

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2025-02-27	File(s): A24.25
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:3/6/2025 1:00:00 PM

Consolidated Recommendation

The City has no objection to the minor variance application, as amended.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a new rear balcony and deck proposing:

1. A rear yard setback for the balcony of 5.22m (approx. 17.13ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.5m (approx. 24.60ft) in this instance; and
2. A rear yard setback for the deck of 5.37m (approx. 17.62ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.5m (approx. 24.60ft) in this instance.

Amendments

The Building Department is processing Building Permit application 23-9260. Based on review of the information available in this application, Zoning staff advise that following amendment(s) is/are required:

1. A rear yard balcony measured to a G1 zone of 5.22m whereas By-law 0225-2007, as amended, requires a minimum rear yard balcony measured to a G1 zone of 7.5m in this instance.
2. A rear yard deck measured to a G1 zone of 5.37m whereas By-law 0225-2007, as amended, requires a minimum rear yard deck measured to a G1 zone of 7.5m in this instance.
3. Proposed rear yard balcony setback of 5.22m, where as, by-law 0225-2007, as amended, requires a rear yard balcony setback of 6m.

Background

Property Address: 1028 Beachcomber Rd

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Medium Density

Zoning By-law 0225-2007

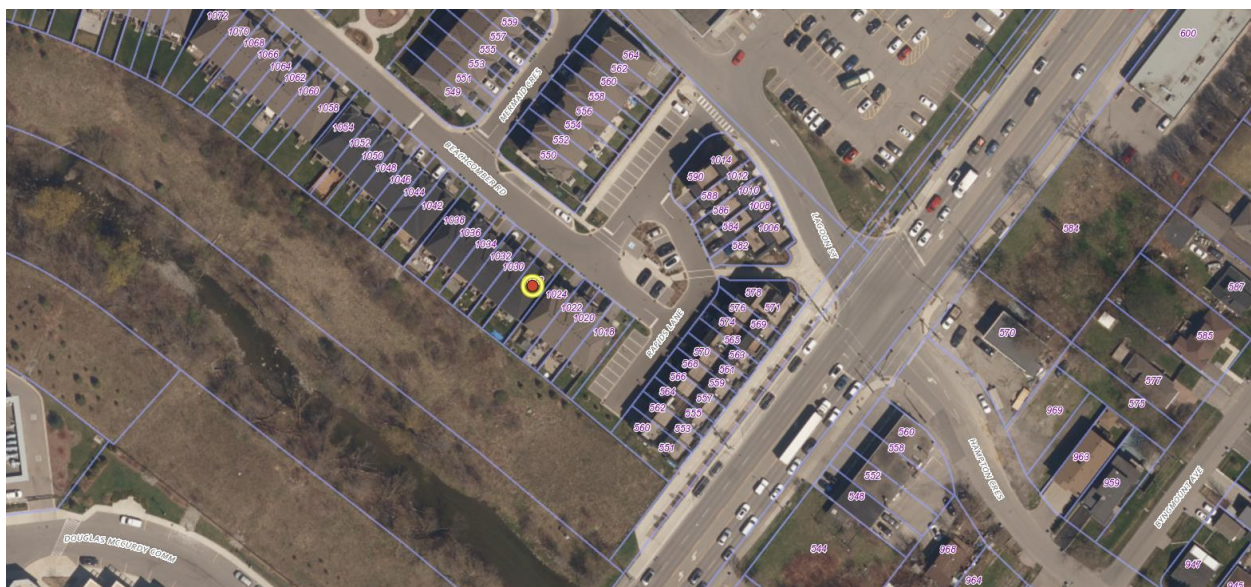
Zoning: RM6-16 - Residential

Other Applications: Building Permit application 23-9260

Site and Area Context

The subject property is located in the Lakeview Neighbourhood Character Area, northwest of the Cawthra Road and Lakeshore Road East intersection. The subject property has an approximate lot frontage of +/- 7.20m (23.62ft) and a lot area of +/- 138.20m² (453.41ft²). The subject property contains a three-storey townhouse with minimal vegetation in the front yard. The property is located in a townhouse complex containing three-storey townhouses with minimal vegetation in the front yards.

The applicant proposes a deck and second storey balcony requiring a variance for reduced rear yard setback to a G1 zone.



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:

Staff note that the subject property was before the Committee of Adjustment on June 13, 2024 for an identical rear yard setback variance. Staff had recommended support at the time and the application was approved by the Committee. A complete zoning review identified additional variances, which the applicant is seeking under the current application.

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject property is located in the Lakeview Neighbourhood Character Area and is designated Residential Medium Density in Schedule 10 of the Mississauga Official Plan (MOP). The Residential Medium designation permits all forms of townhouse dwellings. Section 9 of the MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with the existing site conditions, the surrounding context, and the landscape of the character area. Planning staff are of the opinion that the proposal is compatible with the surrounding neighbourhood and will not pose negative impacts on the surrounding community or the natural feature. Planning staff are of the opinion that the general intent and purpose of the official plan are maintained.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

Variances #1 pertains to a reduced rear yard for a second storey balcony measured to a G1 zone. The intent of this portion of the by-law is to ensure that there is an appropriate buffer to the natural feature and to ensure that structures are not situated too close to property lines. Staff note that the balcony itself does not require additional variances and given that it is a second storey balcony, there will be no reduction in available rear yard amenity space. Staff are satisfied that the proposed setback is appropriate and will not negatively impact the community.

Variances #2 and #3 pertain to a reduced rear yard setback of a deck from a G1 zone. The intent of this portion of the by-law is to ensure that there is an appropriate buffer between the structure and the natural feature. Staff note that the proposed setback is measured to the deck steps in the rear yard and the dwelling itself does not exceed the minimum setback requirement.

The City relies on the expertise of the Credit Valley Conservation Authority on matters relating to natural features. The Credit Valley Conservation Authority has raised no objections to the proposal.

Staff are therefore satisfied that the proposed setback is appropriate in this instance.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

Staff are of the opinion that the proposed rear deck and balcony represents appropriate development of the lands. Staff are satisfied that the requested variance respect the surrounding context and that the impacts are minor and will not cause undue impacts on adjacent properties.

Comments Prepared by: Sara Ukaj, Planning Associate

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed is a picture showing the location of the deck in the rear yard. At the time of the site inspection, access to the rear yard was not possible (locked gate, nobody home). The picture is taken from the side as best possible. There is currently no deck on site.

Comments Prepared by: John Salvino, Development Engineering Technologist



Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application 23-9260. Based on review of the information available in this application, we advise that following amendment(s) is/are required:

1. A rear yard balcony measured to a G1 zone of 5.22m whereas By-law 0225-2007, as amended, requires a minimum rear yard balcony measured to a G1 zone of 7.5m in this instance.
2. A rear yard deck measured to a G1 zone of 5.37m whereas By-law 0225-2007, as amended, requires a minimum rear yard deck measured to a G1 zone of 7.5m in this instance.
3. Proposed rear yard balcony setback of 5.22m, where as, by-law 0225-2007, as amended, requires a rear yard balcony setback of 6m.

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: Andrew Wemekamp, Zoning Examiner.

Appendix 3 – Parks, Forestry & Environment

Park Planning Comments

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

The lands to the rear of the property are owned by the City of Mississauga, identified as Helen Molasy Memorial Park (P-261), classified as a Significant Natural Area within the City's Natural Heritage System, and zoned G1. Section 6.3.24 of the Mississauga Official Plan states that the Natural Heritage System will be protected, enhanced, restored and expanded through the following measures:

- a) ensuring that development in or adjacent to the Natural Heritage System protects and maintains the natural heritage features and their ecological functions through such means as tree preservation, appropriate location of building envelopes, grading, landscaping...;

Should the application be approved, the Parks and Culture Planning Section provides the following notes:

1. Construction access from the adjacent park/greenlands is not permitted.
2. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
3. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.

4. Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, c.P. 13, as amended) and in accordance with the City's policies and by-laws.

Should further information be required, please contact Nicholas Rocchetti, Planner – Park Planning, Community Services Department at 905-615-3200 ext. 4659 or via email nicholas.rocchetti@mississauga.ca.

Comments Prepared by: Nicholas Rocchetti, Planner

Appendix 4 – Region of Peel Comments

We have no comments or objections.

Comments Prepared by: Petrele Francois, Junior Planner

Appendix 5 – Conservation Authority Comments

Please see below CVC comments for proposed minor variance application A24.25 for subject property located at 1028 Beachcomber Road:

Based on the review of the information provided, CVC has no concern with the approval of the minor variance proposed at this time. CVC staff previously reviewed and approved the proposed development as part of CVC permit FF 23/325.

Comments Prepared by: Stuti Bhatt, Junior Planner

Appendix 6 – Metrolinx

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

GO/HEAVY-RAIL – ADVISORY COMMENTS

- As the requested variances have minimal impact on Metrolinx property, Metrolinx has no objections to the specified variances should the committee grant approval.
- The Proponent is advised of the following:
 - **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.

Comments Prepared by: Jenna Auger, Third Party Project Review