

# City of Mississauga Department Comments

Date Finalized: 2023-06-14	File(s): A222.23
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-06-22 3:30:00 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.

## Application Details

The applicant requests the Committee to approve a minor variance to allow an existing dwelling proposing a setback of 9.68m (approx. 31.8ft) from the closest exterior wall of the dwelling to a railway right of way whereas By-law 0225-2007, as amended, requires a minimum setback from a railway right of way of 30.00m (approx. 98.43ft) in this instance.

## Background

**Property Address:** 1104 Edgeleigh Ave

### Mississauga Official Plan

Character Area: Lakeview Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

**Zoning:** R3-75 - Residential

**Other Applications:** BP 9NEW 22-3539

### Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, northwest of the Ogden Avenue and Gardner Avenue intersection. The surrounding neighbourhood consists primarily of industrial and residential uses. The residential uses consist of one and two-storey detached dwellings on lots with mature vegetation in both the front and rear yards. The subject property contains an existing two-storey dwelling with mature vegetation in the front yard.

The applicant is proposing a new two-storey detached dwelling requiring a variance for a railway right of way setback.



## 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 designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan, which permits detached, semi-detached, duplex, triplex, street townhouses and other forms of low-rise dwellings with individual frontages.

The application proposes a setback measured to the Metrolinx rail corridor right-of-way of 9.68m (approx. 31.8ft) where a minimum setback distance of 30m is required (approx. 98.43ft). The intent behind the minimum setback distance to the railway is to mitigate railway-oriented impacts such as noise, vibration, and safety hazards, to ensure that the quality of life of a building's residents and users is not negatively affected. Transportation and Works staff note in

their comments that the subject property is an existing lot of record and therefore staff have no comment regarding the proposed minor variance and also for potential noise impact. Planning Staff echo this comment and have no concerns with this variance, as the proposed setback is consistent with the setback provided by neighbouring properties.

Through a detailed review of the application, staff is of the opinion that the proposed use is desirable and is appropriate to be handled through the minor variance process. 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 that this is an existing lot of record and therefore we would have no comment regarding the proposed Minor Variance and also for potential noise impact.

The applicant is advised however to incorporate all required measures into the construction of the dwelling that relates to the applicable NPC300 noise and vibration related regulations.

All other Transportation and Works Department concerns/requirements for the proposed structure are being addressed by our Development Construction Section through the Building Permit process, File BP 9NEW-22/3539.









Comments Prepared by: John Salvino, Development Engineering Technologist

## **Appendix 2 – Zoning Comments**

The Building Department is currently processing an application under file BP 9NEW 22-3539. Based on review of the information currently available in this application, the variances, as requested are correct.

Please note that comments reflect those provided through the above permit application 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: Maria Fernandez, Zoning Examiner

## **Appendix 3 – Metrolinx**

### 1104 Edgeleigh Ave

Metrolinx is in receipt of the minor variance application for 1104 Edgeleigh Ave to facilitate the construction of a new 2-storey dwelling with a reduced setback of 9.68m to the Metrolinx rail-corridor where as By-law 0225-2007, as amended, (and Metrolinx) requires a rail right-of-way of 30.00m. Metrolinx's comments on the subject application are noted below:

- The subject property is located immediately adjacent to Metrolinx's Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.
- As Per Metrolinx's Adjacent Development Guidelines, derailment protection in the form of a safety barrier (e.g. Crash wall, earthen berm, etc.) is required for residential uses immediately adjacent to the rail corridor. For infill development, safety barriers are often infeasible. In these instances, the Proponent will be required to enter into an Infill Adjacent Development Agreement with Metrolinx. The Proponent may contact [Farah.Faroque@metrolinx.com](mailto:Farah.Faroque@metrolinx.com) with any questions and for a copy of the Infill Adjacent Development Agreement.
- Metrolinx would like to note that additional drainage from the proposed development is not permitted onto Metrolinx-owned lands, without prior approval from Metrolinx and our Technical Advisor, AECOM.
- The proposed development is adjacent to the Metrolinx Rail Corridor Right-of-Way, and may be subject to a work permit and review . The Proponent can find more information

on the submission requirements here: <https://www.metrolinx.com/en/about-us/doing-business-with-metrolinx/development-opportunities/construction-beside-go-corridors>.

- In addition to the technical review, it should be noted that various Metrolinx permits/approvals/agreements with associated fees may be required for implementation/construction. For example, this includes, but not limited to, private property when works are proposed within 30ft of an active rail. As such, these permits/approvals/agreements with their required fees and processing timelines in advance of proposed work, should be factored into your construction cost and schedule accordingly. More detail can be provided as the application and details progress.
- As per section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, the Owner shall grant Metrolinx an environmental easement for operational emissions. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property. A copy of the form of easement is included for the Owner's information. The applicant may contact [Farah.Faroque@metrolinx.com](mailto:Farah.Faroque@metrolinx.com) with questions and to initiate the registration process.

Comments Prepared by: Farah Faroque, Project Analyst