

City of Mississauga Department Comments

Date Finalized: 2024-06-05	File(s): A409.23 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-06-13 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application, as amended.

Application Details

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

1. A driveway width of 6.17m (approx. 20.24ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance;
2. A front yard setback of 4.55m (approx. 14.93ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 5.90m (approx. 19.36ft) in this instance;
3. A right side yard setback to the eaves of 0.12m (approx. 0.39ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 0.75m (approx. 2.46ft) in this instance;
4. A left side yard setback of 0.74m (approx. 2.43ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance;
5. A right side yard setback of 0.18m (approx. 0.59ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance;
6. A window well encroachment of 0.50m (approx. 1.64ft) whereas By-law 0225-2007, as amended, permits a window well encroachment of 0.59m (approx. 1.94ft) in this instance;
7. A lot coverage of 41.15% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% in this instance;
8. A setback to the centreline of the street of 17.25m (approx. 56.60ft) whereas By-law 0225-2007, as amended, requires a minimum setback to the centreline of the street of 20.00m (approx. 65.62ft) in this instance;
9. A left setback to the eaves of 0.63m (approx. 2.07ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 0.75m (approx. 2.46ft) in this instance;
10. A right side yard setback to a wall hung fire rated shutter of 0.63m (approx. 2.07ft) whereas By-law 0225-2007, as amended, requires a minimum setback 1.20m (approx. 3.94ft) in this instance; and,
11. A left side yard setback to a wall hung fire rated shutter of 1.16m (approx. 3.81ft)

whereas By-law 0225-2007, as amended, requires a minimum setback of 1.20m (approx. 3.94ft) in this instance.

Amendments

The Building Department is processing Building Permit application BP 9ALT 24-12. Based on review of the information available in this application, Zoning staff advise that following amendments are required:

2. A front yard setback to the porch of 4.55m (approx. 14.93ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback to the porch of 5.90m (approx. 19.36ft) in this instance;
3. A left side yard setback to the eaves of 0.12m (approx. 0.39ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 0.75m (approx. 2.46ft) in this instance;
4. A right side yard setback of 0.74m (approx. 2.43ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20m (approx. 3.94ft) in this instance;
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10. A left side yard setback to a wall hung fire rated shutter of 0.63m (approx. 2.07ft) whereas By-law 0225-2007, as amended, requires a minimum setback 1.20m (approx. 3.94ft) in this instance; and,
11. A right side yard setback to a wall hung fire rated shutter of 0.56m (approx. 1.84ft) whereas By-law 0225-2007, as amended, requires a minimum setback 1.20m (approx. 3.94ft) in this instance; and
12. A setback to the centreline of the street to the front porch of 15.87m (approx. 52.07ft) whereas By-law 0225-2007, as amended, requires a minimum setback to the centreline of the street to the front porch of 20.00m (approx. 65.62ft) 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

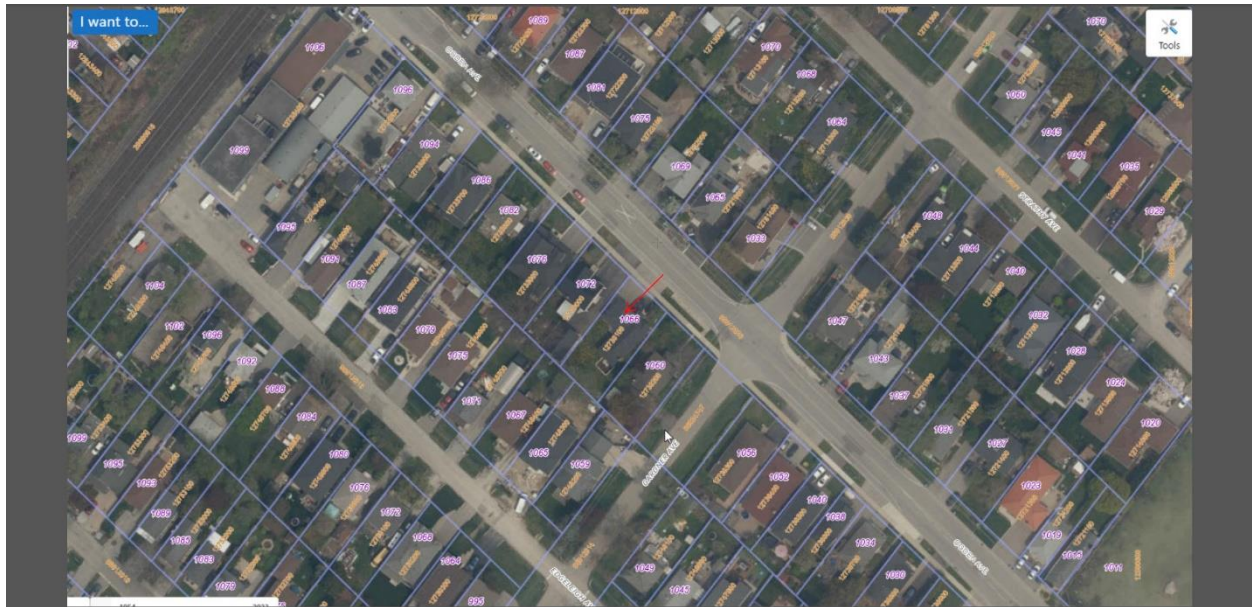
Zoning: R3-75- Residential

Other Applications: Building Permit application BP 9ALT 24-12

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 one-storey addition to the principal dwelling and the legalization of an existing front porch requiring variances for driveway width, lot coverage, window well encroachment and centreline, 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 application was deferred on November 9th, 2023 and again on April 11th, 2024, to allow the applicant an opportunity to work with Zoning staff to identify the required variances accurately through the building permit process. The applicant has worked with City staff to capture all necessary variances to legalize the existing structure as well as for the proposed one-storey addition.

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. This designation permits detached, semi-detached, duplex, triplexes, street townhouses and 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. Staff are of the opinion that the proposal represents compatible development that is in line with the planned character of the area and meets the general intent and purpose of the official plan.

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

Variance #1 requests an increase in the driveway width. The intent of this portion of the by-law is to permit a driveway large enough to suitably accommodate the required number parking spaces for a dwelling, with the remainder of lands being soft landscaping. Staff are of the opinion that the proposed width represents a minor increase of 0.17m (0.55ft) from the maximum permissible driveway width of 6m (19.69ft). Staff note the applicant is proposing to reinstate a portion of the existing driveway with sod. Staff are satisfied that the proposed driveway width will not accommodate additional parking spaces and that it maintains appropriate soft landscaping.

Variance #2, as amended, pertains to the front yard setback measured to the porch. The intent of a front yard setback is to ensure that a consistent character is maintained along the streetscape and that a sufficient front yard space is incorporated into the design of neighbourhoods. Staff note that the dwelling itself maintains a front yard setback of 6.72m (22.04ft), which is consistent with other dwellings found in the neighbourhood. The reduced front yard is required to accommodate an existing unenclosed porch. Therefore, the proposal does not pose massing concerns. Staff have no concerns with the requested variance and are of the opinion that the reduction in the front yard is minor and that adequate front yard amenity space is maintained in this instance.

Variances #3, #4, #5, #9, #10 and #11, as amended, all pertain to side yard setbacks measured to the dwelling, eaves and wall hung fire rated shutters. Variance #6 pertains to window well encroachment. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between the massing of primary structures on adjoining properties and to ensure access to the rear yard remains unencumbered. Staff note that the variances arise due to the existing position and orientation of the dwelling on the lot. The dwelling is positioned at an angle, reducing the side yard setback on the east side of the lot at a pinch point. As you move towards the rear of the property, the side yard setback increases on the east side and decreases on the west side. Staff note that on January 13, 2022, the Committee of Adjustment approved a minor variance for a side yard setback of 0.1m measured to the gable roof under file

A537.21. The current application seeks relief for the existing and proposed setbacks. Staff have no concerns regarding any massing impacts as the addition is one storey in height and is located at the back of the property. Furthermore, building permits indicate that the dwelling has existed on the subject property since the 1960s. Staff have identified similar setbacks in the immediate neighbourhood and are of satisfied that access to the rear yard remains unencumbered.

Variances #8 and #12, as amended, pertain to a reduction to the centreline of the street measured to the dwelling and the porch. The intent of this portion of the zoning by-law is to ensure that any proposed construction will not come at the expense of a potential road widening. Transportation and Works Staff have not identified any issues with the proposed setback.

Variance #7 is regarding an increase in the 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. The dwelling itself represents a lot coverage of 36.05%, with the additional lot coverage of 5.09% being attributed to the existing porch, walkout and deck. Staff are of the opinion that these elements do not pose the same massing impacts as an enclosed structure and presents negligible massing concerns. Further, no variances are requested for gross floor area and height, mitigating overdevelopment concerns.

Given the above it is the opinion of Planning staff that the application 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?

Staff are satisfied that the proposal represents appropriate development of the subject lands. It is staff's opinion that the proposal poses no massing concerns on abutting properties and that the application maintains the existing and planned context of the surrounding area. Further, staff are satisfied that the variances, both individually and cumulatively, are minor in nature as the proposal will not create any undue impacts to adjoining properties.

Comments Prepared by: Shivani Chopra, Planning Associate

Appendices

Appendix 1 – Transportation and Works Comments

Please apply previous 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 Building Permit BP 9ALT-24/12.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application BP 9ALT 24-12. Based on review of the information available in this application, we advise that following amendments are required:

2. A front yard setback to the porch of 4.55m (approx. 14.93ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback to the porch of 5.90m (approx. 19.36ft) in this instance;
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Our comments may no longer be valid should there be changes in the Committee of Adjustment application that have yet to be submitted and reviewed through the Building Division application.

To receive updated comments, the applicant must submit any changes to information or drawings separately through the above application.

Comments Prepared by: Gary Gagnier; Zoning Examiner

Appendix 3 – Region of Peel

We have no comments or objections.

Comments Prepared by: Petrele Francois, Junior Planner

Appendix 4 – Metrolinx

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