

City of Mississauga Department Comments

Date Finalized: 2023-11-08	File(s): A427.23
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2023-11-16 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 the accuracy of the requested variances and to determine if additional variances are required.

Application Details

The applicant requests the Committee to approve a minor variance to allow for the construction of a new dwelling proposing:

1. An interior right side yard setback for the covered basement walkout of 1.66m (approx. 5.45ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.80m (approx. 5.91ft) in this instance;
2. An interior right side yard setback to the roof eave encroachment of 1.03m (approx. 3.38ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.35m (approx. 4.43ft) in this instance;
3. A combined side yard width of 4.40m (approx. 14.44ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard width of 6.17m (approx. 20.24ft) in this instance;
4. A dwelling unit depth of 24.12m (approx. 79.13ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling unit depth of 20.00m (approx. 65.62ft) in this instance; and,
5. 2 kitchens whereas By-law 0225-2007, as amended, permits a maximum of 1 kitchen in this instance.

Background

Property Address: 1987 Balsam Ave

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R3-2- Residential

Other Applications: SPI 22-106, PAM 22-240, A8.23, BP 9NEW-23/6935

Site and Area Context

The subject property is located within the Clarkson – Lorne Park Neighbourhood Character Area, northeast of the Southdown Road and Lakeshore Road West intersection. The immediate area consists of one and two-storey single detached dwellings with mature vegetation in both the front and rear yards. The Clarkson Go station is located west of the subject property. The subject property contains a two-storey dwelling with a detached garage and mature vegetation throughout.

The application proposes a new two-storey detached dwelling requiring variances related to setbacks, side yard width, dwelling depth and number of kitchens.



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 (MOP), which permits detached dwellings.

Variances #1, 2 and 3 pertain to side yard setbacks and widths. Staff are of the opinion that variances #1 and 2 represent a minor deviation from the minimum requirements. Furthermore, the proposed setbacks ensure adequate access to the rear yard is maintained. Lastly, through a review of lots containing detached dwellings in the immediate area, staff note that the proposed side yard widths are consistent with existing development.

Planning staff are of the opinion that variances #4 and 5 may not be required, as dwelling depth appears to have been miscalculated. Furthermore, the applicant is proposing a “spice kitchen”, which appears to be connected to the primary kitchen area.

Through a detailed review of the application, staff is of the opinion that the revised 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 dwelling are being addressed by our Development Construction Section through the Building Permit process, File BP 9NEW-23/6935.



Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

We note that a Building Permit is required. In the absence of a Building Permit we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed.

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

Comments Prepared by: Minan Song, Planner in Training

Appendix 3 – Metrolinx

1987 Balsam Ave - A427.23

Metrolinx is in receipt of the minor variance application for 1987 Balsam Ave to facilitate the construction of a new dwelling. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of the Metrolinx Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.

Conditions of Approval:

- 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 with questions and to initiate the registration process. (It should be noted that the registration process can take up to 6 weeks).
- The Proponent shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the Railway Corridor:
 - **Warning:** The Applicant is advised that the subject land is 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 subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit 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 or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration

attenuating measures in the design of the development and individual lots, blocks or units.

Comments Prepared by: Farah Faroque, Project Analyst

Appendix 4 – Region of Peel

Minor Variance: A-23-427M / 1987 Balsam Ave

Planning: Ayooluwa Ayoola (905) 791-7800 x8787

Comments:

- The subject land is in the regulated area of the Credit Valley Conservation Authority (CVC). We rely on the environmental expertise of the CVC for the review of development applications located within or adjacent to the regulated area in Peel and the impact of natural hazards on proposed development. We therefore request that the City staff consider comments from the CVC and incorporate their requirements appropriately. Final approval of this application requires all environmental concerns to be addressed to the satisfaction of the CVC.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner