

City of Mississauga Department Comments

Date Finalized: 2023-11-01	File(s): A409.23 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-11-09 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

The applicant requests the Committee to approve a minor variance to allow an addition and porch proposing:

1. An interior side yard setback to the addition of 0.74m (approx. 2.43ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.20m (approx. 3.94ft) in this instance; and,
2. A front yard setback to the porch of 5.48m (approx. 17.98ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.50m (approx. 24.61ft) in this instance.

Background

Property Address: 1066 Ogden Ave

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

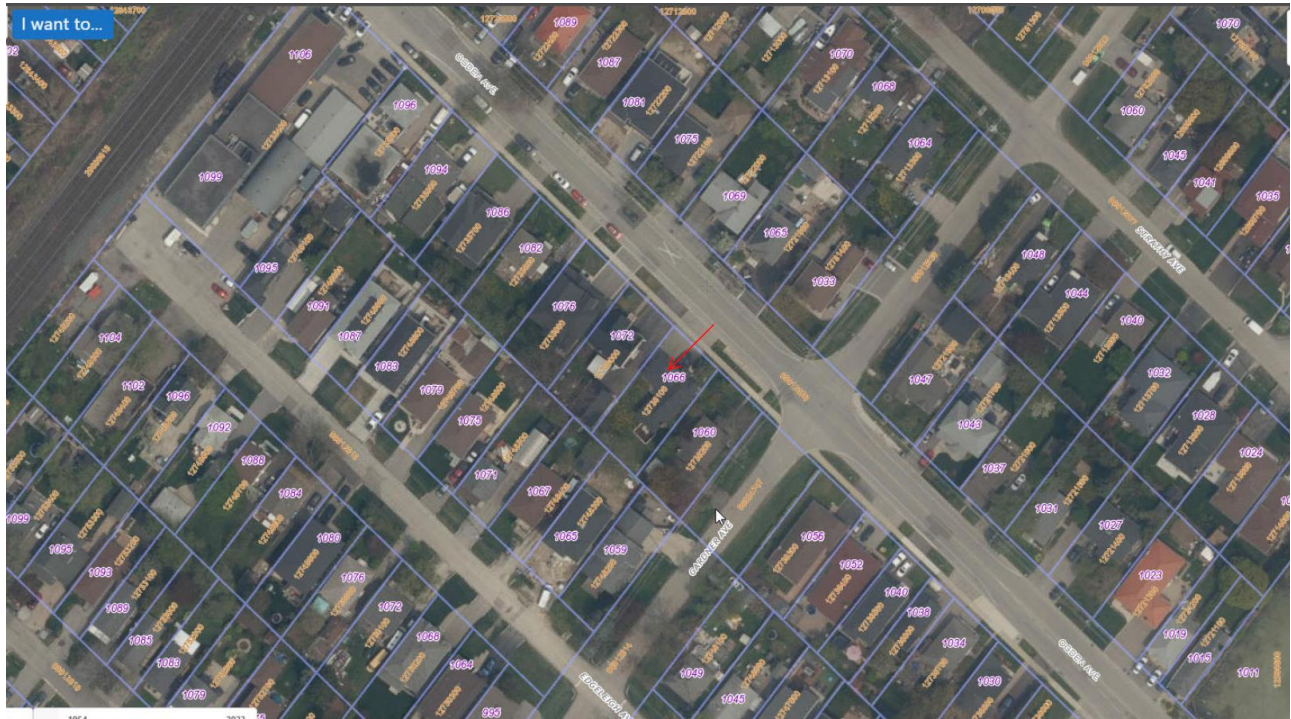
Zoning: R3-75- Residential

Other Applications: SEC UNIT 20-3581

Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, northeast of Cawthra Road and Lakeshore Road East. The neighbourhood consists of newer and older one and two-storey detached dwellings. The subject property contains an existing one-storey detached dwelling with mature vegetation in the front yard.

The applicant is proposing a front porch and rear yard addition to the principle dwelling requiring variances for side and front yard setbacks.



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 located in the Lakeview Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan. This designation permits detached, semi-detached, duplex, triplexes, street townhouses and other forms of low-rise dwellings with individual frontages.

Staff note that on January 13, 2022, the Committee of Adjustment approved a minor variance for a side yard setback of 0.1m under file A537.21. Due to the premature filing of the application

in absence of a completed zoning review, the approved variance was insufficient to address Building Permit SEC UNIT 20-3581.

Variance #1 requests relief regarding the side yard setback to the proposed addition in the rear yard and variance #2 seeks relief in the front yard setback for an existing covered porch.

Through discussions with Zoning and Building Inspection Staff, Planning staff have been made aware that construction requiring a building permit, including the front porch, has occurred without the issuance of a permit. City records indicate that the property is subject to an active Order to Comply notice for failing to obtain a Building permit for work that has occurred on site.

Zoning staff advise that additional information is required for the Building Permit application in order to verify the accuracy of the requested variances, and to determine whether additional variance(s) will be required.

Planning Staff echo these concerns and recommend the application be deferred to allow the applicant the opportunity to work with Zoning staff, in the building permit process, to identify the required variances. Once variances are identified, Planning staff recommend that the applicant discuss the proposal with Planning staff prior to resubmission of a minor variance application.

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 and porch 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 processing Building Permit application SEC UNIT 20-3581. Based on review of the information available in this application, we advise that the applicant presented a previous Minor Variance application to the Committee via A537/21. Zoning staff had advised the applicant to provide sufficient information to SEC UNIT 20-3581 for staff to finalize their analysis before the applicant advanced A537/21. The applicant proceeded with the variances

without verification from zoning staff and the approved variances were insufficient to address the non-compliance of SEC UNIT 20-3581.

The last review of the application materials for SEC UNIT 20-3581 of was on 2022-03-08. Our office is still requesting the applicant to provide precise architectural plans with detailed information to the above captioned permit.

Our office had discussions with the property owner about the concept of legal non-conforming status of the proposed cope of work. Some of the construction activity has occurred without the approval of a building permit. Both the existing alterations constructed without a permit and the proposed alterations are not legally existing. They do not benefit from legal non-conforming status nor are allowed to be constructed using the former zoning regulations for which the original house was constructed.

The prevailing Zoning By-law 0225-2007, as amended, instructs that all new construction must comply with the current Zoning By-law regulations:

2.1.8.3

If in compliance with Articles 2.1.8.1 and 2.1.8.2, and provided the use of such lot, building, structure, parking area or driveway is permitted by this By-law, the said lot, building, structure, parking area or driveway may be enlarged or altered provided that the enlargement or alteration itself complies with all applicable regulations of this By-law and does not cause further contravention to any regulation contained herein.

Zoning staff strongly recommends the applicant to provide precise architectural plans with detailed information to SEC UNIT 20-3581 for zoning staff to finalize an analysis.

Comments Prepared by: Brian Bonner, Supervisor

Appendix 3 – Metrolinx

1066 Ogden Ave - A409.23

Metrolinx is in receipt of the minor variance application for 1066 Ogden Ave to facilitate the construction of an addition and porch 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-23-409M / 1066 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