

City of Mississauga Department Comments

Date Finalized: 2023-10-04	File(s): A367.23 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-10-12 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a one storey addition proposing an exterior side yard setback to the addition and house of 2.32m (approx. 7.61ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 6.00m (approx. 19.69ft) in this instance.

Amendments

Zoning staff advice that the following variance appears missing:

A proposed eave overhang setback on 1.94m (approx. 6.36ft) whereas By-law 0225-2007, as amended, requires a 5.55m (approx. 18.20ft) ever overhang setback in this instance.

Background

Property Address: 1049 Edgeleigh Ave

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

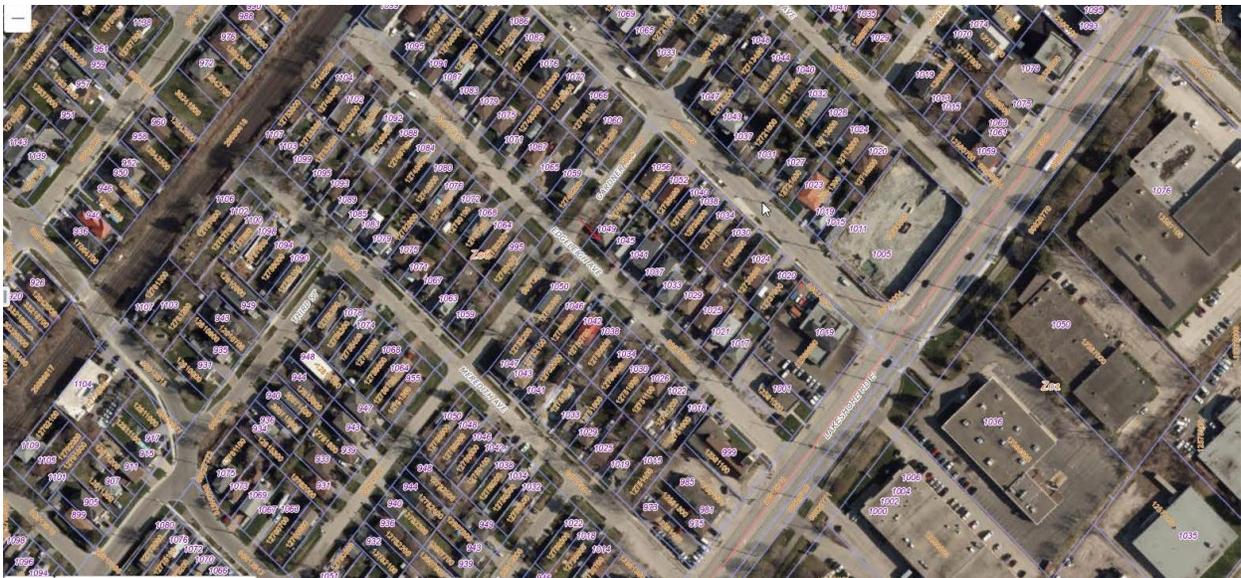
Zoning: R3-75- Residential

Other Applications: Building Permit application under file BP 9ALT 23-7740

Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, north of Lakeshore Road East. The surrounding neighbourhood consists primarily of residential uses. The residential uses consist of one and two-storey detached dwellings on lots with mature vegetation in both the front and rear yards. The subject property is a corner lot containing an existing one-storey dwelling with sparse vegetation in the front yard.

The applicant is proposing an addition requiring a variance for a side yard setback.



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:

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 (MOP). This designation permits detached, semi-detached, duplex and triplex dwellings as well as other forms of low rise dwellings with individual frontages. Section 9 of 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. The proposal represents an appropriate built form in accordance with the official plan, and the requested variance will have no significant impact to the streetscape or surrounding area context. Staff are therefore satisfied 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?

The requested variance proposes a reduction in the exterior side yard setback measured to the proposed addition. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between a structure's massing and, in this case, the public realm.

The applicant is proposing to build a one-storey addition to the existing detached dwelling in the rear yard. Since the addition is one-storey and does not require any variances for height, lot coverage or area, staff is of the opinion that the massing impact is negligible. The addition projects from the rear wall of the existing dwelling and extends 3.85m (12.8ft) into the rear yard.

The addition maintains the same width as the existing one storey detached dwelling, and has a greater exterior side setback than the existing dwelling. Lastly, staff note that the the proposed 2.32m (7.61ft) setback gradually increases along the depth of the dwelling to a maximum of 2.48m (8.2ft).

As such, staff are satisfied that the proposal is negligible from a massing perspective and will provide an adequate buffer to the public realm. The application therefore maintains the general intent and purpose of the zoning by-law.

Staff note that a review of the Building Permit application under file BP 9ALT 23-7740 by Zoning staff has revealed that a variance is missing for eave overhang setback. Zoning staff advise that the missing variance is required for Building Permit approval for the proposed addition. Staff are unable to comment if the eave overhang meets the four tests of a minor variance without confirmation of the size and setbacks in the drawings.

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

Staff are satisfied that the proposal represents appropriate development and will not have significant impacts on abutting properties or the streetscape by maintaining the existing dwelling width. The requested variance, in the opinion of staff, is minor in nature.

Notwithstanding the above comments on the requested variance, the applicant may wish to defer the application at this time to resubmit the application with any additional necessary variances and an updated drawing for review.

Comments Prepared by: Shivani Chopra, Planner in Training

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 are being addressed by our Development Construction Section through the Building Permit process, File BP 9ALT-23/7740.







Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit application under file BP 9ALT 23-7740. Based on review of the information currently available in this application, the variances, as requested are correct.

However it appears a variance is missing,

A proposed eave overhang setback on 1.94m (approx. 6.36ft) whereas By-law 0225-2007, as amended, requires a 5.55m (approx. 18.20ft) ever overhang setback 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: Brooke Herczeg, Zoning Examiner

Appendix 3 – Metrolinx

1049 Edgeleigh Ave - A367.23

Metrolinx is in receipt of the Minor Variance application for 1049 Edgeleigh Ave, to facilitate the construction of a one-storey rear extension to the existing dwelling. Metrolinx's comments on the subject application are noted below:

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

Advisory Comments:

- The Proponent is advised 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.

Comments Prepared by: Farah Faroque, Project Analyst

Appendix 4- Region of Peel

Minor Variance: A-23-367M – 1049 Edgeleigh Ave

Development Engineering: Brian Melnyk (905) 791-7800 x3602

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.

- All unutilized water and sanitary services shall be abandoned in accordance with Region of Peel design specifications. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at 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.

Comments Prepared by: Patrycia Menko, Junior Planner