

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-11-18	File(s): B56/20 A361/20, A362/20
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date: 2020-11-26

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

The applicants request the approval 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 10.82m (35.50ft) and an area of approximately 601.3sq.m (6,472.3sq.ft).

A minor variance is requested for the Severed lands (file A361/20) proposing:

1. A lot frontage of 10.82m (approx. 35.50ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (approx. 49.21ft) in this instance;
2. A southerly side yard of 0.68m (approx. 2.23ft) measured to the first storey whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (approx. 3.94ft) measured to the first storey in this instance; and
3. A southerly side yard of 0.68m (approx. 2.23ft) measured to the second storey whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81m (approx. 5.94ft) measured to the second storey in this instance.

A minor variance is requested for the Retained lands (file A362/20) proposing:

1. A lot frontage of 10.82m (approx. 35.50ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (approx. 49.21ft) in this instance;
2. A southerly side yard of 0.69m (approx. 2.26ft) measured to the first storey whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (approx. 3.94ft) measured to the first storey in this instance; and
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Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A361/20 & A362/20 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A361/20 & A362/20 shall lapse if the consent application under file B56/20 is not finalized within the time prescribed by legislation.

Background

Property Address: 1140 Haig Boulevard

Mississauga Official Plan

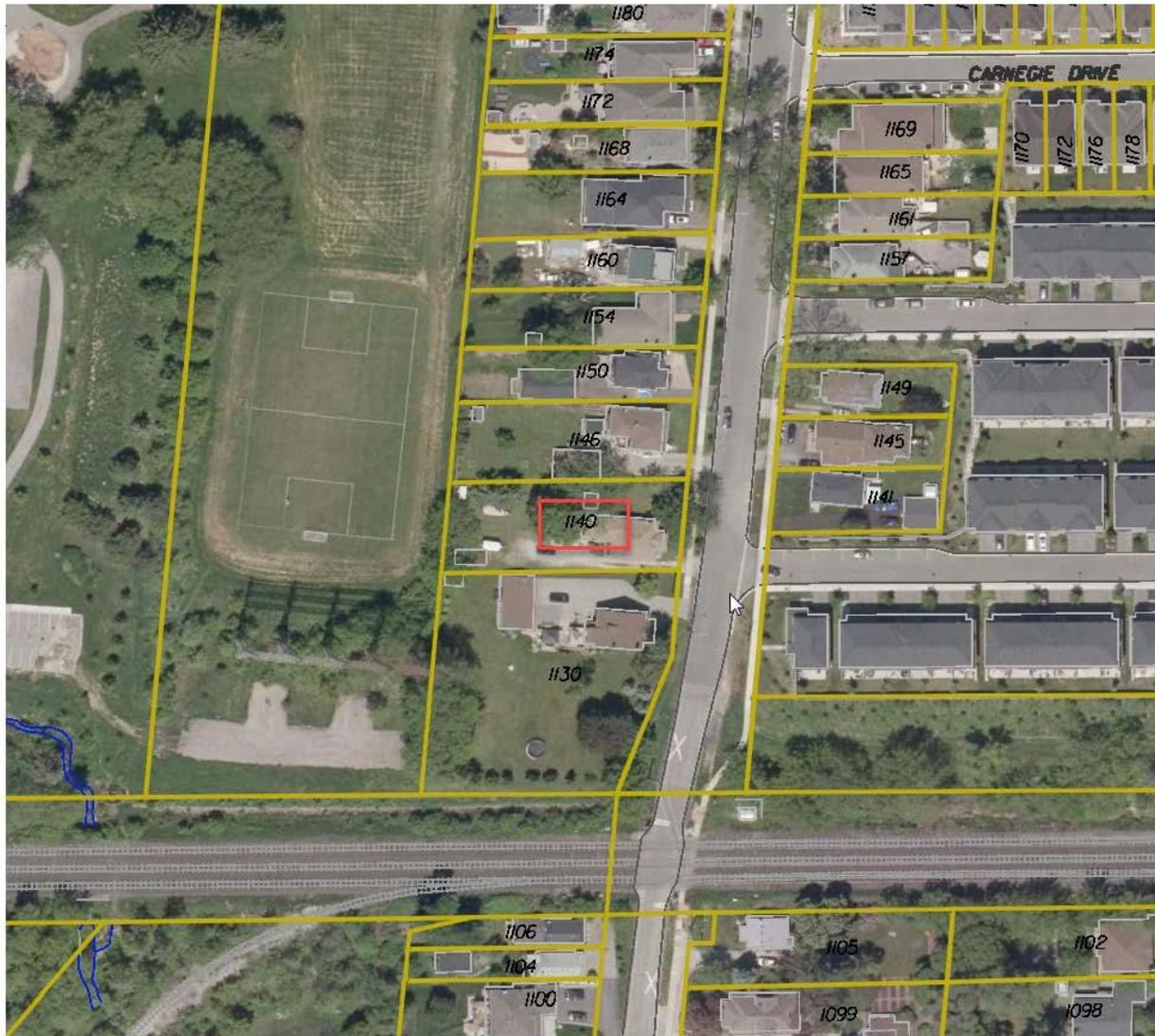
Character Area: Lakeview Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3-75 (Residential)

Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, north of Haig Boulevard and Lakeshore Road East, just beyond the railway corridor. The immediate neighbourhood contains an eclectic mix of detached, semi-detached and townhouse dwellings. The detached dwellings within the immediate area contain lot frontages ranging from approximately 10.50 m to 15 m and greater. The subject property contains an existing one storey detached dwelling with mature vegetation. The applicant is proposing to sever the existing lot for the purposes of developing two detached dwellings, requiring variances related to lot frontage and side yards.



Comments

Planning

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*.

Provincial Matters

The Provincial Policy Statement 2014 (PPS 2014) and Growth Plan for the Greater Golden Horseshoe promote efficient development and land use, directing the focus towards intensification and redevelopment. The proposal is consistent with the general directive in provincial policy.

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

The applicant is proposing to sever the subject property creating two new parcels having lot frontages of 10.82 m and lots areas of 601.30 m². The zoning by-law requires lot frontages of 15 m and lot areas of 550 m².

The subject property is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP) which permits detached, semi-detached and duplex dwellings. Additional official plan policies for lands within the Lakeview Neighbourhood Character Area are contained within the Lakeview Local Area Plan. The subject property is within the Serson Terrace boundary of the Central Residential Neighbourhood Precinct. As per Section 9.2.2 (f) of the Lakeview Local Area Plan, future multi-modal connections may be considered at some locations including Fourth Street to Haig Boulevard. Furthermore, Map 2 of the Lakeview Local Area Plan indicates a future multi-modal connection from Fourth Street to Haig Boulevard. The Transportation and Works Department has indicated that the multi-modal connection may accommodate, where feasible, pedestrian and cycling routes and/or vehicular routes. Through discussions with the Transportation and Works Department, the multi-modal connection would encompass a portion of the subject property. As such, the Transportation and Works Department is still in the process of reviewing the type of multi-modal connection that would be considered from Fourth Street to Haig Boulevard and what type of dedication would be required to accommodate a future connection. As such, staff recommends that the application be deferred.

Conclusion

The Planning and Building Department recommends that the application be deferred.

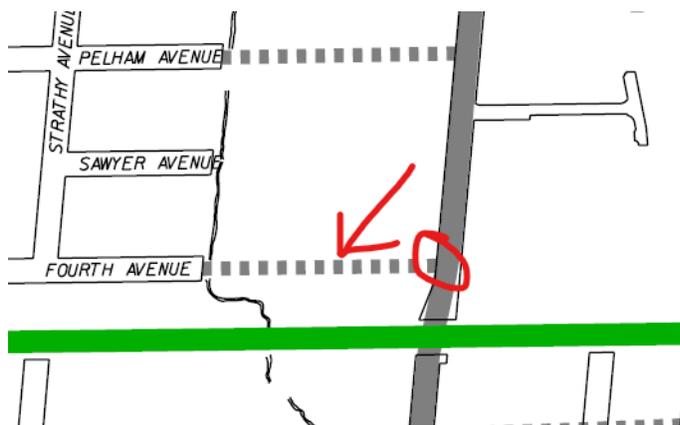
Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We note for Committees information that within Section 9.2.2 of the Lakeview Local Area Plan, future multi-modal connections may be considered at some locations as identified in the plan. Under item (f) Fourth Street to Haig Boulevard is identified. Furthermore, Map 2 of the Lakeview Local Area Plan illustrates a future multi-modal connection from Fourth Street to Haig Boulevard (see excerpt below). The multi-modal connection may accommodate, where feasible, pedestrian and cycling routes and/or vehicular routes.

The subject property is located at the potential critical connection point at Haig Boulevard and this department would like to secure lands for the future connection at this time. As the proposed multi modal connection lands dedication request will have an impact on the proposed severed and retained lot sizes, this department would request that the application **be deferred** to allow for an opportunity to have discussions with the applicant and the Planning Department to determine the viability of potential lot sizes with a dedication of the multi modal connection.



Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

The Planning and Building Department is not in receipt of any permit applications at this time and the applicant is advised that a zoning review has not been completed. We are unable to confirm the accuracy of the requested variances or determine whether additional variances may be required.

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: Brian Bonner, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

The Park Planning 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:

- 2 Choke Cherry Trees – Good Condition
- Japanese Lilac – Good Condition

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

1. The applicant shall ensure that future driveways do not impact or require the removal of the above noted trees.
2. The applicant shall provide a cash contribution of \$589.44 for planting of one (1) street trees on Haig Boulevard. This figure is subject to the most recent Fees and Charges By-law at the time of payment and is therefore subject to change.
3. The applicant shall provide tree protection securities in the amount of \$2,040.00 for the preservation of municipal trees.

In addition, Community Services notes the following:

1. Payment for street tree fees and 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 payable to the City of Mississauga. Please contact Jim Greenfield regarding the Covid-19 interim payment process.
2. The applicant shall provide frame tree hoarding at the dripline of the above noted tree prior to any construction to the satisfaction of City of Mississauga Forestry Staff. Please call Ryan Cormier at 905-615-3200 ext. 4580 to arrange a hoarding inspection.
3. 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 Jim Greenfield, Park Planner, Community Services Department at 905-615-3200 ext. 8538 or via email jim.greenfield@mississauga.ca.

Comments Prepared by: Jim Greenfield, Park Planner

Appendix 5 – Region of Peel Comments

Development Engineering: Camila Marczuk (905) 791-7800 x8230

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 call our Site Servicing Technicians at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca. 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.

Development Planning: Diana Guida (905) 791-7800 x8243

Please be advised that the subject property is located within the limits of the regulated area of the Credit Valley Conservation (CVC).

The Region relies on the environmental expertise of the CVC for the review of development applications located within or adjacent to this regulated area in Peel and their potential impacts on the natural environment. Regional Planning staff therefore, request that the Committee and city staff consider comments from the CVC and incorporate their conditions of approval appropriately.

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Comments Prepared by: Diana Guida, 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. Watershed Based Resource Management Agency and Public (commenting) Body under the Planning Act - providing comments based on CVC's Board approved policies;

2. Planning Advisory Services - providing environmental planning and technical advice/comments based on service agreements or memorandum of understanding;
3. Delegated Responsibilities – providing comments representing the provincial interest regarding natural hazards (except forest fires) as identified in Section 3.1 of the Provincial Policy Statement (2014);
4. 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;
5. Source Protection Agency – providing advisory comments to assist with the implementation of the CTC Source Protection Plan under the Clean Water Act, as applicable.

SITE CHARACTERISTICS:

The subject property is regulated for floodplain associated with Serson Creek. It is the policy of CVC and the Province of Ontario to conserve and protect the significant physical, hydrological and biological features associated with the functions of the above noted characteristics and to recommend that no development be permitted which would adversely affect the natural features or ecological functions of these areas.

ONTARIO REGULATION 160/06:

The property is subject to the Development, Interference with Wetlands, and Alterations to Shorelines & Watercourses Regulation (Ontario Regulation 160/06). 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:

It is our understanding that the applicants request the approval 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 10.82m (35.50ft) and an area of approximately 601.3sq.m (6,472.3sq.ft).

A minor variance is requested for the Severed lands (file A 20/361) proposing:

1. A lot frontage of 10.82m (approx. 35.50ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (approx. 49.21ft) in this instance;
2. A southerly side yard of 0.68m (approx. 2.23ft) measured to the first storey whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (approx. 3.94ft) measured to the first storey in this instance; and
3. A southerly side yard of 0.68m (approx. 2.23ft) measured to the second storey whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81m (approx. 5.94ft) measured to the second storey in this instance.

A minor variance is requested for the Retained lands (file A 20/362) proposing:

1. A lot frontage of 10.82m (approx. 35.50ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (approx. 49.21ft) in this instance;
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COMMENTS:

CVC staff have pre-consulted with the applicant regarding the proposed severance. Based on our assessment, the new lot line appears to be encroaching into the floodplain associated with Serson Creek. It is typically our expectation that the 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' configuration, however based on discussions with City staff, it is our understanding that a lot in an 'L' configuration is not desired by the City and would not be supported in this instance

Through our review of the information at the preconsultation stage, the proposed building envelopes on both the severed and retained parcels appear to be located outside of the floodplain associated with Serson Creek.

The applicant is advised that a CVC permit will be required for the proposed development on both the retained and severed parcels. Any concerns with the proposed development in relation to the flood hazard will be addressed through CVC's permitting stage.

CONCLUSION:

Based on the above, CVC staff have **no concerns** and **no objection** to the approval of the requested severance and associated minor variances by the Committee at this time.

I trust that these comments are sufficient. Please do not hesitate to contact the undersigned at 905-670-1615 (ext. 236) should you have any further questions or concerns.

Comments Prepared by: Elizabeth Paudel, Junior Planner

Appendix 7 – Bell Canada

Subsequent to review of the severance at 1140 HAIG BLVD, Bell Canada's engineering department have determined that there are no concerns or issues with the proposed application.

If you have any questions regarding this response, please do not hesitate to contact me.

Comments Prepared by: Carrie Gordon, External Liaison

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, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated November 18, 2020.