

City of Mississauga Department Comments

Date Finalized: 2024-06-05	File(s): A240.24 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-06-13 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

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

1. A setback to the garage face (side yard) of 2.472m (approx. 8.11ft) whereas By-law 0225-2007, as amended, requires a minimum setback to a garage face (side yard) of 7.50m (approx. 24.61ft) in this instance;
2. A side yard setback (corner lot) of 2.472m (approx. 8.11ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback (corner lot) of 7.50m (approx. 24.61ft) in this instance;
3. A garage projection beyond the main wall (side yard) of 0.057m (approx. 0.19ft) whereas By-law 0225-2007, as amended, permits a maximum garage projection beyond the main wall (side yard) of 0m in this instance;
4. A setback to the porch (encroachment into required side yard) of 2.071m (approx. 6.79ft) whereas By-law 0225-2007, as amended, requires a minimum setback to the porch (encroachment into required side yard) of 5.90m (approx. 19.36ft) in this instance;
5. An accessory structure encroaching into the boulevard by 3.06m (approx. 10.04ft) whereas By-law 0225-2007, as amended, does not permit an accessory structure to encroach into the boulevard in this instance; and,
6. A side yard setback to the eaves (side yard porch) of 0.451m (approx. 1.48ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback to the eaves (side yard porch) of 7.05m (approx. 23.13ft) in this instance.

Background

Property Address: 954 Tennyson Ave

Mississauga Official Plan

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

Zoning By-law 0225-2007

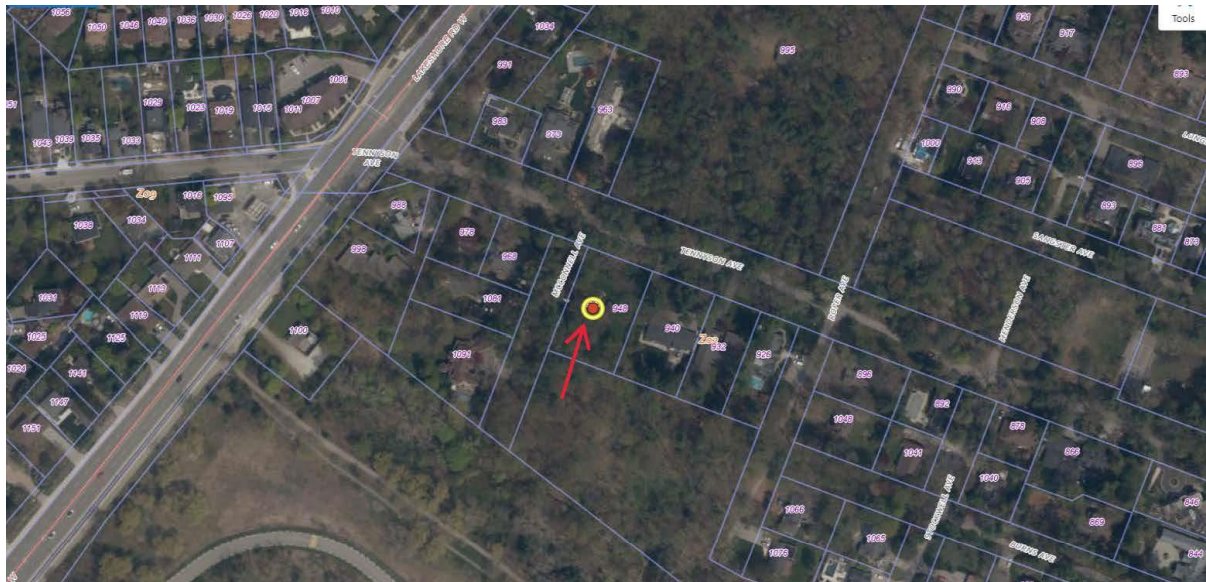
Zoning: R2-5-Residential

Other Applications: none

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, southeast of Lorne Park Road and Lakeshore Road West. The neighbourhood is entirely residential, consisting of one and two storey-detached dwellings with mature vegetation and landscape elements in the front yards. The subject property contains an existing one and a half storey detached dwellings with mature vegetation in the front yard.

The applicant is proposing a detached garage requiring variances related to side yard setbacks, encroachments, and garage projection.



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:

The site is located within the Clarkson-Lorne Park Character Area, and is designated Residential Low Density I by the Mississauga Official Plan (MOP). The Residential Low Density I designation permits detached dwellings; semi-detached dwellings and duplex dwellings.

Variances #1, 2, 4 and 6 are for reduced side yard setbacks. Staff note that the proposed setbacks are consistent with the existing side yard setbacks. As such, the requested variances will not pose additional impacts to adjacent properties, the street and ensure access to the rear yard is maintained.

Variance #3 is for a garage projection. Planning staff has no concerns regarding this variance as it is numerically minor and negligible. Furthermore, the proposed garage is set back further than the existing garage and the covered porch projects further forward than the proposed garage, lessening its visual impact on the streetscape.

Variance #5 is for an accessory structure. Staff note that this variance appears to be incorrect as the boulevard that the structure encroaches into is privately owned by Lorne Park Estates Association. As such, approval must be granted by Lorne Park Estates Association. Furthermore, staff note that an additional 0m setback to the structure may be required, as the structure straddles the northern property line.

Although Planning staff have no concerns regarding variances #1, 2, 3, 4 and 6, staff are of the opinion that the application should be deferred to allow the applicant an opportunity to seek permission for the existing accessory structure from Lorne Park Estates Association, and to confirm if additional variances are required.

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 will be addressed by our Development Construction Section through the future Building Permit process.

With regards to Variance #5 that speaks to the "existing structure within the boulevard", these lands are not Municipally owned Public Rights of way by The City of Mississauga, they are privately owned by Lorne Park Estates Association. Any matters relating to the structure encroaching onto their lands will need to be reviewed and approved by them.

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, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

The Forestry Section of the Community Services Department has no objections to the above noted minor variance application and advises as follows:

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1. No public trees shall be injured or removed. If public tree removal is required, a permit must be issued as per By-law 0020-2022.
2. No private trees shall be injured or removed. If a private tree with a diameter of 15 centimetres or greater on private property is to be injured or destroyed, a permit must be issued as per By-law 0021-2022.
3. Please note if a tree is identified as a shared tree with the adjacent property owner, and the applicant intends to apply for a Tree Removal Permit, written consent must be obtained by both parties.

A Tree Removal Application to Permit the Injury or Destruction of Trees on Public and Private Property can be found at <https://www.mississauga.ca/publication/application-to-permit-the-injury-or-destruction-of-trees-on-public-and-private-property/>.

Should further information be required, please contact Rita Di Michele, By-law Inspector, Community Services Department at 905-615-3200 ext. 5872 or via email rita.dimichele@mississauga.ca.

Comments Prepared by: Rita Di Michele, By-law Inspector

Appendix 4 – Enbridge

RE: 954 Tennyson Ave – Minor Variance

Your File #: A240.24

Our Reference #: R240514-002ON

Thank you for sending Enbridge notice of this project. B&A is the land use planning consultant for Enbridge's Liquids Pipeline network across Canada. On behalf of Enbridge, we work with municipalities and stakeholders regarding planning and development in proximity to their pipeline infrastructure to ensure that it occurs in a safe and successful manner.

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 an application for Minor Variance for the property owner of 954 Tennyson Avenue.

As demonstrated in **Attachment 01 | Approximate Location of Pipeline Infrastructure** the proposed application does intersect with the Pipeline Assessment Area and the Prescribed Area with respect to Enbridge's pipeline infrastructure.

Assessment & Requirements

Based on a review of the project materials provided, **Enbridge has identified concerns with the proposed application as it relates to their infrastructure and is therefore opposed to its approval at this time.**

Enbridge has reviewed the development plan which includes the encroachment of a home's foundation and covered patio of approximately 4m inside the easement and within 0.9m of Enbridge's 20" deactivated liquids pipeline. We sincerely regret to inform you that the proposed encroachment of the easement is not compatible with our Right-of-Way Encroachments Guideline, and we will not be able to permit the proposed permanent encroachment.

Damage Prevention is an important component of Enbridge's Integrated Management System, and the goal of the Damage Prevention Management Program is to anticipate, prevent, manage and mitigate damage to our assets to ensure the safety of people, property, and the environment. After a review of the proposed encroachment by appropriate internal stakeholders we have determined that permitting the encroachment would be contrary to our company's Damage Prevention standards.

Enbridge is supportive of home development outside of the easement, but still within the prescribed area (defined by the Canada Energy Regulator as 30m from the centreline of the pipeline) and is supportive of an application that accomplishes that setback. Please note that any ground disturbance activities (disturbance of the ground deeper than 30cm) within the prescribed area of the pipeline requires the pipeline company's written consent (per the Canada Energy Regulator's Damage Prevention Regulations—Authorizations Section 10(1)) and depending on the proximity of the ground disturbance to the pipeline, may require an Enbridge rep on-site to monitor the ground disturbance activities per our company's Damage Prevention standards. Our application guidance can be found on our website, [here](#). A completed application form (found within the guidance document) can be submitted to est.reg.crossing@enbridge.com for further handling.

Please reach out to the contact listed at the bottom of this letter to coordinate a meeting prior to any work taking place.

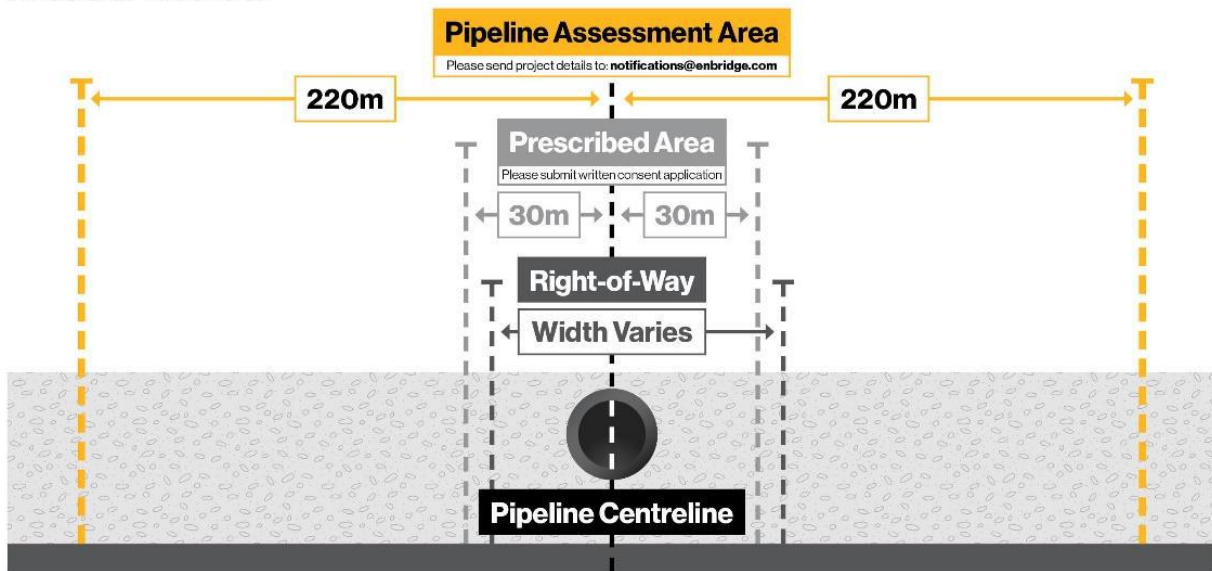
The following requirements and those detailed within **Attachment 02 | Enbridge Development Requirements** must be adhered to for all development. The landowner/developer shall ensure that all contractors and subcontractors are aware of and comply with the terms and conditions set out in this letter.

Areas of Interest

The following diagram illustrates the areas of interest to which the following requirement apply. Please refer to Attachment 1 to see the approximate location of these areas of interest as it relates to your project area. Please note the location of the pipeline illustrated in Attachment 1 is approximate and should be verified onsite through a Locate Request.

PLANNING IN PROXIMITY OF PIPELINES

Areas of Interest

**Drawing not to scale.*

- A **Right-of-Way (ROW)** or **Easement** is a strip of land where property rights have been acquired for pipeline systems by the pipeline company. It is a surveyed area of a specific width which grants legal rights of access to operate and maintain the infrastructure within it. The width of the Right-of-Way varies for each pipeline and property. This can be referenced on the parcel's land title, a legal survey, and/or in the easement agreement.
- The **Prescribed Area** is an area of 30 m (100 ft) perpendicularly on each side from the centreline of a pipeline. Excavation or ground disturbance within this zone requires written consent from the pipeline company pursuant to the Canadian Energy Regulator Pipeline Damage Prevention Regulations (Authorizations). Depending on the pipeline location and regulator this may also be known as a "controlled area" or "safety zone".
- The **Pipeline Assessment Area** identifies lands on either side of a pipeline in which new development must be monitored by the pipeline operator. The requirement for and scope of this monitoring is governed by the Canada Energy Regulator (CER) and CSA Z662:19.

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 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 within 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.
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**. The pipeline assessment area GIS data can be provided to the municipality upon request to notifications@enbridge.com.

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: Zane Davey, Community Planner

Appendix 5 – Region of Peel

Minor Variance: A-24-240M / 954 Tennyson Ave

Development Engineering: Wendy Jawdek (905) 791-7800 x6019

Comments:

- This site does not have frontage to existing municipal sanitary sewer.
- Installation of and alterations to property line water valves require inspection by Region of Peel inspectors to confirm if these works are completed in accordance with Region of Peel Design Criteria, Standards, and Specifications.
- Proposals to connect to an existing service lateral require approval from a Region of Peel inspector at construction stage.
- Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. All works associated with the servicing of this site will be at the applicant's expense. For more information, please contact Servicing Connections by email at siteplanservicing@peelregion.ca.
- Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Site Servicing approvals are required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections by email at siteplanservicing@peelregion.ca.
- All unutilized water and sanitary services shall be abandoned in accordance with Region of Peel design specifications. For more information, please contact Servicing Connections by email at siteplanservicing@peelregion.ca.
- The applicant shall verify the location of the existing service connections to the subject site and the contractor shall locate all existing utilities in the field. Requests for underground locates can be made at <https://www.ontarioonecall.ca/portal/>

Comments Prepared by: Petrele Francois, Junior Planner