

City of Mississauga Department Comments

Date Finalized: 2022-10-192022-10-21	File(s): A441.22 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-10-27 1:00:00 PM

Consolidated Recommendation

The City has no objection to the variances. The applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a second storey addition proposing:

1. A front yard setback of 2.62m (approx. 8.59ft) whereas By-law 0225-2007, as amended, requires a front yard setback of 5.55m (approx. 18.2ft) in this instance;
2. A lot coverage of 38.88% (approx. 172.91 sq.m) whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35% (approx. 155.66 sq.m) in this instance;
3. A front yard setback of 1.89m (approx. 6.2ft) to a balcony whereas By-law 0225-2007, as amended, requires a front yard setback of 5m (approx. 16.4ft) to a balcony in this instance;
4. A front yard setback of 3.10m (approx. 10.17ft) to the second storey whereas By-law 0225-2007, as amended, requires a front yard setback of 6m (approx. 19.68ft) to the second storey in this instance;
5. An interior side yard setback of 1.10m (approx. 3.6ft) to the second storey, whereas By-law 0225-2007, as amended, requires an interior side yard setback of 1.81m (approx. 5.93ft) to the second storey in this instance;
6. An exterior side yard setback of 2.63m (approx. 8.62ft) to the second storey, whereas By-law 0225-2007, as amended, requires an exterior side yard setback of 6m (approx. 19.68ft) to the second storey in this instance;
7. An exterior side yard setback of 2.76m (approx. 9.05ft) to the first storey, whereas By-law 0225-2007, as amended, requires an exterior side yard setback of 6m (approx. 19.68ft) to the first storey in this instance;
8. An exterior side yard setback of 2.20m (approx. 7.21ft) to the eaves overhang, whereas By-law 0225-2007, as amended, requires an exterior side yard setback of 5.55m (approx. 18.2ft) to the eaves overhang in this instance;
9. An interior side yard setback of 0.66m (approx. 2.16ft) to the eaves overhang, whereas By-law 0225-2007, as amended, requires an interior side yard setback of 0.75m (approx. 2.46ft)

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to the eaves overhang in this instance;

10. An exterior side yard setback of 5.50m(approx. 18.04ft) to the attached garage, whereas By-law 0225-2007, as amended, requires an exterior side yard setback of 6m (approx. 19.68ft) to the attached garage in this instance;

11. A front yard setback of 1.85m (approx. 6.06ft) to the porch whereas By-law 0225-2007, as amended, requires a front yard setback of 4.40m (approx. 14.43ft) to the porch in this instance; and,

12. A maximum eaves height of 7.26m (approx. 23.81ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21ft) in this instance.

Background

Property Address: 1170 Ogden Avenue

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-75-Residential

Other Applications: Preliminary Zoning Review application under file PREAPP 21-6629.

Site and Area Context

The subject property is located north-west of the Lakeshore Road East and Haig Boulevard intersection in the Lakeview neighbourhood. It currently contains a single storey detached dwelling with a detached garage. The property has an approximate lot area of +/- 444.73m² (4,787.03ft²), characteristic of the lots in the surrounding context. Limited landscaping and vegetative elements are present in both the front and rear yards. The surrounding context is exclusively residential, consisting predominantly of single storey detached dwellings, however two-storey detached dwellings and semi-detached dwellings are also present.

The applicant is proposing to construct an addition requiring variances for lot coverage, front and side yard setbacks, and height measured to the eaves.



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:

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 Low Density II in Schedule 10 of the Mississauga Official Plan. The designation permits detached, semi-detached, duplex, triplex dwellings, street townhouses and other forms of low-rise dwellings with individual frontages. 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. Staff are satisfied that the proposal appropriately balances the existing and planned characters of the surrounding area and are of the opinion that the application maintains the general intent and purpose of the official plan.

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

Variances #1 and 7 pertain to setbacks. The applicant is proposing to build a second storey on top of the existing dwelling's footprint. As such, these variances represent existing conditions and their impact is negligible.

Variance #2 pertains to lot coverage. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot which would impact the streetscape as well as abutting properties. Staff note that the dwelling itself represents 38.11% of the proposed lot coverage. The remaining 0.77% of the lot coverage is negligible and attributable to a new covered porch.

Staff are of the opinion that the proposed lot coverage is a minor deviation from the maximum permitted and that the proposal is appropriate for both the lot and surrounding context.

Variance #3 is for a setback to a balcony. The purpose of a minimum balcony setback is to ensure that balconies are not situated too close to property lines creating privacy and/or overlook concerns. Planning staff note that while the requested variance appears excessive, the municipal boulevard in front of the subject property is quite large, placing the balcony a significant distance from the municipal right-of-way and abutting properties. Furthermore, Staff note that there is no expectation of privacy in the front yard or right-of-way, therefore the concern regarding privacy or overlook is negligible in this instance.

Variances #4, 5 and 6 are for setbacks to the second storey. Staff note that the applicant is proposing to provide the same setback to the second storey, as the existing first storey of the dwelling. Through a review of two-storey detached dwellings in the immediate neighbourhood, staff note that many dwellings maintain the same side yard setback between both the first and second storeys. Therefore, the proposed setback is not out of character within the immediate neighbourhood. Additionally, the proposed setback maintains a sufficient buffer to the neighbouring properties.

Variance #12 pertains to eave height. The intent of restricting height to the eaves is to lessen the visual massing of dwelling by bringing the edge of the roof closer to the ground by lowering the overall pitch of the roof. This will keep the dwelling within human scale. Staff note that the eave height as proposed does not raise any concerns, as the increase represents a minor deviation from the requirements of the zoning by-law. Further, staff note that a maximum dwelling height variance is not being sought by the applicant, therefore keeping the dwelling at an appropriate scale.

Variances #8, 9, 10 and 11 pertain to setbacks. Staff have no concerns with these variances as the setbacks are to elements of the dwelling that do not create significant massing concerns. Furthermore, the proposed setbacks are consistent with setbacks found on corner lots in the immediate area.

Staff are satisfied that the proposal maintains the general intent and purpose of the zoning by-law.

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

Upon review of the application staff are satisfied that the proposal represents appropriate development of the subject lands. The variances, both individually and cumulatively, are minor in nature and will not create any undue impacts to adjoining properties or the planned or existing character of the area.

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



Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department has processed a Preliminary Zoning Review application under file PREAPP 21-6629. Based on review of the information currently available in this permit application, variances # 3, 4, 6, 7, 8, 10, 11, as requested are correct.

We advise that additional variance(s) appear to be required for a front yard setback to the eaves overhang and an interior side yard setback to eaves overhang. Furthermore, we also advise that more information is required for lot coverage, and number of storeys and maximum heights, and if any additional minor variances are 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: Brandon Eidner, Zoning Examiner

Appendix 3 – Metrolinx

Metrolinx is in receipt of the minor variance application for 1170 Ogden Ave to facilitate the construction of a new second storey addition to the existing dwelling. Metrolinx's comments on the subject application are noted below

- The subject property is located within 300 meters of Metrolinx's Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.
- The Proponent is advised that the development lands, 1170 Ogden Ave are 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 development lands. The Applicant is further advised that there may be alterations to or expansions of the rail 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 their operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.

Comments Prepared by: Farah Faroque, Third Party Projects Review

Appendix 4- Region of Peel

Minor Variance Application: A-441/22

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

Comment: 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 at siteplanservicing@peelregion.ca. Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Region of Peel Site Servicing connection approvals are required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections at siteplanservicing@peelregion.ca.

Comments Prepared by: Patrycia Menko, Junior Planner