

City of Mississauga Department Comments

Date Finalized: 2022-11-09	File(s): A323.22
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2022-11-17 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

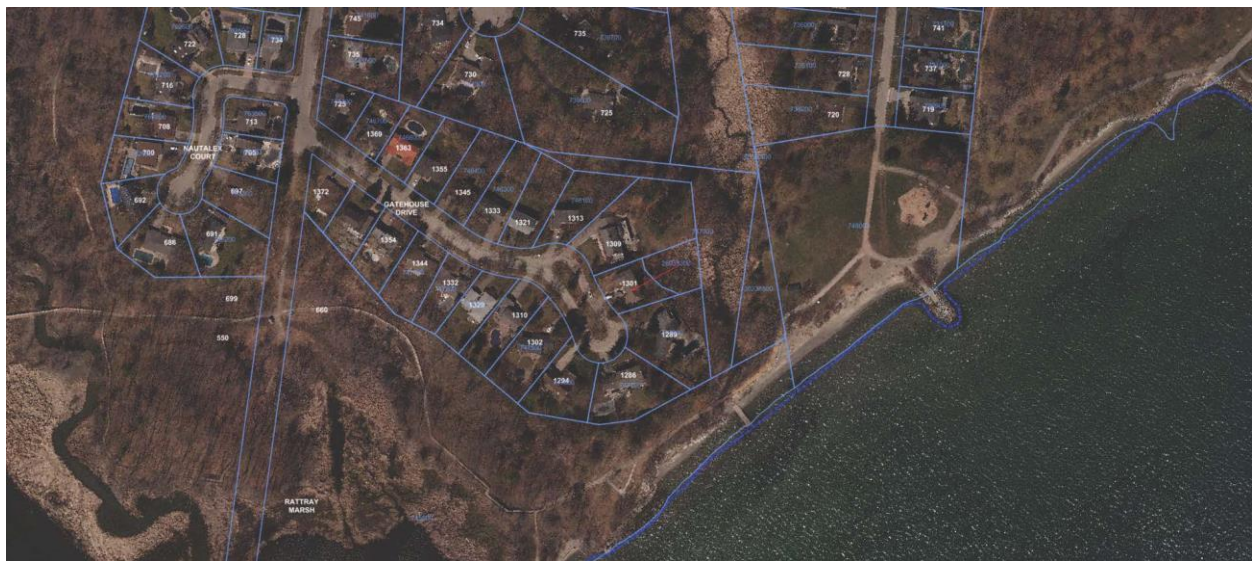
Zoning: R1-1 - Residential

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 Committee of Adjustment deferred the above noted application on August 25th, 2022, at the request of the applicant. Staff had no concerns with the applicant's previous proposal, which remains the same. As such, staff is still of the 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 property will be addressed by our Development Construction Section through BP-9ALT 22-2242.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – 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 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. Construction access from the adjacent City owned lands is not permitted.
 - 2. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
 - 3. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.

Should further information be required, please contact Nicholas Rocchetti, Park Planning Assistant, Community Services Department at 905-615-3200 ext. 4659 or via email Nicholas.Rocchetti@mississauga.ca.

Comments Prepared by: Nicholas Rocchetti, Park Planning Assistant

Appendix 3 – Region of Peel

Please apply previous comments.

Comments Prepared by: Patrycia Menko, Junior Planner

Appendix 4- CVC

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.

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: Beata Pakulski, Junior Planner

Appendix 5 - Enbridge

Thank you for sending Enbridge notice of this project.

We request that this response package is provided in full to the landowner / applicant as it contains useful and important information, including certain requirements that must be followed, in respect of development in proximity of pipelines.

Description of Application

We understand that this application is to approve a minor variance to allow the construction of a balcony proposing a balcony encroachment that exceeds the maximum balcony encroachment. As demonstrated in **Attachment 01 | Approximate Location of Pipeline Infrastructure** the proposed minor variance is within the pipeline assessment area of Enbridge infrastructure.

Assessment

Based on a review of the project information provided, the proposed minor variance is not proposing any new crossings or ground disturbance within 30 metres of Enbridge infrastructure. Therefore, **Enbridge has expressed no objections to this project as proposed.**

Although Enbridge has expressed no objections to the proposed minor variance at this time, the pipeline is located within 200 metres of Enbridge infrastructure and, therefore, all the requirements detailed below and within **Attachment 02 | Enbridge Development Requirements** must be adhered to for all future development

Requirements

- 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** must be obtained from Enbridge for ongoing activities such as mowing or maintenance of the pipeline right-of-way on public lands.

The above requirements are those identified as relevant based on the application materials provided. Additional detail on these requirements and other general development requirements are included in **Attachment 02 | Enbridge Development Requirements**. For additional resources on safe development in proximity of Enbridge's pipeline network please view

[Enbridge's Public Awareness Brochures](#) or visit the [Land Use Planning and Development website](#).

Please continue to keep us informed about the outcome of the project and any future policy, land use, subdivision, and development activities in proximity to Enbridge's pipelines and facilities. All future project notifications should be sent to notifications@Enbridge.com, while questions about the details of this letter may be sent to the contact listed below. Thanks again for providing us with the opportunity to provide comments on this project and we look forward to working with you in the future.

Comments Prepared by: Damage Prevention Program