

City of Mississauga Department Comments

Date Finalized: 2024-09-04	File(s): A392.24 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-09-12 3:30:00 PM

Consolidated Recommendation

The City has no objections to Variances #1 and #2, however, recommend that Variance #2 be refused. 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 an addition of an ARU proposing:

1. A side yard setback to the interior lot line of 0.18m (approx. 0.59ft) whereas By-law 0225-2007, as amended, permits a maximum side yard setback to the interior lot line of 0.60m (approx. 1.97ft) in this instance;
2. A rear yard setback of 0.22m (approx. 0.72ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 1.80m (approx. 5.91ft) in this instance; and,
3. A second driveway from a flankage side with a width of 2.75m (approx. 9.02ft) whereas By-law 0225-2007, as amended, does not permit a second driveway in this instance.

Background

Property Address: 1243 Ogden Ave

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

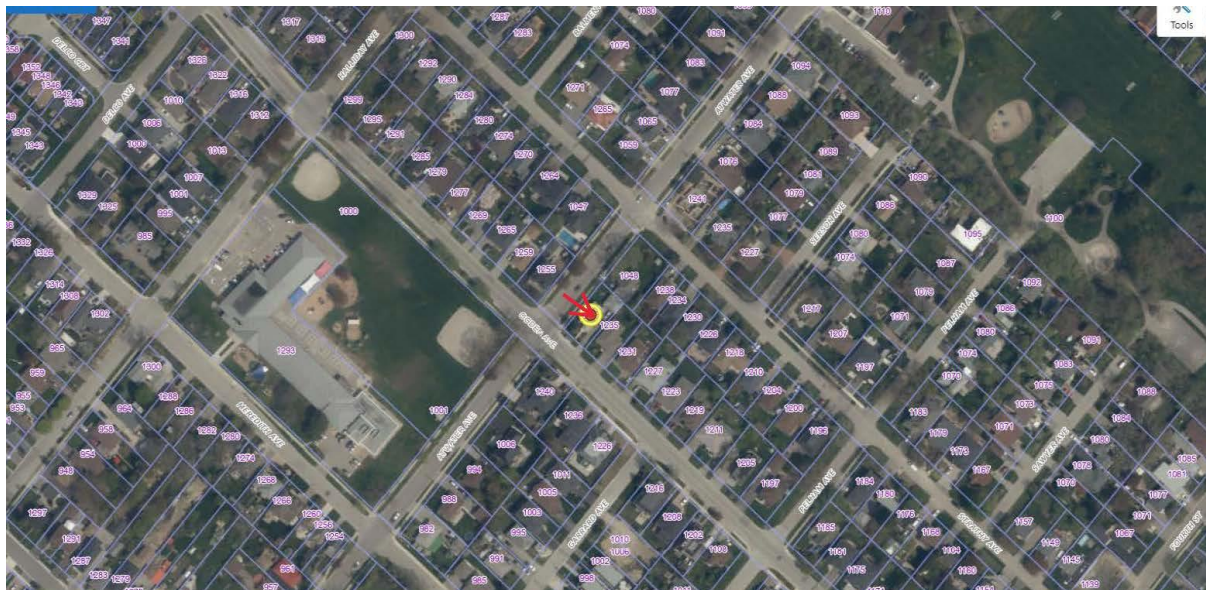
Zoning: R3-75 - Residential

Other Applications: Building Permit application SEC UNIT 24-3475

Site and Area Context

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

The applicant is proposing to convert the existing detached garage to an Additional Residential Unit (ARU) requesting variances for the rear and side yard setbacks and a second driveway access.



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.

Bill 23, *More Homes Built Faster Act*, 2022, requires official plans and zoning by-laws to permit “as of right” small-scale residential uses of up to three units per lot in areas where municipal services are available. The City is undertaking its ten year review and update of the Mississauga Official Plan (MOP). Amendments are proposed that will implement the Province’s legislative requirements and prioritize providing a broader range of gentle infill housing options within low-rise residential neighborhoods.

Planning staff are of the opinion that the proposed built form of the ARU is appropriate for the subject property and that it will not negatively impact the streetscape. Further, staff are satisfied that the proposal respects the designated and surrounding land uses. Therefore, planning staff are of the opinion that Variances #1 and #2, pertaining to the ARU, maintain the general intent and purpose of the Official Plan.

The applicant is proposing to convert the existing detached garage in the rear yard into an ARU, which has deficit side and rear yard setbacks. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between the massing of structures on adjoining properties, and that maintenance can be performed on the structures. Staff note that the setbacks represent an existing condition, and no new massing is being introduced. Further, the rear yard setback is measured to a pinch point. Staff are of the opinion that the positioning of the dwelling allows for the maintenance of the structure and provides an adequate buffer between adjoining structures.

Staff note that the ARU size regulations are based on a property’s lot size. The information provided by the applicant on the application form indicates that the existing garage that would be converted to the ARU is 3m (9.84ft) in height and 50.18 m² (540.13 ft²) in area. However, no floor plans or elevations have been provided for staff to review. While staff are unable to confirm the accuracy of the height and area, it appears the ARU maintains the provisions of the by-law in terms of size. Based on this, staff are satisfied that the lot can appropriately accommodate the proposed ARU in a manner which is clearly accessory to the main dwelling and does not impose any negative impacts on surrounding properties.

Variance #3 requests a secondary driveway with a width of 2.75m (9.02ft). The intent of limiting the number of driveways is to limit the impacts of driveways and hardscaping on the streetscape. While staff note support for the ARU, staff are of the opinion that the existing driveway accessed from Ogden Avenue is sufficient to accommodate the required parking.

Further, Transportation and Works (T&W) staff have raised concerns regarding the second access. Planning staff echo their comments and are of the opinion that an additional driveway is not appropriate in this instance.

As such, staff are satisfied Variances #1 and #2 meet the general intent and purpose of the Zoning by-law and represent orderly development of the property. However, staff are of the opinion that Variance #3 fails to meet the four tests of a minor variance application and should be refused.

Comments Prepared by: Shivani Chopra, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Our Traffic Planning Section does not support a secondary access for the subject site and cannot see the rationale for having two access points. As per the TAC Geometric Design Guide for Canadian Roads, "Single family residential properties [are] normally restricted to one driveway, irrespective of frontage."

Consistent with Traffic Engineering best practices, the number of accesses to the municipal road network are to be minimized to optimize roadway safety and efficiency, minimize vehicular and pedestrian conflict points, ensure sufficient space is available between driveways for signage/utilities/trees/other street appurtenances, maintain on-street parking spaces, clearly identify which property each driveway serves, etc. In addition, for this particular instance we cannot see the rationale for having a secondary driveway on this property.

Comments Prepared by: John Salvino, Development Engineering Technologist







Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application SEC UNIT 24-3475. Based on review of the information available in this 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 application. These comments may no longer be valid should there be changes contained within this Committee of Adjustment application that have not been submitted and reviewed through the application noted above. The applicant must submit any changes and/or updates to information and/or drawings separately through the above application in order to receive updated comments.

Comments Prepared by: Gary Gagnier; Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

The Forestry Section of the Community Services Department has no objections to the above noted minor variance application and advises as follows:

1. No public trees shall be injured or removed. If public tree injury or removal is required, a permit must be issued as per By-law 0020-2022.
2. No private trees shall be injured or removed. If a private tree with a diameter of 15 centimetres or greater on private property is to be injured or destroyed, a permit must be issued as per By-law 0021-2022.
3. Please note if a tree is identified as a shared tree with the adjacent property owner, and the applicant intends to apply for a Tree Removal Permit, written consent must be obtained by both parties.

A Tree Removal Application to Permit the Injury or Destruction of Trees on Public and Private Property can be found at <https://www.mississauga.ca/publication/application-to-permit-the-injury-or-destruction-of-trees-on-public-and-private-property/>.

Should further information be required, please contact Jamie Meston, Landscape Architect Assistant, Forestry Section, Community Services Department at 905-615-3200 ext. 4264 or via email jamie.meston@mississauga.ca.

Comments Prepared by: Jamie Meston, Landscape Architect Assistant

Appendix 4 – Region of Peel

Minor Variance Application: A-24-392M / 1243 Ogden Avenue

Development Engineering: [Brian Melnyk \(905\) 791-7800 x3602](mailto:Brian.Melnyk@peelregion.ca)

Comments:

- All residential service boxes (curb stops) shall be installed in grass areas with a minimum distance of 1.0 meter from the edge of the driveway (Region of Peel Watermain Design Criteria Standard 6.6).
- The applicant shall verify the location of the existing service connections to the subject site and the contractor shall locate all existing utilities in the field. Requests for underground locates can be made at <https://www.ontarioonecall.ca/portal/>
- For location of existing water and sanitary sewer infrastructure please contact Records by e-mail at PWServiceRequests@peelregion.ca
- 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.

- 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: Petrele Francois, Junior Planner