

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2025-02-06	File(s): A605.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2/13/2025 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application, subject to the amendments.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of an addition proposing:

1. 0 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 2 parking spaces in this instance;
2. A front yard softscape of 28.7% of the front yard area whereas By-law 0225-2007, as amended, requires a minimum front yard softscape of 40% of the front yard area in this instance;
3. An eave height of 6.87m (approx. 22.54ft) whereas By-law 0225-2007, as amended, permits a maximum eave height of 6.40m (approx. 21.00ft) in this instance;
4. An westerly side yard measured to the second storey of 0.48m (approx. 1.57ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the second storey of 1.81m (approx. 5.94ft) in this instance;
5. An easterly side yard measured to the first and second storeys of 1.27m (approx. 4.17ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the first and second storeys of 1.81m (approx. 5.94ft) in this instance;
6. An easterly side yard measured to the balcony of 0.63m (approx. 2.07ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the balcony of 1.81m (approx. 5.94ft) in this instance;
7. A walk out located in the front of the building whereas By-law 0225-2007, as amended, does not permit a walk out in the front of the building in this instance;
8. A front yard of 2.74m (approx. 8.99ft) whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m (approx. 24.61ft) in this instance;
9. A front yard measured to the eaves of 1.37m (approx. 4.49ft) whereas By-law 0225-2007, as amended, requires a minimum front yard measured to the eaves of 7.05m (approx. 23.13ft) in this instance;

10. A front side yard measured to a balcony of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the balcony of 1.81m (approx. 5.94ft) in this instance; and

11. A setback to hardscaping of 0.0m whereas By-law 0225-2007, as amended, requires a minimum setback to hardscaping of 0.61m (approx. 2.00ft) in this instance; and

12. A side yard measured to a driveway of 0.0m whereas By-law 0225-2007, as amended, requires a minimum side yard measured to a driveway of 0.60m (approx. 1.97ft) in this instance.

Amendments

The Building Department is processing Building Permit application SEC UNIT 24-4290 for an addition to the existing dwelling. Based on review of the information available in this application, we advise that variances #2, 5, 7, 11 and 12 are no longer required.

The following amendments are required:

6. An westerly side yard measured to the balcony of 0.48m (approx. 1.57ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the balcony of 1.81m (approx. 5.94ft) in this instance;

8. A front yard of 1.45m (approx. 4.76ft) whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m (approx. 24.61ft) in this instance;

The following additional variance is required:

13. A front yard measured to front porch stairs of 0.44m (approx. 1.44ft) whereas By-law 0225-2007, as amended, requires a minimum front yard measured to front porch stairs of 5.90m (approx. 19.36ft) in this instance;

Background

Property Address: 1085 Meredith Ave

Mississauga Official Plan

Character Area: Lakeview Neighbourhood

Designation: Residential Low Density II

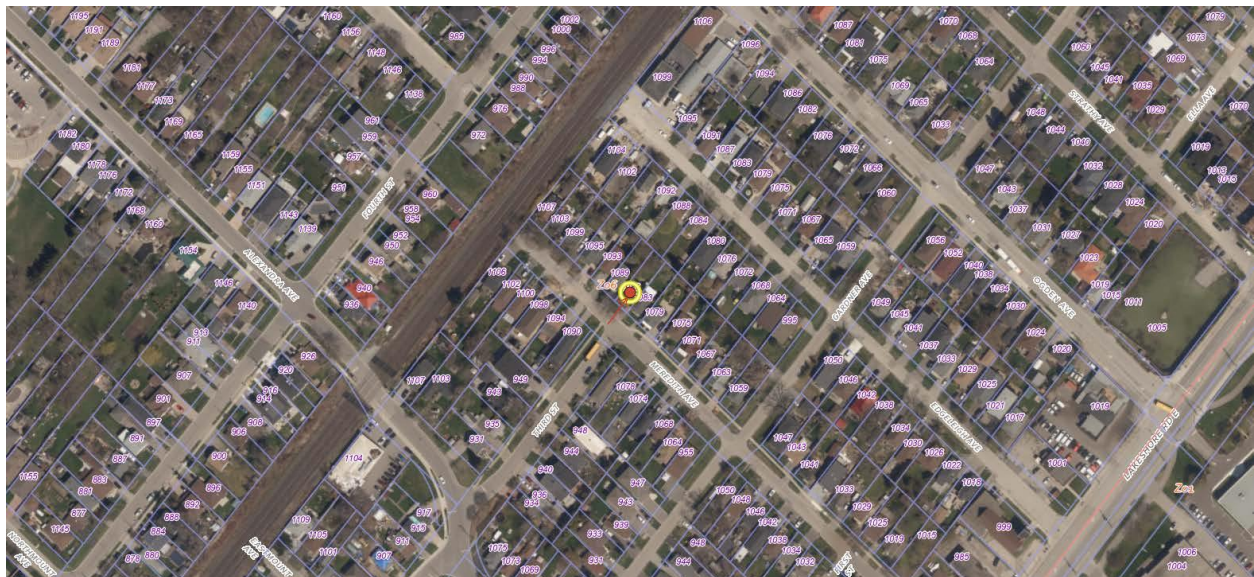
Zoning By-law 0225-2007

Zoning: R3-75 - Residential

Other Applications: SEC UNIT-24/4290**Site and Area Context**

The subject property is located north-west of the Lakeshore Road East and Ogden Avenue intersection in the Lakeview Neighbourhood Character Area. It has an approximate lot frontage of $\pm 9.14\text{m}$ (29.98ft) and a lot area of $\pm 318.07\text{m}^2$ (1043.53ft²). Currently the property contains a single storey detached dwelling and features a mature tree in both the front and rear yard. Immediately north of the subject property is the railway corridor. The surrounding vicinity contains predominantly residential uses consisting of detached dwellings on similarly sized lots. Further south of the subject property is the Lakeshore Road East corridor that contains mainstreet commercial uses and will be serviced by the incoming Lakeshore Bus Rapid Transit system that has completed the Environmental Assessment and is currently in the design phase.

The applicant is proposing to construct a second storey addition requiring variances for parking spaces, eaves height, side yard setbacks to the second storey and balcony respectively and front yard setback measured to the dwelling itself, the eaves, a second storey balcony and porch stairs.

**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:

Upon initial review of the application, planning staff had concerns regarding the proposed basement walkout in the front yard and the associated variances being sought. The applicant has since redesigned the proposal to relocate the basement walkout to a porch with an entrance into the principle residence. Revised drawings and amendments were submitted by the applicant to the Committee of Adjustment office dated January 30th. As such, variances pertaining to soft landscaping, a walk out, eastern side yard setback to the first and second storey, driveway and hardscaping setbacks no longer required. Planning staff have reviewed the revised design and have provided comments based on the amended variances.

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject property is located within the Lakeview Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). The Residential Low Density II designation permits detached dwellings; semi-detached dwellings; duplex dwellings; and, triplexes, street townhouses, and other forms of low-rise dwellings with individual frontages. Section 9 of the 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 note that the proposed second storey addition is compatible with existing built form located in the vicinity and maintains the planned character of the area. Planning staff are of the opinion that the proposed addition is appropriate for the subject property and will not negatively impact the streetscape.

Given the existing conditions and surrounding area of the dwelling, staff are satisfied that the proposal maintains the general intent and purpose of the official plan.

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

Staff note that variance #1 requests the Committee to approve 0 parking spaces on site, whereas the Zoning By-law requires 2 parking spaces wholly contained on site. Currently, the one storey existing dwelling contains a driveway that is located mostly within the City's right-of-way that extends on site and leads to a driveway that is situated along the southerly property line, adjacent to the existing dwelling. Based on a site visit and in view of images of the existing conditions, it appears that the property owner is able to park a car within the existing portion of the driveway that is adjacent to the dwelling, in addition to the space that is within the right-of-way. Based on the submitted drawings of the new addition, it appears that the driveway space adjacent to the dwelling will be maintained, as the proposal largely maintains the existing dwelling footprint and will extend further into the property. The driveway portion located within the right-of-way is intended to remain as well.

Despite the demonstrated ability to fit a car within the portion of the driveway along the side of the dwelling and within the right-of-way, Zoning does not consider these areas as formal parking spaces as per the Zoning By-law and as such, the subject variance is required. Due to this

interpretation by Zoning staff, Planning staff note that Municipal Parking comments suggest that parking justification is required to support the requested reduction in parking. While Planning staff recognize this request, we are recommending approval of the variance for the following reasons:

- The driveway configuration is an existing condition and is a condition that exists on similar lots with older, one storey bungalow dwellings that are situated close to the front property line within the surrounding neighbourhood.
- The addition is to the second storey of the existing dwelling and the current foundation and footprint will be maintained, preserving the existing driveway portion that is adjacent to the house and allowing an on site ability for vehicular parking.
- There is an ability to accommodate the parking of vehicles within the driveway portion that is adjacent to the house along the southerly property line.

Variance #3 pertains to eave height. The intent in restricting height to the eaves is to lessen the visual massing of dwelling by lowering the overall pitch of the roof and bringing the edge of the roof closer to the ground. This keeps the overall height of the dwelling within human scale. Staff are satisfied that the proposed increase of 0.47m (1.54ft) is minor numerically. Staff note that the overall height of the dwelling is within the by-law requirement. Further, staff are satisfied the increase will be negligible and that incorporation of architectural features like varying materials and windows in the dwelling design further mitigates any massing impacts.

Variances #4 and 6 pertain to reductions in the eastern side yard setbacks for the second storey and balcony respectively. The general intent of the side yard regulations in the by-law, in this instance, is to ensure that an adequate buffer exists between the massing of primary structures on adjoining properties. Staff note that first storey side yard setback is an existing condition, the applicant is proposing to align the second storey addition to the existing dwelling. Further, the balcony setback is recessed from the overall setback of the second storey, minimizing potential impacts. Staff are satisfied the proposed setbacks provide an adequate buffer between the massing of primary structures and have limited impacts on adjoining properties given existing conditions.

Variances #8, #9, #10 and #13, as amended, pertain to the front yard setback measured to the dwelling itself, the eaves, a second storey balcony and porch stairs. 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 front yard setback is an existing condition, which is consistent with other dwellings found in the immediate neighbourhood included Meredith Ave, Edgeleigh Ave, Ogden Ave and Strathy Ave. The reduced front yard is required to accommodate an existing unenclosed porch with stairs. The proposed stairs extend about 2 steps closer to the front lot line from what is currently existing on the property. The additionally 2 steps do not significantly impact the front yard amenity space, and it is consistent with dwellings in the surrounding neighbourhood given existing conditions. The proposed second storey balcony projects slightly from the proposed covered porch, but not beyond the stairs creating a layered design, which helps reduce massing impacts. Upon review of the neighbourhood, similar balconies can be found in the immediate neighbourhood. The proposed balcony does not impede on front yard amenity space, given that it is proposed on the second storey. It is in staffs' opinion that the proposal does not pose significant massing concerns. Staff have no concerns with the requested variances and are of

the opinion that the reduction in the front yard is an existing condition that keeps in mind the existing character of the immediate neighbourhood.

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. Staff are of the opinion 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: Sara Ukaj, Planning Associate

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 SEC UNIT-24/4290.

We note that the drainage configuration for this lot is 'front to back'. The applicant is advised that through the Building Permit process, the Development Construction Technologist will be visiting the site (before and after construction) to ensure that the drainage on site will not impact any of the adjacent lots. Specifically because of the construction of the concrete walkway along the side of the dwelling at a zero lot line setback. The walkway must be flush with the existing ground, not elevated in any manor.

Comments Prepared by: John Salvino, Development Engineering Technologist



Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application SEC UNIT 24-4290. Based on review of the information available in this application, we advise that variances #2, 5, 7, 11 and 12 are no longer required. Following amendments are required for variances #6 and 8:

6. An westerly side yard measured to the balcony of 0.48m (approx. 1.57ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to the balcony of 1.81m (approx. 5.94ft) in this instance;

8. A front yard of 1.45m (approx. 4.76ft) whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m (approx. 24.61ft) in this instance;

Additional variance is required as follows:

- A front yard measured to front porch stairs of 0.44m (approx. 1.44ft) whereas By-law 0225-2007, as amended, requires a minimum front yard measured to front porch stairs of 5.90m (approx. 19.36ft) 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: Alana Zheng, Supervisor Zoning Examination

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 – Municipal Parking

A – 605/24 With respect to Committee of Adjustment application 'A' 605/24, 1085 Meredith Avenue, the Applicant is requesting the Committee to approve a minor variance to allow the construction of an addition proposing:

- 0 parking space whereas By-law 0225-2007, as amended, requires a minimum of 2 parking spaces in this instance.

Per the submitted application materials, the driveway of this property is located mostly outside of property boundaries; the driveway is mainly in the municipal right-of-way. Although a driveway would constitute space for cars to park, these spaces are considered not to be in compliance with the City's Zoning By-law.

The proposal is for a second storey addition as well as an additional residential unit (ARU) in the basement. As per Zoning's confirmation, there is no parking requirement for the ARU and as such this is not included in the property's parking requirement. However, the primary house is in deficiency for the parking spaces that are required as per the City's Zoning By-law. Staff note, there is no on-street parking available on Meredith Avenue; majority of the street also prohibits parking at anytime as per the City's Traffic By-law.

The Applicant has not provided satisfactory justification to support the proposed parking reduction per the Parking Terms of Reference. Municipal Parking staff recommend the application be deferred pending the submission of the required justification. The Applicant should confirm the terms of reference requirements with staff prior to re-submission.

In lieu of seeking a parking reduction, Municipal Parking staff encourage the Applicant to make an attempt to accommodate the two by-law required parking spaces for the primary house within the limits of the site.

Comments Prepared by: Paulina Armacinski, Transportation Planner

Appendix 5 – Region of Peel Comments

- 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.
- 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.

Comments Prepared by: Petrele Francois, Junior Planner

Appendix 6 – Metrolinx

Metrolinx is in receipt of the Minor Variance application for 1085 Meredith Avenue to allow the construction of an addition to the existing building in which will accommodate for a second unit in the basement, as circulated on January 9th, 2025, and to be heard at Public Hearing on

February 13th, 2025, at 1:00 PM. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m, adjacent to, 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 jenna.auger@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 unit:
 - **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 jenna.auger@metrolinx.com.

Comments Prepared by: Jenna Auger, Third Party Project Review