

# City of Mississauga Department Comments

Date Finalized: 2022-07-06	File(s): A297.22 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-07-14 1:00:00 PM

## Consolidated Recommendation

The City has no objection to the variances, as requested. The applicant may wish to defer the application to ensure that all required variances have been accurately identified.

## Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of an accessory structure proposing:

1. A side yard setback of 0.61m (approx. 2.00ft) to the accessory structure (cabana) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance; and,
2. An accessory structure (cabana) area of 27.22sq.m (approx. 292.99sq.ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 20.00sq.m (approx. 215.29sq.ft) in this instance.

## Recommended Conditions and Terms

Should Committee see merit in the applicant's request, we ask that as a condition of approval, that Accessory structures identified in Appendix 1 to this report be equipped with an eaves trough and down spout directed in such a manor to not impact the adjacent properties.

## Background

**Property Address:** 1182 Mount Vernon St

### Mississauga Official Plan

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

## Zoning By-law 0225-2007

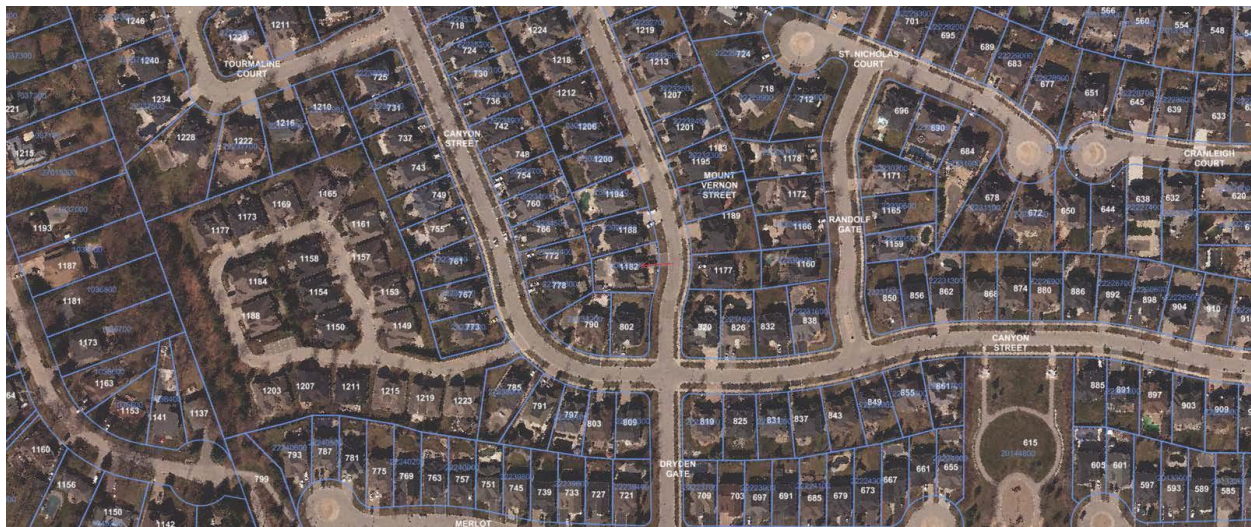
**Zoning:** R3-51 - Residential

**Other Applications:** Building Permit under file BP 9NEW 22-995

## Site and Area Context

The subject property is located in the Clarkson-Lorne Park Neighbourhood Character Area, southeast of Mississauga Road and Indian Road intersection. The immediate neighbourhood primarily consists of new two-storey detached dwellings with mature vegetation in the front yards. The subject property contains a two-storey detached dwelling with mature vegetation in the front yard.

The applicant is seeking variances related to a setback and area for an accessory structure.



## Comments

### Planning

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. Approval of applications must meet the requirements set out under 45(1) and/or 45(2) (a) or (b) in the *Planning Act*.

Staff comments concerning the application of the four tests to this minor variance request are as follows:

**Does the proposal maintain the general intent and purpose of the Official Plan?**

The site is located within the Clarkson-Lorne Park Neighbourhood Character Area, and is designated Residential Low Density I by the Mississauga Official Plan (MOP). The Residential Low Density I designation permits detached dwellings. Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with: the existing site conditions; the surrounding context; and, the landscape of the character area. The proposed structure is permitted within this designation. Staff is of the opinion that the general intent and purpose of the MOP is maintained.

**Does the proposal maintain the general intent and purpose of the Zoning By-law?**

The applicant has requested a reduced setback for an accessory structure measured to the side lot line (Variance #1) and an increased maximum accessory structure area (Variance #2).

The intent of the zoning by-law provisions regarding accessory structures is to ensure that the structures are proportional to the lot and dwelling and are clearly accessory, while not presenting any massing concerns to neighbouring lots. Staff is of the opinion that variance #1 will provide an adequate buffer from the side lot line. The proposed setback is also not out of character, as similar deficiencies for accessory structures can be found in the immediate neighbourhood. Furthermore, only a small portion of the structure, which projects into the side yard, requires this variance. The remaining points of the structure maintain a 0.76-1.2m (2.49ft-3.94ft) setback from the side lot line, ensuring access is maintained for maintenance purposes.

With respect to Variance #2, staff note that the proposed accessory structure area is a minor deviation from the maximum permitted under the zoning by-law. While the applicant has not provided the precise lot coverage of the existing dwelling; staff note that the dwelling appears to cover approximately six times more of the lot than the proposed accessory structure would. The accessory structure is also proportional to the lot, as it covers 3.15% of the lot.

As such, Planning staff have no concerns with the proposed variances and are of the opinion that the general intent and purpose of the zoning by-law is maintained.

**Is the proposal desirable for the appropriate development of the subject lands and minor in nature?**

Planning Staff are of the opinion that this application represents the orderly development of the lands, and is minor in nature. The accessory structure poses no significant massing impact and does not impose upon the neighbouring properties.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

For Committees easy reference, we enclose photos of the existing and 'new' structure. Both structures will need to be equipped with an eaves trough and down spout directed in such a manor to not impact the adjacent property.









Comments Prepared by: John Salvino, Development Engineering Technologist

## **Appendix 2 – Zoning Comments**

The Building Department is currently processing a Building Permit under file BP 9NEW 22-995. Based on review of the information currently available for this building permit, the variances, as requested are correct.

Our comments are based on the plans received by Zoning staff on 04/20/2022 for the above captioned building permit application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: Adam McCormack, Zoning Examiner

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## Appendix 3 - Enbridge

- 1) **Obtain a Locate Request:** To identify the precise alignment of the pipeline on the subject lands, a Locate Request must be made prior to any ground disturbance taking place.
- 2) **No development is permitted within the Enbridge right-of-way** without Enbridge's written consent and without the presence of an Enbridge representative on site.
- 3) **Written Consent from Enbridge is required for ground disturbance within 30m perpendicularly on each side from the centreline of the pipeline known as the "Prescribed Area".** For more information about when written consent is required and how to submit an application, please see [Attachment 03 | Enbridge Pipeline Crossing Guidelines](#).
- 4) **Written Consent from Enbridge is required for all above and below ground crossings of the pipeline.** For more information about when written consent is required and how to submit an application, please see [Attachment 03 | Enbridge Pipeline Crossing Guidelines](#). The written authorization request must include:
  - a. Drawings with cross sections of the proposed roads and verification of the depth of cover from both sides of the road.
  - b. Drawings should include any new utilities that will cross the right-of-way.
- 5) **Road Crossings:** Where future development such as a roadway or a parking area is proposed over the pipeline right-of-way, Enbridge may be required to carry out pipeline inspection and recoating of the existing pipeline(s) prior to the start of the development. The costs of Enbridge's design, inspection, recoating work and any other pipeline alteration as a result of the crossing will be borne by the Developer.
- 6) **Subdivision lot lines should not divide the pipeline right-of-way.** Wherever possible, subdivision boundaries should follow the right-of-way. If this is not possible specific language must be included in the offers of sale or lease. Please see [Attachment 02](#) for details.
- 7) **Development setbacks** from pipelines and rights-of-way are recommended in support of damage prevention and to allow both pipeline operators and developers buffer lands for operations and maintenance purposes.
- 8) **Landscaping** shall not take place on Enbridge's pipeline right-of-way without Enbridge's prior written consent and where consent is granted such landscaping must be performed in accordance with Enbridge's Pipeline Crossing Guidelines. Please see [Attachment 02](#) for details.
- 9) **Pathways** shall not be installed on Enbridge's pipeline right-of-way without Enbridge's prior written consent and where consent is granted pathways must be designed in accordance with Enbridge's requirements. Please see [Attachment 02](#) for details.  
[Notifications@Enbridge.com](mailto:Notifications@Enbridge.com)
- 10) **Fencing** should be installed along the identified open space easement. Please see [Attachment 02](#) for details
- 11) **Written consent** must be obtained from Enbridge for ongoing activities such as mowing or maintenance of the pipeline right-of-way on public lands.
- 12) **Notifications of additional development for Class monitoring:** As per Federal and Provincial Regulatory Requirements and Standards, pipeline operators are required to monitor all new development in the vicinity of their pipelines that results in an increase in population or employment. Therefore, please keep us informed of any additional development being proposed within the Pipeline Assessment Area indicated in [Attachment 01 | Approximate Location of Pipeline Infrastructure](#).

Comments Prepared by: Joanna Ilunga

#### **Appendix 4 – Metrolinx**

Metrolinx is in receipt of the minor variance application for 1182 Mount Vernon Street to facilitate the construction of an accessory structure. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300 meters of Metrolinx's Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.
- The Proponent is advised that the development lands, 1182 Mount Vernon Street, are located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the development lands. The Applicant is further advised that there may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand their operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.

Comments Prepared by: Harrison Rong, Project Coordinator