

City of Mississauga Department Comments

Date Finalized: 2022-04-20	File(s): A209.22 Ward 10
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-04-28 1:00:00 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 an existing driveway with a width of 10.6m (approx. 34.8ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.0m (approx. 19.7ft) in this instance.

Background

Property Address: 3860 Pondview Way

Mississauga Official Plan

Character Area: Lisgar Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R7-8 - Residential

Other Applications: None

Site and Area Context

The subject property is located south-east of the Osprey Boulevard and Lisgar Drive intersection in the Lisgar neighbourhood. The property contains a two-storey detached dwelling with an attached two car garage. It is at the eastern terminus of Pondview Way and abuts open space to the east and the rear of the subject site. The surrounding context consists exclusively

of detached dwellings with attached garages, on lots of generally similar sizes. The property contains no notable vegetation which is characteristic of the area.

The applicant is proposing to legalize the existing 10.6m (approx. 34.8ft) wide driveway 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 subject property is located within the East Credit Neighbourhood Character Area and is designated Residential Low Density II. Section 9 of MOP promotes development (including its features such as driveways and landscaping) 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 planned character of the area is single detached dwellings accessed by appropriately sized driveways. While a handful of widened driveways do exist along Pondview Way, the subject property represents one of the largest driveways in the area and would not be compatible with the existing or planned character of the area. Staff are of the opinion that the general intent and purpose of the official plan are not maintained in this instance.

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

The proposed variance is to permit a widened driveway on the subject property. The intent of the by-law, with regard to driveway widths, is to permit a driveway width large enough to suitably accommodate two vehicles parked side by side with the remainder of the front yard being soft landscaping. The driveway, as proposed, would be able to comfortably accommodate 3 cars across, which is not envisioned for this area as the properties all contain 2 car garages. Furthermore, the existing driveway has the effect of creating a significant amount of hardscaping in the front yard which dominates the perception of the property from the street. The subject property does not possess the frontage or garage that would support a driveway of the proposed size. As a result, the variance as proposed does not meet the general intent and purpose of the by-law.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

Recognizing the impact that the proposed driveway would have on the subject property regarding its excessive hard surfacing, the property would be out of character and not compatible with the rest of the neighbourhood. As a result of the broader impacts, the variances being sought are not considered to be minor in nature or desirable.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committee's information are photos depicting the existing driveway. We question if a further variance will be required to reflect the westerly side of the driveway as currently there is a 0.0M setback to the property line and the by-law requirement is a 0.60M setback. We believe that the requested 10.6M existing driveway width does not include the portion of the driveway on the westerly side.

With regards to the concrete driveway extension we note that a significant portion of this driveway extension constructed within the Pondview Way road allowance will have to be removed and re-instated with topsoil and sod which will necessitate further discussion with staff and revised drawings to be submitted for our review.

This department notes that with regard to the widened driveway within the municipal boulevard (the area between the municipal curb and property line) we would request that this area be reinstated with topsoil and sod should the application be modified to reflect a smaller driveway width within the subject property or if the application is not supported by the Committee.







Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is not in receipt of any permit applications at this time and the applicant is advised that a zoning review has not been completed. We are unable to confirm the accuracy of the requested variance(s) or determine whether additional variance(s) may be required.

The applicant is advised that a completed zoning review may identify additional instances of zoning non-compliance. The applicant may consider applying for a preliminary zoning review application and submit working drawings for a detailed zoning review to be completed. A minimum of 6-8 weeks will be required to process a preliminary zoning review application depending on the complexity of the proposal and the detail of the information submitted.

Comments Prepared by: Brandon Eidner, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has no objections to the above noted minor variance application and advises as follows:

1. The lands to the rear of the property are City owned lands, identified as Osprey Marsh (P-466) and within Significant Natural Area, zoned G-1, that are also classified as a naturally significant area within the City's Natural Heritage System. Section 6.3.24 of the Mississauga Official Plan states that the Natural Heritage System will be protected, enhanced, restored and expanded through the following measures:
 - a) ensuring that development in or adjacent to the Natural Heritage System protects and maintains the natural heritage features and their ecological functions through such means as tree preservation, appropriate location of building envelopes, grading, landscaping...;
 - b) placing those areas identified for protection, enhancement, restoration and expansion in public ownership, where feasible.

Should the application be approved, Community Services provides the following notes:

1. Construction access from the adjacent park/greenlands is not permitted.
2. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.

Should further information be required, please contact Jim Greenfield, Park Planner, Community Services Department at 905-615-3200 ext. 8538 or via email jim.greenfield@mississauga.ca

Comments Prepared by: Jim Greenfield, Park Planner

Appendix 4 – Region of Peel

Minor Variance Application: A-209/22

Comments: Please be advised that 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: Joseph Filice, Junior Planner