

City of Mississauga Department Comments

Date Finalized: 2023-10-18	File(s): A577.22
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-10-26 1:00:00 PM

Consolidated Recommendation

The City has no objection to the application. 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 new house proposing:

1. A front yard setback of 7.39m (approx. 24.25ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.50m (approx. 24.61ft) in this instance;
2. A west interior side yard setback of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires an interior side yard setback of 1.20m (approx. 3.94ft) in this instance;
3. A west side eaves setback of 0.93m (approx. 3.05ft) whereas By-law 0225-2007, as amended, requires a minimum eaves setback of 1.36m (approx. 4.46ft) in this instance;
4. An east interior side yard setback of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.20m (approx. 3.94ft) in this instance;
5. An east side eaves setback of 0.31m (approx. 1.01ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 1.36m (approx. 4.46ft) in this instance;
6. A lot coverage of 49.59% of the lot area whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35% of the lot area in this instance;
7. A window well encroachment of 0.66m (approx. 2.17ft) whereas By-law 0225-2007, as amended, permits a maximum window well encroachment of 0.61m (approx. 2.00ft) in this instance;
8. An eaves height of 6.50m (approx. 21.33ft) whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40m (approx. 21.00ft) in this instance; and,
9. A rectangular area measured from the inside face of walls of an attached garage of 5.49m x 3.00m (approx. 19.49ft x 9.84ft) whereas By-law 0225-2007, as amended, requires 6.00m x 2.75m (approx. 19.69ft x 9.02ft) in this instance.

Background

Property Address: 1019 Ogden Ave

Mississauga Official Plan

Character Area: Lakeview Neighbourhood

Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-75-Residential

Other Applications: Preliminary Permit Application under file PreAPP 22-1284.

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. Limited landscaping and vegetative elements are present in both the front and rear yards. The residential uses found in the immediate area predominantly consist of one and two-storey detached dwellings, however two-storey semi-detached dwellings are also present.

The applicant is proposing to construct a new two-storey detached dwelling requiring variances for lot coverage, setbacks, garage dimension 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 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. The designation permits detached, semi-detached, duplex, triplex dwellings, street townhouses and other forms of low-rise dwellings with individual frontages. New housing is encouraged to fit the scale and character of the surrounding area to ensure that new development has minimal impact on adjacent neighbours regarding overshadowing and overlook. The proposed detached dwelling respects the designated land use and has regard for the distribution of massing on the property as a whole. The new development will not negatively impact the character of the streetscape. Staff are 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?

Variances #1, 2, 3, 4, 5 and 7 pertain to setbacks and a window well encroachment. The proposed setbacks represent an improvement over the existing setbacks. Furthermore, the setbacks do not create significant massing concerns, are consistent with setbacks found in the immediate area and ensure adequate access to the rear yard is maintained.

Variance #6 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 lot is undersized compared to a majority of lots found in the immediate area. Therefore, it is staff's opinion that the requested variance is required to construct a new dwelling that would be consistent with new residential infill development found on Ogden Avenue. Staff note that the dwelling's footprint itself represents 39% of the proposed lot, which is consistent with coverages found on similar lots in the immediate area. The remaining lot coverage is attributable to new covered porches and a rear walk up, which do not pose massing concerns.

Variance #8 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.

Variance #9 pertains to garage dimensions. Staff note that only the depth of 5.49m (19.49ft) requires this variance. Furthermore, it is only deficient by 11cm (4.33 inches), which is minor and negligible.

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?

Planning staff are of the opinion that the impacts created by the proposed variances are minor in nature. The proposal respects the property's designated land use and is compatible with the surrounding area context. Staff are satisfied that the proposal represents appropriate development of the subject property.

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 dwelling 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 is currently processing a Preliminary Permit Application under file PreAPP 22-1284. 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: Brooke Herczeg, Zoning Examiner

Appendix 3 – Metrolinx

1019 Ogden Ave - A577.22

Metrolinx is in receipt of the minor variance application for 1019 Ogden Ave to facilitate the construction of a new two-storey single family detached 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.

Conditions of Approval:

- 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 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, Project Analyst

Appendix 4 – Region of Peel

Minor Variance: A-22-577M / 1019 Ogden 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: Ayooluwa Ayoola, Junior Planner