

# City of Mississauga Department Comments

Date Finalized: 2022-08-17	File(s): A323.22 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-08-25 1:00:00 PM

## Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the Applicant and area residents when assessing if the application, as requested, meets the requirements of Section 45(1) of the Planning Act. 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 a balcony proposing a balcony encroachment of 3.04m (approx. 9.97ft) whereas By-law 0225-2007, as amended, permits a maximum balcony encroachment of 1.00m (approx. 3.28ft) in this instance.

## Background

**Property Address:** 1301 Gatehouse Dr

### Mississauga Official Plan

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

### Zoning By-law 0225-2007

**Zoning:** R1-1 - Residential

**Other Applications:** Building Permit under file BP 9ALT 21-8060.

## Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, southeast of the Bexhill Road and Lakeshore Road West intersection. The immediate area consists of one and two-storey detached dwellings on large lots with significant mature vegetation in both front, side and rear yards. The subject property contains a two-storey detached dwelling with mature vegetation in the front yard.

The application proposes a balcony requiring a variance for a balcony encroachment.



## 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 are as follows:

The subject property is located in the Clarkson-Lorne Park Neighbourhood Character Area and is designated Residential Low Density I and Greenlands on Schedule 10 of the Mississauga Official Plan (MOP). The Residential Low Density I designation permits detached dwellings.

The applicant is seeking a variance to permit a balcony with an encroachment of 3.04m (9.97ft) where a maximum balcony encroachment of 1.00m (3.28ft) is permitted.

The intent of the zoning regulation is to ensure balconies do not present any privacy or overlook related concerns. Staff note that a legal balcony is existing on the rear side of the dwelling and

this application is required for a larger replacement balcony. Furthermore, the subject property is sufficiently setback from abutting properties to the north and south and backs onto municipally owned land. Lastly, using aerial mapping and photos taken by Transportation and Works staff, Planning staff note the presence of significant mature vegetation along the easterly and westerly property lines of the subject property. Staff are unable to determine if this vegetation is located on the subject property or abutting properties to the east and west. However, this vegetation will provide screening from the balcony to neighbouring properties. As such, staff have no concerns with the applicant's proposal.

It is staff's opinion that the proposed balcony is sympathetic to the surrounding area and does not impact the neighbouring properties. Through a detailed review of the application, staff is of the opinion that the application is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning nature.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposed balcony will be addressed by our Development Construction Section through Building Permit BP 9ALT-21/8060.



Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file BP 9ALT 21-8060. Based on review of the information currently available in this permit application, the variance, as requested, is correct.

Furthermore, we advise that more information is required in order to verify whether additional variance(s) may be required.

Please note that comments reflect those provided through the above permit application submitted on 03/04/2022 and should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the application file noted above, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments

Comments Prepared by: Jeanine Benitez, Zoning Examiner

### **Appendix 3 – Parks, Forestry & Environment**

The Park Planning Section of the Community Services Department has no objections to the minor variance application and advises as follows:

The lands to the rear of the property are owned by the Credit Valley Conservation Authority, leased by the City of Mississauga, identified as Rattray Marsh (P-126) and classified as 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.
1. City owned lands, Rattray Marsh (P-126) abuts the rear of the applicant's property.
  2. Construction access from the adjacent City owned lands is not permitted.
  3. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
  4. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.

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](mailto:jim.greenfield@mississauga.ca).

Comments Prepared by: Jim Greenfield, Park Planner

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## Appendix 4 – Region of Peel

**Comment:** Please be advised that a portion of the subject property is located within an area the Regional Official Plan (ROP) designates as Core Areas - Valley Corridor and Natural Areas and Corridors (NAC) - Woodland of the Greenlands System in Peel, under Policy 2.3.2. The subject property is also located within the limits of the regulated area of the Credit Valley Conservation (CVC). Within these designations, ROP policies seek to protect environmental resources.

The Region relies on the environmental expertise of the CVC for the review of applications located within or adjacent to Core Areas of the Greenlands Systems 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.

Comments Prepared by: Joseph Filice, Junior Planner

## Appendix 5 – Credit Valley Conservation

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 (2020)*;
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 located within the provincially significant wetland as well as floodplain and valley slope associated with Turtle Creek. In addition, the property appears to be located within the provincially significant candidate Life Science Area of Natural and Scientific Interest (ANSI), Region of Peel Core Greenlands, City of Mississauga Natural Heritage System (significant natural site) and the Credit River Watershed NHS.

July 25,22

Re:CVC File No. A 22/323

Municipality File No. A 323/22

Bhaskar and Nilanjna Nag

Chowdhury 1301 Gatehouse Drive

Part of Lot 25, Con 3 SDS City of  
Mississauga

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**Ontario Regulation 160/06:**

The property is subject to the Development, Interference with Wetlands, and Alterations to Shorelines and 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 Committee to approve a minor variance to allow the construction of a balcony proposing a balcony encroachment of 3.04m (approx. 9.97ft) whereas By-law 0225- 2007, as amended, permits a maximum balcony encroachment of 1.00m (approx. 3.28ft) in this instance.

**Comments:**

Based on the review of the information, CVC staff have **no concerns** with the requested variance. CVC permit (FF 21/208) for the proposed work was issued on July 20, 2021. As such, CVC staff have **no objection** to the approval of this minor variance by the Committee at this time.

Please circulate CVC any future correspondence regarding this application.

We trust that these comments are sufficient. Please do not hesitate to contact the undersigned at 905-670-1615 (ext. 296) should you have any further questions or concerns.

Comments Prepared by: Iftikhar Ahmed, Planner-Environment Assessment