

# City of Mississauga Department Comments

Date Finalized: 2023-05-16	File(s): A178.23
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-05-25 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 requested, meets the requirements of Section 45(1) of the Planning Act. 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 minor variances to allow the construction of a rear yard addition proposing:

1. An exterior side yard setback of 3.07m (approx. 10.07ft) whereas By-law 0225-2007, as amended, requires an exterior side yard setback of 6.0m (approx. 19.68ft) in this instance;
2. A second unit entrance at the front of the property whereas By-law 0225-2007, as amended, does not permit a second unit entrance at the front of the property in this instance; and,
3. To permit two driveways whereas By-law 0225-2007, as amended, permits one driveway in this instance.

## Amendments

The Building Department is currently processing a Building Permit under file SEC UNIT 22-3047 SU. Based on review of the information currently available in this permit application, we advise that variances # 2 and # 3 should be amended as follows:

2. An entrance to the second unit facing the street whereas By-law 0225-2007, as amended, a new pedestrian entrance facing a street, a private road or a CEC - private road, to facilitate a second unit, shall not be permitted;
3. To permit two driveways whereas By-law 0225-2007, as amended, a lot with a second unit shall have one and not more than one driveway in this instance.

An additional variance should also be added:

4. An exterior side yard setback to the eaves of 2.67m (approx. 8.75ft) whereas By-law 0225-2007, as amended, requires an exterior side yard setback to the eaves of 5.55m (approx. 18.20ft) in this instance;

## Background

**Property Address:** 1154 Ogden Avenue

### Mississauga Official Plan

Character Area: Lakeview Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

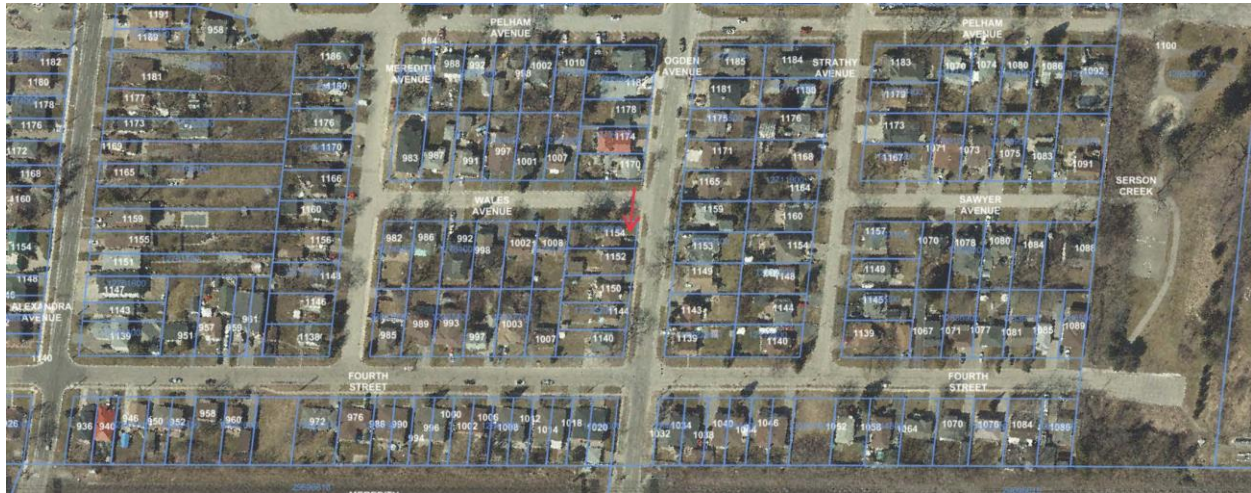
**Zoning:** R3-75-Residential

**Other Applications:** SEC UNIT 22-3047

### 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 +/- 445.25m<sup>2</sup> (4,792.63ft<sup>2</sup>), 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 exterior side yard setback, second unit entrance location and number of driveways.



## 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 designated Residential Low Density II on Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached dwellings.

Variances #1 and 4 are for exterior side yard setbacks. Staff note that the exterior side yard setbacks are consistent with the existing exterior side yard setbacks and are generally consistent with lots in the immediate area. Further, the addition does not pose any massing concerns, as it is one storey and located at the rear of the dwelling.

Variance #2 is to permit a second unit entrance facing a street. The intent of prohibiting such an entrance is to prevent a negative visual impact to the overall streetscape. Staff have no concerns with this variance, as the proposed entrance is setback approximately 14m from the street and over 8m from the front main entrance.

Variance #3 is to permit a second driveway. Staff have no concerns with this variance, as the subject property is a corner lot and the second driveway is located on a separate street from the driveway contained in the front yard. The second driveway provides direct access to a detached garage.

As such, it is Staff's opinion that the proposed use 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: 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 property are being addressed by our Development Construction Section through the Secondary Unit Permit process, File SEC UNIT-22/3047.









Comments Prepared by: John Salvino, Development Engineering Technologist

## Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file SEC UNIT 22-3047 SU. Based on review of the information currently available in this permit application, variance #1 as requested is correct.

We advise that variances # 2 and # 3 should be amended as follows:

2. An entrance to the second unit facing the street whereas By-law 0225-2007, as amended, a new pedestrian entrance facing a street, a private road or a CEC - private road, to facilitate a second unit, shall not be permitted;,
3. To permit two driveways whereas By-law 0225-2007, as amended, a lot with a second unit shall have one and not more than one driveway in this instance.

An additional variance should be added:

4. An exterior side yard setback to the eaves of 2.67m (approx. 8.75ft) whereas By-law 0225-2007, as amended, requires an exterior side yard setback to the eaves of 5.55m (approx. 18.20ft) in this instance;

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: Maria Fernandez, Zoning Examiner

### **Appendix 3 – CVC**

Although the property appears to be regulated based on our mapping, I can confirm that the proposed development is outside of CVC's regulated area. CVC review/approval are not required. As such, CVC will not be providing comments on the application.

Comments Prepared by: Beata Pakulski, Junior Planner

### **Appendix 4- Metrolinx**

#### 1154 Ogden Avenue

Metrolinx is in receipt of the minor variance application for 1154 Ogden Ave to facilitate the construction of a rear yard addition as well as a second unit entrance at the front of the property and as well to permit/maintain an existing 2nd driveway. Metrolinx understands that these proposed variances are to support two separate dwelling units and eventually a third laneway unit on the property each to have a separate tenant with a front entrance to support privacy for each tenant. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of Metrolinx's Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.
- 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 [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 dwelling unit within 300 metres of the Railway Corridor:

**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.

Comments Prepared by: Farah Faroque, Intern

## Appendix 5- Region of Peel

### Minor Variance: A-23-178M – 1154 Ogden Avenue

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

#### Comments:

- 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 905.791.7800 x7973 or by email at [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca).
- Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Site Servicing approvals are required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca).

Planning: Patrycia Menko (905) 791-7800 x3114

#### Comments:

- The subject land is located in the regulated area of the Credit Valley Conservation Authority (CVC). We rely on the environmental expertise of the CVC for the review of development applications located within or adjacent to the regulated area in Peel and their potential impacts on the natural environment. We therefore request that City staff consider comments from the CVC and incorporate their requirements appropriately. Final approval of this application requires all environmental concerns to be addressed to the satisfaction of the CVC.



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- Our review of the application does not indicate site alterations within the regulated limits of the CVC. However, given the subject site's location within an environmentally sensitive area, we still defer to the CVC for their comments.

Comments Prepared by: Patrycia Menko, Junior Planner