

# City of Mississauga Department Comments

Date Finalized: 2024-10-25	File(s): A474.24 A475.24 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-10-31 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 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 that additional variances are not required.

## Application Details

A474/24

The applicant requests the Committee to approve a minor variance to allow the construction of a new house proposing an eaves height of 8.76m (approx. 28.74ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance.

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## Background

**Property Address:** 39A and 39B Pine Ave N

### Mississauga Official Plan

Character Area: Port Credit Neighbourhood (West)  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

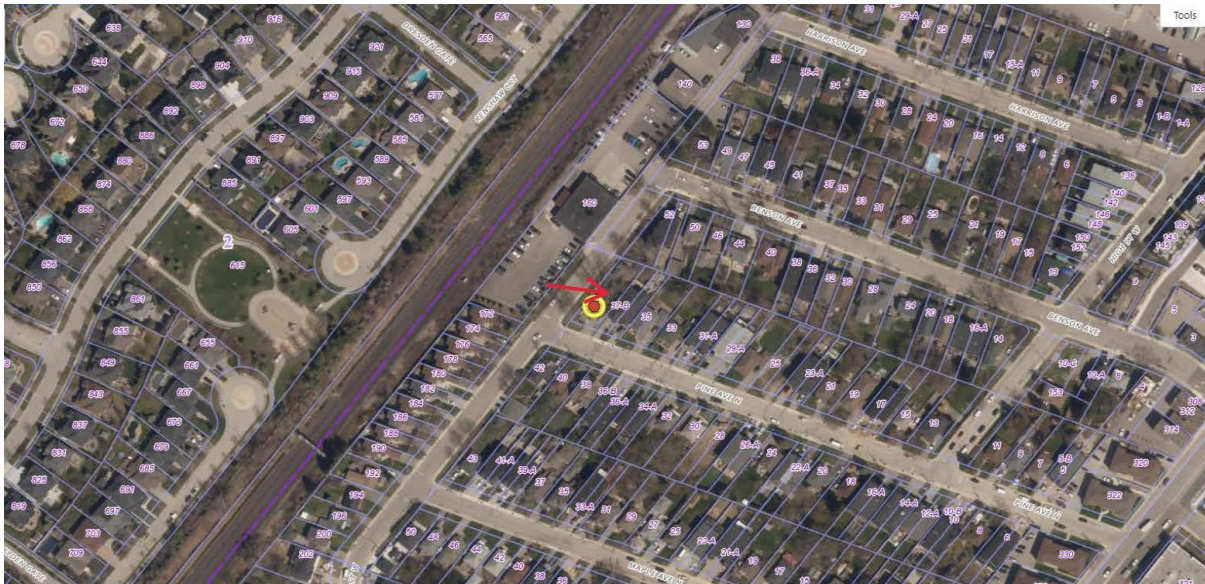
**Zoning:** RM7-5 - Residential

## Other Applications: None

## Site and Area Context

The subject lots are located within the Port Credit Neighbourhood Character Area, west of Mississauga Road and Lakeshore Road West. The surrounding area includes a mix of residential uses, including detached, semi-detached and apartment dwellings with little mature vegetation in the front yards. Northeast of the subject property are motor vehicle related uses along Queen Street West.

The subject lots were subject to a severance application on June 20, 2024, and currently contain an existing one-storey detached dwelling with vegetation in the front yard. The applicant is proposing the construction of two semi-detached dwellings on the lots requesting a variance for eave height.



## 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 lots are designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP), which permits detached, semi-detached, duplex, triplex and other forms of low-rise dwellings with individual frontages. The proposal is consistent with semi-detached lots found within the immediate area and contribute to the eclectic nature of the existing and planned community.

Staff note the subject lots were before the Committee of Adjustment on June 20, 2024, for a severance and associated minor variance for a side yard setback and lot frontage for the severed lot. Staff had recommended support at the time and the application was approved in general conformance with the drawings presented.

The current application requests a variance for an increase in eave height for both the severed and the retained lots. Staff note there has not been a change in the overall drawings. Planning staff have no concerns regarding this variance. The proposed dwelling also contains a mansard roof. Staff are satisfied that the requested variance represents a minor increase over the maximum height regulation for eaves. Staff note an overall sloped height of 9.35m (31.2ft) is proposed and no overall height variance is required. As such, the proposed dwelling maintains compatibility with the surrounding area and would not negatively impact the character of the streetscape.

Through a detailed review of the application, staff are of the opinion that the applications are appropriate to be handled through the minor variance and consent process. Further, the applications raise no concerns of a planning nature.

Comments Prepared by: Shivani Chopra, 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 dwellings are being addressed by our Development Construction Section through the Building Permit process, File BP 9ALT 24/4141.

We advise that this Department has provided comments for this property through B-36/24.

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: Crystal Abainza, Zoning Examiner

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

The Forestry Section of the Community Services Department has reviewed the above noted minor variance application and advises as follows:



1. No public trees shall be injured or removed. If public tree injury or 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 Jamie Meston, Landscape Technician, Forestry Section, Community Services Department at 905-615-3200 ext. 4264 or via email [jamie.meston@mississauga.ca](mailto:jamie.meston@mississauga.ca).

Comments Prepared by: Jamie Meston, Landscape Technician

#### **Appendix 4 – Metrolinx**

Metrolinx is in receipt of the Minor Variance applications for 39A & 39B Pine Avenue N to allow the construction of a new house proposing an eaves height of 8.76m, as circulated on October 3rd, 2024, and to be heard at Public Hearing on October 31st, 2024, at 1:00PM. 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.

#### **GO/HEAVY-RAIL – 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 [jenna.auger@metrolinx.com](mailto:jenna.auger@metrolinx.com) and [farah.faroque@metrolinx.com](mailto: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 unit:

**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.

Should you have any questions or concerns, please contact [jenna.auger@metrolinx.com](mailto:jenna.auger@metrolinx.com).

Comments Prepared by: Jenna Auger, Third Party Project Review

## Appendix 5 – Region of Peel

**Minor Variance Applications: A-24-474M, A-24-475M / 39A & 39B Pine Avenue N**  
Development Engineering: Brian Melnyk ([brian.melnyk@peelregion.ca](mailto:brian.melnyk@peelregion.ca))(905) 791-7800 x3602

### Comments:

- The applicant may be required to install new water / sanitary servicing connections to either the severed or retained lands in compliance with the Ontario Building Code. The applicant may require the creation of private water / sanitary sewer servicing easements.

### Conditions:

- Arrangements satisfactory to the Region of Peel, Public Works Department shall be made with respect to servicing the severed and retained parcels.

Comments Prepared by: Petrele Francois, Junior Planner