

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2025-01-23	File(s): A569.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:1/30/2025 1:00:00 PM

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 meets the requirements of Section 45(1) of the Planning Act. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

Application Details

The applicant requests the Committee to approve a minor variance to allow for a shed in the rear yard proposing:

1. A rear yard setback to an accessory structure of 0.50m (approx. 1.64ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback to an accessory structure of 0.61m (approx. 2.00ft) in this instance;
2. A side yard setback to an accessory structure of 0.35m (approx. 1.15ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback to an accessory structure of 0.61m (approx. 2.00ft) in this instance; and,
3. An accessory structure area of 13.00sq m (approx. 139.93sq ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 10.00sq m (approx. 107.64sq ft) in this instance.

Background

Property Address: 1407 Ogden Ave

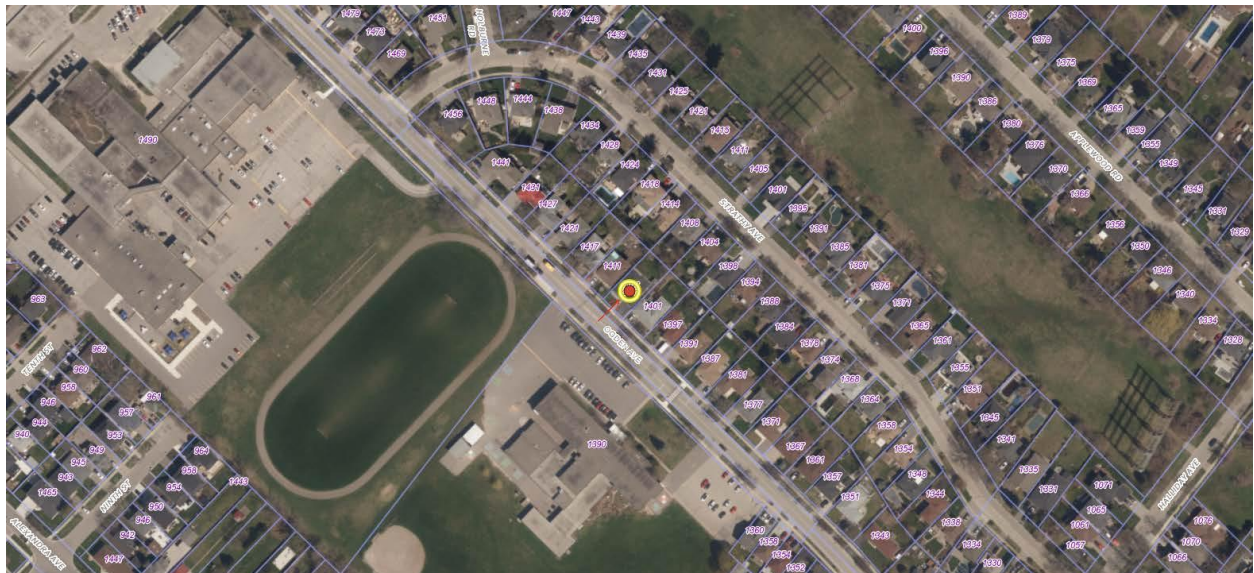
Mississauga Official Plan

Character Area: Lakeview Neighborhood
Designation: Residential Low Density II

Zoning By-law 0225-2007**Zoning: R3-75 - Residential****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 an attached garage along with mature vegetation in the front yard. The property faces Allan A. Martin Public School, across Ogden Avenue.

The applicant is proposing an accessory structure requesting variances for rear yard setback, side yard setback and accessory structure area.



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 (MOP). This designation permits detached, semi-detached, duplex, triplexes, street townhouses and other forms of low-rise dwellings with individual frontages.

Variances #1 and #2 seek to reduce the rear and side yard setbacks measured to the existing accessory structure (shed). Variance #3 pertains to an accessory structure area. The general intent in regulating accessory structure setbacks is to ensure that an adequate buffer exists between the massing of structures on adjoining properties, that maintenance can be performed on the structures, and that appropriate drainage patterns can be maintained.

Furthermore, that the structures are proportional to the lot and dwelling and clearly accessory while not presenting any massing concerns to neighbouring lots.

Staff are satisfied that the reduced setbacks will not impact the ability to perform any required maintenance on the structure. Staff note that the structure represents approximately 2.3% of the total lot area and is clearly accessory to the primary structure on the property. Staff are satisfied that any massing impacts on abutting properties are minor in nature. Staff also note that no variance is requested for accessory structure height, mitigating any massing concerns. Lastly, the Transportation & Works Department has reviewed the application and note no drainage concerns.

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.

Notwithstanding the above comments on the requested variances, staff note that through a site visit, it appears that there is an additional canopy structure not been depicted on the site plan sketch submitted. As such, staff are unable to comment if the structure meets the four tests of a minor variance. The applicant may wish to defer the application at this time to resubmit the application with any additional necessary variances and more information for review.

Comments Prepared by: Shivani Chopra, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed please find pictures of the existing shed. Considering the existing grading on site and the higher elevation of the property to the rear, we have no drainage concerns.

Comments Prepared by: John Salvino, Development Engineering Technologist







Appendix 2 – Zoning Comments

In the absence of a Development application we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed. The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

For scope of work that does not require Site Plan Approval/Building Permit/Zoning Certificate of Occupancy Permit, the applicant may consider applying for a Preliminary Zoning Review application. A detailed site plan drawing and architectural plans are required for a detailed zoning review to be completed. A minimum of 6-8 weeks is required depending on the complexity of the proposal and the quality of information submitted.

Comments Prepared by: Emily Majeed, Planner-in-Training

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

We have no comments or objections.

Comments Prepared by: Petrele Francois, Junior Planner