (approx. 73.82ft) in this instance.

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### **Recommended Conditions and/or Terms of consent**

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) "A21.25" & "A22.25" must be finalized

### **Recommended Conditions and/or Terms of minor variance**

- Variance(s) approved under file(s) "A21.25" & "A22.25" shall lapse if the consent application under file "B60.24" is not finalized within the time prescribed by legislation.

## **Background**

**Property Address:** 1032 Barberry Lane

### **Mississauga Official Plan**

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

### **Zoning By-law 0225-2007**

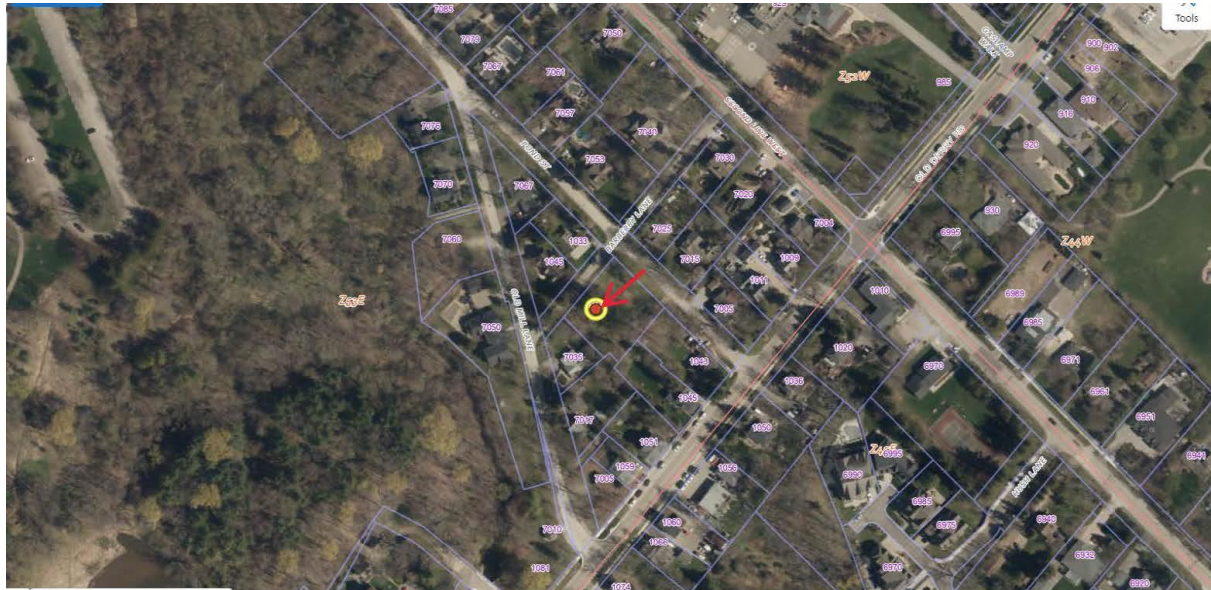
**Zoning:** R1-32 - Residential

**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 detached garage. The subject property has an approximate area of +/- 1750.25m<sup>2</sup> (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 low density residential purposes requiring variances for lot coverage and lot 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.

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:

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). Section 9 of the MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with existing site 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 lots for residential dwellings. The proposed lot sizes are appropriate given the mix of property sizes in the Meadowvale Village Heritage Conservation District and 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 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 A21.25 and A22.25, requesting reductions to the lot frontage and lot area for both the severed and retained lots. The intent of the lot frontage and lot area provisions in the zoning by-law is to ensure that new lots are appropriately sized and fit within the context of the surrounding area and can appropriately support a dwelling consistent with the neighbourhood. Planning staff are satisfied that the lot fits appropriately into the character of the surrounding area and are complementary to the existing lot fabric.

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

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.tasca@mississauga.ca](mailto:susie.tasca@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: Carrie Chan Patch, 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](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](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 be completed a licensed 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

## **Appendix 5 – Region of Peel Comments**

### **DEF-B-24-060M:**

Please note that our previous comments still apply.

### **A-25-021M & A-25-022M:**

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 [servicingconnections@peelregion.ca](mailto:servicingconnections@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 at 905.791.7800 x7973 or by email at [servicingconnections@peelregion.ca](mailto:servicingconnections@peelregion.ca).

Comments Prepared by: Petrele Francois, Junior Planner



# City of Mississauga

## Memorandum:

## City Department and Agency Comments

### 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" 21/25 and "A" 22/25)
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 February 27, 2025.
5. 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 27, 2025.

### 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.

