

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2024-11-06	File(s): A506.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 11/14/2024 12:00:00 AM

Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the application, as amended, meets the requirements of Section 45(1) of the Planning Act.

Application Details

The applicant requests the Committee to approve a minor variance to allow an enclosed deck and porch proposing an exterior side yard setback of 3.36m (approx. 11.02ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 6.00m (approx. 19.69ft) in this instance.

Amendments

The Building Department is processing Building Permit application SEC UNIT 24-3475. Based on review of the information available in this application, Zoning staff advise that following amendments are required:

1. A dwelling setback in the exterior side yard of 3.36m (approx. 11.02ft), whereas By-law 0225-2007, as amended, required a dwelling setback in an exterior side yard of 6.00m (approx. 19.69ft) in this instance; and
2. A window well setback in the exterior side yard of 2.82m (approx. 9.25 ft), whereas By-law 0225-2007, as amended, required a window well setback in an exterior side yard of 5.40m (approx.. 17.72 ft.) in this instance; and
3. An eave setback in the exterior side yard of 2.95m (approx. 9.68 ft), whereas By-law 0225-2007, as amended, required an eave setback in an exterior side yard of 5.55m (approx.. 18.21 ft.) 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 seeking to permit a front porch and deck requiring variances for 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.

The application, as amended, requests variances for exterior side yard setback measured to the front porch and deck, dwelling, window well and eaves. The intent of the side yard regulations in the by-law is to ensure that an appropriate buffer exists between structures on abutting properties and is maintained as well as ensuring access to the rear yard and drainage patterns are preserved. The proposed setback measured to the dwelling is an existing condition and the variances are consistent with the existing setbacks. Further, staff are satisfied that elements like the window well, eaves and porch do not have the same massing impacts as the dwelling and do not hinder access to the rear yard.

Planning staff note that the Transportation & Works Department have reviewed the application and do not have any concerns regarding drainage.

Through a detailed review of the application, staff are of the opinion that the application is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning nature.

Comments Prepared by: Shivani Chopra, 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 structures will be addressed 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 24-3475. Based on review of the information available in this application, we advise that following amendments are required:

1. A dwelling setback in the exterior side yard of 3.36m (approx. 11.02ft), whereas By-law 0225-2007, as amended, required a dwelling setback in an exterior side yard of 6.00m (approx. 19.69ft) in this instance; and
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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 – Parks, Forestry & Environment

Forestry Comments

The Forestry Section of the Community Services Department has reviewed 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 Technician, Forestry Section, Community Services Department at 905-615-3200 ext. 4264 or via email jamie.meston@mississauga.ca.

Comments Prepared by: Jamie Meston, Landscape Technician

Appendix 4 – Region of Peel Comments

Minor Variance Application: A-24-506M / 1243 Ogden Avenue

Development Engineering: Brian Melnyk (brian.melnyk@peelregion.ca)(905) 791-7800 x3602

Comments:

- 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 by email at siteplanservicing@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.

Comments Prepared by: Petrele Francois, Junior Planner