

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-07-08	File(s): A251.21 Ward 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-07-15 1:00 PM

Consolidated Recommendation

The City recommends that the application be refused.

Application Details

The applicant requests the Committee to approve a minor variance to allow two driveways on the subject property whereas By-law 0225-2007, as amended, permits a maximum of one driveway in this instance.

Amendments

"[Enter amendments to variances]"

Recommended Conditions and Terms

"[Enter terms and conditions here]"

Background

Property Address: 2075 Autumn Breeze Drive South

Mississauga Official Plan

Character Area: Cooksville Neighbourhood (West)
Designation: Residential Low Density I & Greenlands

Zoning By-law 0225-2007

Zoning: R1-7 - Residential

Other Applications: SPI 19-147**Site and Area Context**

The subject property is located in the Cooksville Neighbourhood Character Area, north-west of the Hurontario Street and QEW interchange. It is a corner property with a slope leading towards Mary Fix Creek, which runs through the rear of the property. The property currently contains a one storey detached dwelling, which is proposed to be demolished and replaced with a two storey dwelling, and mature vegetation in both the front and rear yards. The surrounding area contains a mix of one and two storey dwellings with significant mature vegetation in both front and rear yards and varying lot sizes. The subject property has an area of +/- 1,714.47m² and a frontage on Autumn Breeze Drive South of +/- 30.48m.

The applicant is proposing to construct a new dwelling with two driveways on the property, one from Autumn Breeze Drive South and the other from Harborn Road.

**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 property is located in the Cooksville Neighbourhood West Character Area (Special Site 4) and is designated Residential Low Density I and Greenlands in the Mississauga Official Plan (MOP). The entirety of the proposal is situated on the Residential Low Density I portion of the property, which only permits detached dwellings in this character area. Section 9.1 of the MOP states that sites being developed, including their driveways, should respect the identity and character of the surrounding context. While circular driveways are present in the immediate area, no other property in the immediate area appears to contain 2 distinct and separate driveways. Staff are of the opinion that the proposal does not maintain the general intent and purpose of the Official Plan.

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

The intent of driveway provisions within the by-law are to ensure sufficient parking can be provided for the intended use of the property while not overburdening the property with excessive hardscaping. This limiting of hardscaping is the intent behind section 4.1.9.1.2 of the Zoning By-law, which only permits a maximum of one driveway per lot. This policy works in tandem with the provision allowing a maximum of one garage per lot. Furthermore, while the property does possess the frontage to permit a circular driveway, the regulations state that a circular driveway must only be located in one yard and permit a maximum combined width of access points of 8.5m. The proposed driveways meet neither of these requirements if they were connected. Given the above the proposal does not 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?

The proposal, in its current form, creates hardscaping in more locations on the subject property than the by-law contemplates and creates two entirely separate driveways, giving the impression of two separate dwelling units. Staff are of the opinion that the proposed driveways do not represent desirable or appropriate development of the subject property and that the variance is not minor in nature.

Conclusion

The Planning and Building Department recommends that the application be refused.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This department does not support the request to allow two driveways on the subject property. The Site Plan circulated indicates that the proposed 4.0M access onto Harborn Road narrows down to a walkway width that exceeds the by-law requirement. This proposed access would not service a garage fronting onto Harborn Road and it appears that it would be utilized as a parking pad within a municipal right-of-way. A walkway on private property leading to a parking pad within city property should not be supported. We also note that the existing asphalt driveway on Harborn Road should be removed and re-instated.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

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Appendix 2 – Zoning Comments

The Building Department is currently processing a site permit application under file SPI 19-147 W7. Based on review of the information currently available in this permit application, the variances, as requested are correct.

We also advise that more information is required in order to determine whether additional variance(s) will be required.

Please note that comments reflect those provided through the above site plan application submitted on 2019/12/13 and should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the application file noted above, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments.

Comments Prepared by: Jeanine Benitez, Zoning Examiner

Appendix 5 – Region of Peel Comments

Minor Variance Application: A-251/21

Development Planning: Diana Guida (905) 791-7800 x8243

Please be advised that a portion of the subject property is located within the limits of the regulated area of the Credit Valley Conservation (CVC).

The Region relies on the environmental expertise of the CVC for the review of development applications located within or adjacent to this regulated area in Peel and their potential impacts on the natural environment. Regional Planning staff therefore, request that the Committee and city staff consider comments from the CVC and incorporate their conditions of approval appropriately.

Comments Prepared by: Diana Guida, Junior Planner

Appendix 6- Conservation Authority Comments

Credit Valley Conservation (CVC) staff have reviewed the subject application and offer comments based on the following roles and responsibilities:

1. Watershed Based Resource Management Agency and Public (commenting) Body under the *Planning Act* - providing comments based on CVC's Board approved policies;

2. Planning Advisory Services - providing environmental planning and technical advice/comments based on service agreements or memorandum of understanding;
3. Delegated Responsibilities – providing comments representing the provincial interest regarding natural hazards (except forest fires) as identified in Section 3.1 of the *Provincial Policy Statement (2020)*;
4. Regulatory Responsibilities – providing comments to ensure the coordination of requirements under the *Conservation Authorities Act Section 28 regulation*, to eliminate unnecessary delay or duplication in process;
5. Source Protection Agency – providing advisory comments to assist with the implementation of the *CTC Source Protection Plan* under the *Clean Water Act*, as applicable.

SITE CHARACTERISTICS:

The subject property is traversed by Mary Fix Creek and its floodplain and valley slope. In addition, the property appears to be located within the City of Mississauga's Natural Heritage System and Credit River Watershed NHS. It is the policy of CVC and the Province of Ontario to conserve and protect the significant physical, hydrological and biological features associated with the functions of the above noted characteristics and to recommend that no development be permitted which would adversely affect the natural features or ecological functions of these areas.

ONTARIO REGULATION 160/06:

The property is subject to the Development, Interference with Wetlands, and Alterations to Shorelines & Watercourses Regulation (Ontario Regulation 160/06). This regulation prohibits altering a watercourse, wetland or shoreline and prohibits development in areas adjacent to the Lake Ontario shoreline, river and stream valleys, hazardous lands and wetlands, without the prior written approval of CVC (i.e. the issuance of a permit).

PROPOSAL:

It is our understanding that the applicant requests the Committee to approve a minor variance to allow two driveways on the subject property whereas By-law 0225-2007, as amended, permits a maximum of one driveway in this instance.

COMMENTS:

Based on the review of the information, CVC staff note that the Site Plan (last revised February 4, 2020) appears to inaccurately identify the Regulatory Floodline (98.27m), of which the existing driveway appears to encroach. Please ensure that there are no changes to the existing grade proposed within the floodplain to prevent impacts to the floodplain. CVC staff are currently reviewing a Site Plan application (SP 19/147) for the proposed development and any CVC concerns will be addressed during the site plan approval process.

As such, CVC staff have **no concerns** and **no objection** to the approval of this minor variance by the Committee at this time.

It should be noted that a CVC permit will be required for the proposed development.

Please circulate CVC any future correspondence regarding this application.

Comments Prepared by: Elizabeth Paudel, Junior Planner

Appendix 7 – Trans-Northern Pipelines Inc

Thank you for providing Trans-Northern Pipeline Inc. (TNPI) with the committee of adjustment agenda for the proposed development to allow two driveways on the subject property. TNPI currently operates a high-pressure petroleum products transmission pipeline within a 60 foot right of way on the property southeast and adjacent side to the proposed development relating to 2075 Autumn Breeze Drive South.

TNPI has no concerns with the proposed development as it is outside of the Prescribed Area (30m) and outside of our right-of-way. Please note, any development plans within the right-of-way will require a permit which can be requested by following the steps described near the end of this response.

Please note that, Trans-Northern is regulated by the Canada Energy Regulator. Section 335 (1) and (2) of the Canadian Energy Regulator Act, provides that:

- *It is prohibited for any person to construct a facility across, on, along or under a pipeline or engage in an activity that causes a ground disturbance within the prescribed area unless the construction or activity is authorized or required by the orders made under subsection (3) or (4) or regulations made under subsections (5) or (6) and done in accordance with them.*
- **Prohibition — vehicles and mobile equipment**

It is prohibited for any person to operate a vehicle or mobile equipment across a pipeline unless

- *(a) that operation is authorized or required by orders made under subsection (3) or (4) or regulations made under subsections (5) or (6) and done in accordance with them; or*
- *(b) the vehicle or equipment is operated within the travelled portion of a highway or public road.*

If there is to be development (not discovered in this review) within the 30 metres prescribed area additional steps will be required. Additionally, should the applicant propose to cross the pipeline with a vehicle or construct a facility across, on, along or under the pipeline, the applicant would be required to contact TNPI prior to commencement of their work to receive the required authorization. This process can be initiated through Ontario One Call (1-800-400-2255). A representative from TNPI will attend on site mark the pipeline location, confirm safe work practices, and advise of any permit requirements.

Should the applicant require further information on the technical requirements related to ground disturbance or crossing of the pipeline, they may contact Sandrine Exibard-Edgar, Team Lead, Property Administrator via email at: crossingrequestseast@tnpi.ca.

As always, Trans-Northern Pipeline Inc. appreciates being circulated development applications.

Comments Prepared by: Renee Flowerday, Property and Right of Way Administrator