

# City of Mississauga

Memorandum:

## City Department and Agency Comments

Date Finalized: 2024-12-04	File(s): A545.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:12/12/2024 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 amended and subject to the condition, 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 a deck extension of 3.00m (approx. 9.84ft) whereas By-law 0225-2007, as amended, permits a maximum deck extension of 1.50m (approx. 4.92ft) in this instance.

### Amendments

The Building Department is processing Building Permit application 24-3373. Based on review of the information available in this application, Zoning staff advise that following amendment(s) is/are required:

Amend Variance 1:

The applicant requests the Committee to approve a minor variance for the maximum encroachment of a balcony located at the second storey of 3.00m (approx. 9.84ft) whereas By-law 0225-2007, as amended, permits a maximum balcony encroachment of 1.50m (approx. 4.92ft) in this instance.

### Recommended Conditions and Terms

Should the Committee see merit in the application, Planning staff recommend the following condition:

The privacy screening be extended to the extended portion of the balcony.

## Background

**Property Address: 1634 Crestview Ave**

### Mississauga Official Plan

Character Area: Mineola Neighborhood  
Designation: Residential Medium Density

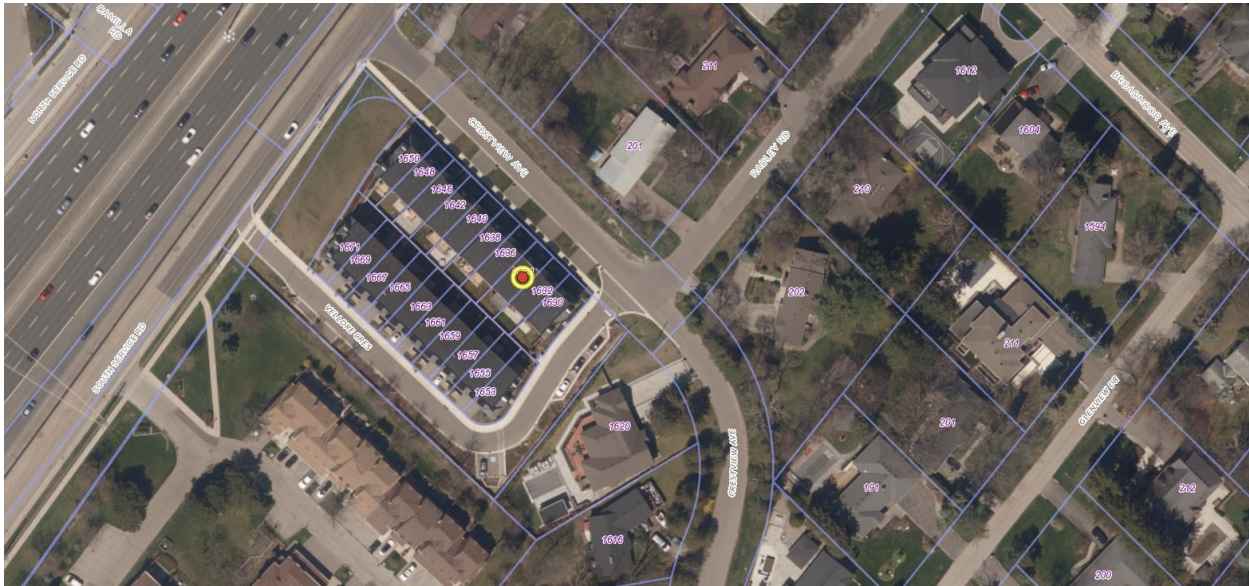
### Zoning By-law 0225-2007

**Zoning: RM6-18 - Residential**  
**Other Applications: Building Permit application 24-3373**

### Site and Area Context

The subject site is located on the south-west corner of the South Service Road and Crestview Avenue in the Mineola neighbourhood. The subject lot contains a townhouse dwelling. There is little vegetation on the property and is generally surrounded by a mix of rowhouse and single detached dwellings. Institutional uses are present to the west of the property.

The applicant is proposing to extend the existing balcony requiring a variance for 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 subject property is located in the Mineola Neighbourhood Character Area and is designated Residential Medium Density on Schedule 10 of the Mississauga Official Plan (MOP). The Residential Medium Density designation permits townhouse dwellings.

The applicant is seeking a variance to permit a balcony with an encroachment of 3m (9.84ft) where a maximum balcony encroachment of 1.50m (4.92ft) is permitted.

The intent of the zoning regulation is to ensure balconies do not present any privacy or overlook related concerns. Staff note that a legal balcony is existing on the rear side of the dwelling and this application is to increase the size of that balcony. Staff also note, the subject property backs onto other townhouse dwellings with similar balconies. It is recommended that the existing privacy screening on the side of the balcony be extended to mitigate any privacy or overlook concerns.

Using aerial mapping, Planning staff note the presence of vegetation along the rear property line of the subject property, which provides additional screening from the balcony to neighbouring properties. As such, staff have no concerns with the applicant's proposal. It is staff's 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: Shivani Chopra, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

This Department has no objections, comments or requirements with respect to C.A. 'A' 545.24.

Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application 24-3373. Based on review of the information available in this application, we advise that following amendment(s) is/are required:

Amend Variance 1:

The applicant requests the Committee to approve a minor variance for the maximum encroachment of a balcony located at the second storey of 3.00m (approx. 9.84ft) whereas By-law 0225-2007, as amended, permits a maximum balcony encroachment of 1.50m (approx. 4.92ft) in this instance.

Our comments may no longer be valid should there be changes in the Committee of Adjustment application that have yet to be submitted and reviewed through the Building Division application. To receive updated comments, the applicant must submit any changes to information or drawings separately through the above application.

Comments Prepared by: Minan Song, Zoning Examiner

### Appendix 3 – Parks, Forestry & Environment

#### Forestry Comments

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 3 – Region of Peel Comments**

We have no comments or objections.

Comments Prepared by: Petrele Francois, Junior Planner

## **Schedule 1**

### **Conditions**

- None