

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-08-04	File(s): A171.21 Ward 3
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-08-12 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application.

Application Details

The applicant requests the Committee to approve a minor variance to allow a widened driveway proposing a driveway width of 7.77m (approx. 25.50ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance.

Amendments

The Zoning Section advises that the variance should be amended as follows:

1. A driveway width of 11.72m whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance

They also recommend that the following variance be added:

2. Insufficient soft landscape area within the front yard of 36.39%, whereas By-law 0225-2007, as amended, requires a minimum soft landscape area of 40%.

Background

Property Address: 4050 Westminster Place

Mississauga Official Plan

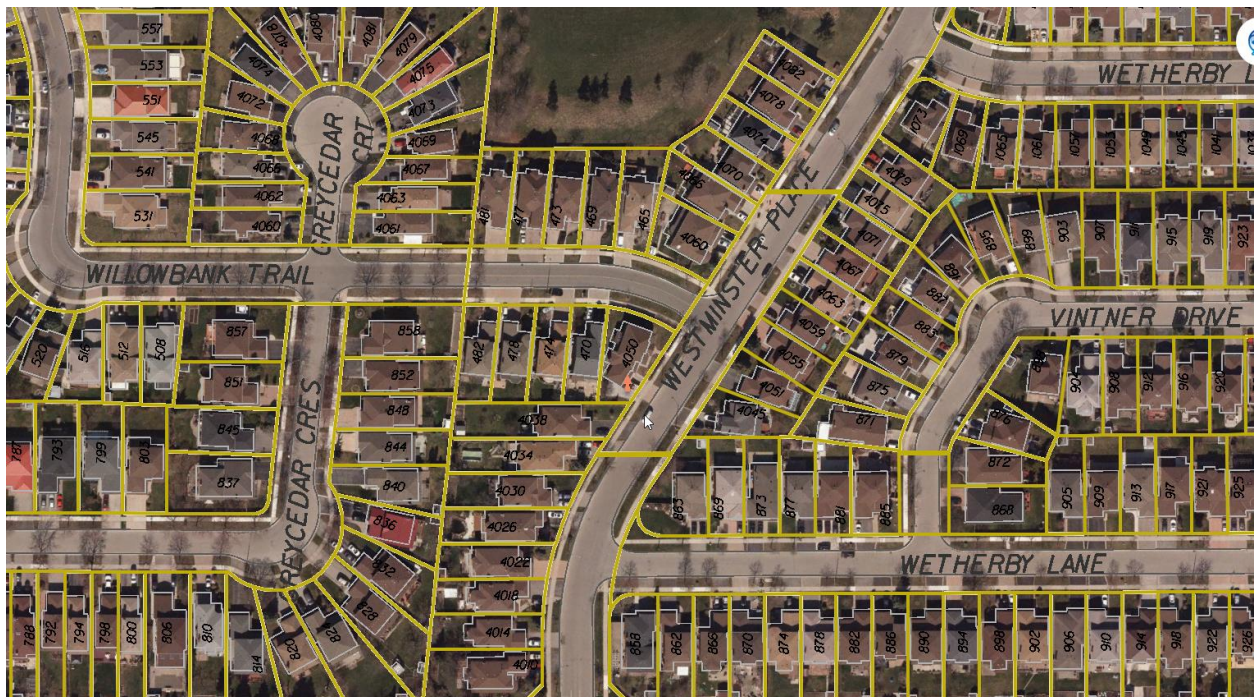
Character Area: Rathwood Neighbourhood

Designation: Residential Low Density I

Zoning By-law 0225-2007**Zoning: R4-12 - Residential****Other Applications:** PREAPP 21-5251**Site and Area Context**

The subject property is situated south-west of the Burnhamthorpe Rd East and Westminster Place intersection. The subject property is an interior parcel with a lot area of +/- 556.84m² (5,994 sq.ft.) and a lot frontage of +/- 25.57m (84 ft.). The property currently houses a two-storey detached dwelling with a double-car garage and possesses minimal vegetation/landscape elements in the front and rear yards. Contextually, the surrounding neighbourhood is comprised exclusively of detached dwellings with minimal vegetation and landscape elements in the front yards. The properties within the immediate area possess lot frontages of +/-17.00m (56 ft.).

The application proposes a driveway widening requiring a variance for driveway width.



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 site is located within the Rathwood Neighbourhood Character Area, and designated Residential Low Density I by the Mississauga Official Plan (MOP). As per Section 9.1 (Introduction), driveway widths should respect the identity and character of the surrounding area. The planned context of this neighbourhood is that detached dwellings are serviced by appropriately sized driveways, with the remainder of the property's front yard being in the form of soft-landscaping. The applicant has revised their application to reduce the driveway width in the front yard to a width that balances the existing and planned character of the neighbourhood with the property's considerable frontage. Staff are of the opinion that the driveway meets 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 the driveway width regulation is to ensure that there is sufficient soft landscaping and amenity area in the front yard while ensuring the required parking for the residence can be accommodated. Staff note that the application has been amended to meet the minimum landscaping requirement in the front yard and is considered appropriate for the property. Staff are satisfied that an appropriate front yard amenity area is maintained under the current proposal and that the hardscaping does not represent an overdevelopment of the front yard. Therefore the variance meets 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 subject property possesses a significant frontage when compared to other lots within the surrounding neighbourhood and, as such, it warrants special consideration. While a driveway of this size would be inappropriate on most other properties in the area, the proposed driveway width of 7.77m is appropriate for the subject property due to its size. The proposal balances the permissions of the site appropriately with the planned and existing neighbourhood context resulting in only minor impacts to the streetscape and surrounding properties.

Conclusion

The Planning and Building Department has no objections to the application.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We note that the applicant has significantly reduced the requested driveway which was previously being requested at the May 27th hearing. We, however, question the rationale and functionality of the “Proposed Parking” area at the side of the existing garage with no direct access to the street from the driveway.

Enclosed for Committee’s information are current photos of the subject property.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit application under file PREAPP 21-5251. Based on review of the information currently available for this building permit, we advise that the variance should be amended as follows:

1. A driveway width of 11.72m whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance;

and that the following variance is to be added:

2. Insufficient soft landscape area within the front yard of 36.39% where a minimum soft landscape area of 40% is required.

Our comments are based on the plans received by Zoning staff on 03/01/2021 for the above captioned building permit application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: A. McCormack

Appendix 3 – Trans-Northern Pipeline Inc.

Thank you for providing Trans-Northern Pipeline Inc. (TNPI) with Committee of Adjustment Notice of Public Hearing for the proposed development to allow a widened driveway of 7.77m. TNPI currently operates a high-pressure petroleum products transmission pipeline within a 60 foot right of way on the property west and adjacent side to the proposed development relating to 4050 Westminister Place.

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.*

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.

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