

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-06-16	File(s): A252.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-06-24 3:00 PM

## Consolidated Recommendation

The City has no objections to the requested variances. The applicant may choose to defer the application to verify the accuracy of the variances and ensure additional variances are not required.

## Application Details

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

1. A lot coverage of 38.50% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance; and
2. A building height measured to the eaves of 6.9m (approx. 22.64ft) whereas By-law 0225-2007, as amended, permits a maximum building height measured to the eaves of 6.4m (approx. 20.99ft) in this instance.

## Background

**Property Address:** 1081 Ogden Avenue

### Mississauga Official Plan

Character Area: Lakeview Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

**Zoning:** R3-75 - Residential

## Other Application

Building Permit: 21-6202

## Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, north of Lakeshore Road East and Ogden Avenue. The neighbourhood is primarily residential, consisting of one and two storey detached dwellings with mature vegetation. The subject property contains an existing one storey dwelling with a detached garage in the exterior side yard.

The application proposes a new two storey dwelling, requiring variances related to lot coverage and eave height.



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

The subject property is 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. As per Section 10.3 (Built Form Types) of the Lakeview Local Area Plan, new housing within Lakeview should maintain the existing character of the area. The proposed dwelling is similar to newer two storey dwellings, maintaining compatibility with the neighbourhood character. Staff is of the opinion that the general intent and purpose of the official plan is maintained.

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

The application proposes a lot coverage of 38.50% whereas a maximum of 35% is permitted. The intent of the by-law is to ensure there isn't overdevelopment of the lot. In this instance, the increased lot coverage is attributed to the front covered porch and rear covered deck. Excluding these features, the dwelling including the detached garage would have a lot coverage of approximately 34%, maintaining the by-law provision. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #2 proposes an eave height of 6.90 m whereas a maximum of 6.40 m is permitted. The intent of restricting height to the eaves is to lessen the visual massing of the dwelling by bringing the edge of the roof closer to the ground, thereby giving the dwelling a more human scale. The dwelling maintains a height of 9.14 m which is less than the maximum permitted height of 9.50 m which mitigates the impact of the increased eave height. Additionally, the dwelling is measured to average grade, which is approximately 0.20 m below the finished grade. As such, from a streetscape perspective, the eave height would be approximately 6.70 m which represents a minor deviation from the zoning by-law and does not significantly alter the streetscape character. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

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

The proposed dwelling maintains the existing and planned context of the surrounding neighbourhood. The overall height of the dwelling is less than the maximum permitted height of 9.50 m, reducing the impact of the increased eave height. The increased lot coverage is due to the covered porch and rear covered deck, which does not add significant massing to the dwelling. Staff is of the opinion that the application represents orderly development of the lands and is minor in nature.

**Conclusion**

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The Planning and Building Department has no objections to the requested variances. The applicant may choose to defer the application to verify the accuracy of the variances and ensure additional variances are not required.

Comments Prepared by: Lucas Petricca, 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 21/6202.

Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit under file BP 9NEW 21-6202. Based on review of the information currently available in this permit application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Please note that comments reflect those provided through the above permit application and should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the application file noted above, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments.

Comments Prepared by: Alana Zheng, Zoning Examiner

### Appendix 5 – Region of Peel Comments

#### Minor Variance Application: A-252/21

Development Engineering: Camila Marczuk (905) 791-7800 x8230

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.

Comments Prepared by: Diana Guida, Junior Planner

### Appendix 7 – Metrolinx

I understand the property owner has applied for a minor variance to allow the construction of a new house, which would have a lot coverage of 38.5% and a building height of 6.9m, both of which exceed the permissible amounts stipulated in the City By-Law. The subject property is

located approximately 75 m from Metrolinx's Oakville Subdivision, which carries GO Transit ridership on the Lakeshore West rail line. Residential development and railway activities are inherently conflicting land uses. It is requested that the following be considered by the Committee prior to granting any approvals.

1. In accordance with Section 3.9 of the "Guidelines for New Development in Proximity to Railway Operations", prepared for The Federation of Canadian Municipalities and the Railway Association of Canada, it is advised that the Owner grant to Metrolinx an environmental easement for operational emissions, which is to be registered on title of the subject lands. I have included a copy of the easement language for the applicant's information. The applicant may contact Metrolinx (Tony To; [tony.to@metrolinx.com](mailto:tony.to@metrolinx.com)) with any questions and to initiate the registration process.

#### Form of Easement

WHEREAS the Transferor is the owner of those lands legally described as [insert legal description] (the "Easement Lands");

IN CONSIDERATION OF the sum of TWO DOLLARS (\$2.00) and such other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Transferor, the Transferor transfers to the Transferee, and its successors and assigns, a permanent and perpetual non-exclusive easement or right and interest in the nature of a permanent and perpetual non-exclusive easement over, under, along and upon the whole of the Easement Lands and every part thereof for the purposes of discharging, emitting, releasing or venting thereon or otherwise affecting the Easement Lands at any time during the day or night with noise, vibration and other sounds and emissions of every nature and kind whatsoever, including fumes, odours, dust, smoke, particulate matter, electromagnetic interference and stray current but excluding spills, arising from or out of, or in connection with, any and all present and future railway or other transit facilities and operations upon the lands of the Transferee and including, without limitation, all such facilities and operations presently existing and all future renovations, additions, expansions and other changes to such facilities and all future expansions, extensions, increases, enlargement and other changes to such operations (herein collectively called the "Operational Emissions").

THIS Easement and all rights and obligations arising from same shall extend to, be binding upon and enure to the benefit of the parties hereto and their respective officers, directors, shareholders, agents, employees, servants, tenants, sub-tenants, customers, licensees and other operators, occupants and invitees and each of its or their respective heirs, executors, legal personal representatives, successors and assigns. The covenants and obligations of each party hereto, if more than one person, shall be joint and several.

Easement in gross.

Comments Prepared by: Tony To, Project Manager