

City of Mississauga

Memorandum:

City Department and Agency Comments

<p>Date Finalized: 2024-11-13</p> <p>To: Committee of Adjustment</p>	<p>File(s): A500.24 Ward: 1</p>
<p>From: Committee of Adjustment Coordinator</p>	<p>Meeting date: 11/21/2024 1:00:00 PM</p>

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 the construction of a new house proposing:

1. An exterior side yard setback of 3.64m (approx. 11.94ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 6.00m (approx. 19.69ft) in this instance;
2. An exterior side yard setback to the garage of 3.84m (approx. 12.60ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback to the garage of 6.00m (approx. 19.69ft) in this instance;
3. A side yard setback to the first storey of 0.80m (approx. 2.62ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback to the first storey of 1.20m (approx. 3.94ft) in this instance;
4. A side yard setback to the second storey of 1.27m (approx. 4.17ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback to the second storey of 1.81m (approx. 5.94ft) in this instance;
5. An exterior side yard setback to a porch of 2.87m (approx. 9.42ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback to a porch of 4.40m (approx. 14.44ft) in this instance;
6. An eaves setback of 3.20m (approx. 10.50ft) whereas By-law 0225-2007, as amended, requires a minimum eaves setback of 5.55m (approx. 18.21ft) in this instance.

Amendments

The Building Department is processing Building Permit application 24-3429. Based on review of the information available in this application, Zoning staff advise that, an additional amendment is required:

7. A front yard setback to an eave of 5.40m (approx. 17.71ft) whereas By-law 0225-2007, as amended, requires a minimum eaves setback of 5.55m (approx. 18.21ft) in this instance; and,
8. A proposed lot coverage of 38% (approx. 170.0m²) whereas By-law 0225-2007, as amended, requires a maximum lot coverage of 35% (approx.156.53m²) in this instance.

Background

Property Address: 1140 Ogden Ave

Mississauga Official Plan

Character Area: Lakeview Neighborhood
Designation: Residential Low Density II

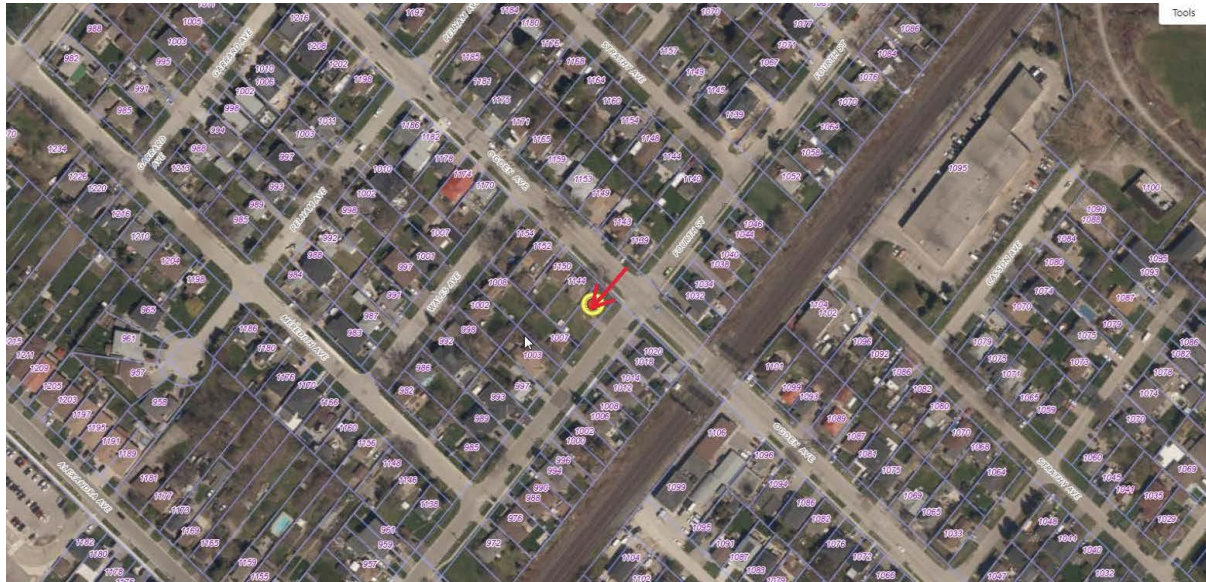
Zoning By-law 0225-2007

Zoning: R3-75 - Residential
Other Applications: Building Permit application 24-3429

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 a second storey and a rear extension requiring variances for setbacks and lot coverage.



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. 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. The proposal respects the designated and surrounding land uses. Planning staff are of the opinion that the addition is appropriate for the subject property. Planning staff are satisfied that the general intent and purpose of the official plan are maintained.

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

Variances #1-#6 pertain to setbacks. Variances #1, #2, #5 and #6 pertain to exterior side yard setbacks measured to the dwelling, garage, porch and eaves. Variances #3 and #4 pertain to side yard setbacks measured to the first and second storey. 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 the public realm, that access to the rear yard remains unencumbered, and that appropriate drainage patterns can be maintained. The proposal comprises of a second storey addition on top of the existing first storey along with a two-storey addition in the rear yard. Staff note that the proposal respects existing setbacks, and that the proposal is designed in a manner to align with the existing dwelling footprint. Staff are of the opinion that the proposed reduced setbacks do not pose massing concerns and will not impact the ability to access the rear yard. Further, Transportation and Works staff have not raised any drainage concerns.

Variance #7 pertains to front yard setback measured to the eaves. The intent of this portion of the by-law 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 the reduced front yard setback is measured to the eaves and that the dwelling itself meets the required front yard setback. Staff have no concerns with the requested variance, as it is consistent with front yards found within the immediate area. Furthermore, staff note that the reduction to accommodate the eaves is minor numerically and does not present any massing concerns that would impact the streetscape.

Variance #8 requests an increase in the lot coverage. While the site statistics provided by the applicant indicate a lot coverage of 34%, Planning staff have received confirmation from Zoning staff that this calculation is incorrect and that the lot coverage calculation provided excludes the eave overhang. Further, zoning staff have confirmed that the overage is attributed to the eaves overhang portion along the exterior side yard. 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 are of the opinion that these elements like eaves do not pose the same massing impacts as an enclosed structure. Further, no variances are requested for gross floor area or height. Staff are satisfied that the requested increase in the overall lot coverage does not represent an overdevelopment of the lot.

Given the above, staff are satisfied that the variances meet 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?

Planning staff are of the opinion that the proposal represents appropriate development of the subject property. Staff are satisfied that the proposal is compatible with the existing scale and character of the surrounding community. The variance is minor in nature and will not create any additional impacts to abutting properties when compared to as of right permissions.

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 dwelling will be addressed by our Development Construction Section through Building Permit BP 9NEW-24/3429.

Comments Prepared by: John Salvino, Development Engineering Technologist







Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application 24-3429. Based on review of the information available in this application, we advise that, an additional amendment is required:

7. A front yard setback to an eave of 5.40m (approx. 17.71ft) whereas By-law 0225-2007, as amended, requires a minimum eaves setback of 5.55m (approx. 18.21ft) in this instance; and,
8. A proposed lot coverage of 38% (approx. 170.0m²) whereas By-law 0225-2007, as amended, requires a maximum lot coverage of 35% (approx. 156.53m²) in this instance.

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: Andrea Patsalides, 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 Permit Application, written consent must be obtained by both parties.

An 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/>.

Additionally, Forestry notes that the construction works affiliated with this application may impact the following City owned/boundary trees. Care should be taken to protect the below noted trees as best as possible:

- Silver Maple: 77cm DBH, fair condition, minimum Tree Protection Zone (TPZ) 4.8m, located northeast of proposed second floor addition (along Ogden Ave.), boundary tree.
- Silver Maple: 87cm DBH, good condition, minimum Tree Protection Zone (TPZ) 5.4m, located northeast of proposed second floor addition (along Ogden Ave.), boundary tree.
- Silver Maple: 51cm DBH, fair-poor condition, minimum Tree Protection Zone (TPZ) 3.6m, located southeast of proposed second floor addition (along Fourth St.), City tree.
- Silver Maple: 23cm DBH, good-fair condition, minimum Tree Protection Zone (TPZ) 1.8m, located southwest of proposed addition (along Fourth St.), City tree.

If necessary, Tree Protection Hoarding for City trees shall be installed as per By-law 0020-2022. Any public tree injuries and/or removals need to apply for Tree Application Permits as noted in Item 1. As per this By-law, no person shall perform any work within a TPZ without a valid permit.

For privately owned trees to be protected, and where necessary, Tree Protection Hoarding shall be installed as per By-law 0021-2022. Any private tree injuries and/or removals (for trees 15cm DBH or greater) need to apply for Tree Application Permits as noted in Item 2.

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-24-500M / 1140 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.

Note: Petrele Francois (petrele.francois@peelregion.ca)(905) 791-7800 x3356

- Please be advised that part of the subject lands is located within the regulated area of the Credit Valley Conservation Authority (CVC). We request that City staff consider comments from the CVC and incorporate their conditions of approval appropriately.

Comments Prepared by: Petrele Francois, Junior Planner

Appendix 6- CVC Comments

The subject property at 1140 Ogden Avenue in Mississauga does not contain any floodplains, watercourses, shorelines, wetlands, valley slopes or other environmental features of interest to Credit Valley Conservation (CVC). Furthermore, the property is not subject to Ontario Regulation 41/24, (the Prohibited Activities, Exemptions, and Permits Regulation) or to the policies of CVC at this time.

Please let me know if you have any questions or concerns.

Comments Prepared by: Stuti Bhatt, Junior Planner

Appendix 7 – Metrolinx

Metrolinx is in receipt of the Minor Variance application for 1140 Ogden Ave to construct a new dwelling as circulated on October 23rd, 2024, and to be heard at Public Hearing on November 21st, 2024, at 1:00 PM. 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.

GO/HEAVY-RAIL – 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.

Should you have any questions or concerns, please contact Farah.Faroque@metrolinx.com.

Comments Prepared by: Farah Faroque, Project Analyst, Third Party Project Review