

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-06-30	File(s): A102/20 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-07-09

Consolidated Recommendation

The City does not object to variances #1 and 2, however, recommend that variance #3 be refused. The applicant may choose to defer the application to verify the accuracy of the proposed driveway width.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a new driveway on the subject property proposing:

1. A driveway width of 10.15m (approx. 33.30ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50m (approx. 27.88ft) in this instance;
2. A northerly driveway setback of 0.00m whereas By-law 0225-2007, as amended, requires a minimum driveway setback of 0.60m (approx. 1.96ft) in this instance; and
3. A walkway attachment width of 3.34m (approx. 10.96ft) whereas By-law 0225-2007, as amended, permits a maximum walkway attachment width of 1.50m (approx. 4.92ft) in this instance.

Background

Property Address: 1353 Aldo Drive

Mississauga Official Plan

Character Area: Clarkson-Lorne Park Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R2-5 (Residential)

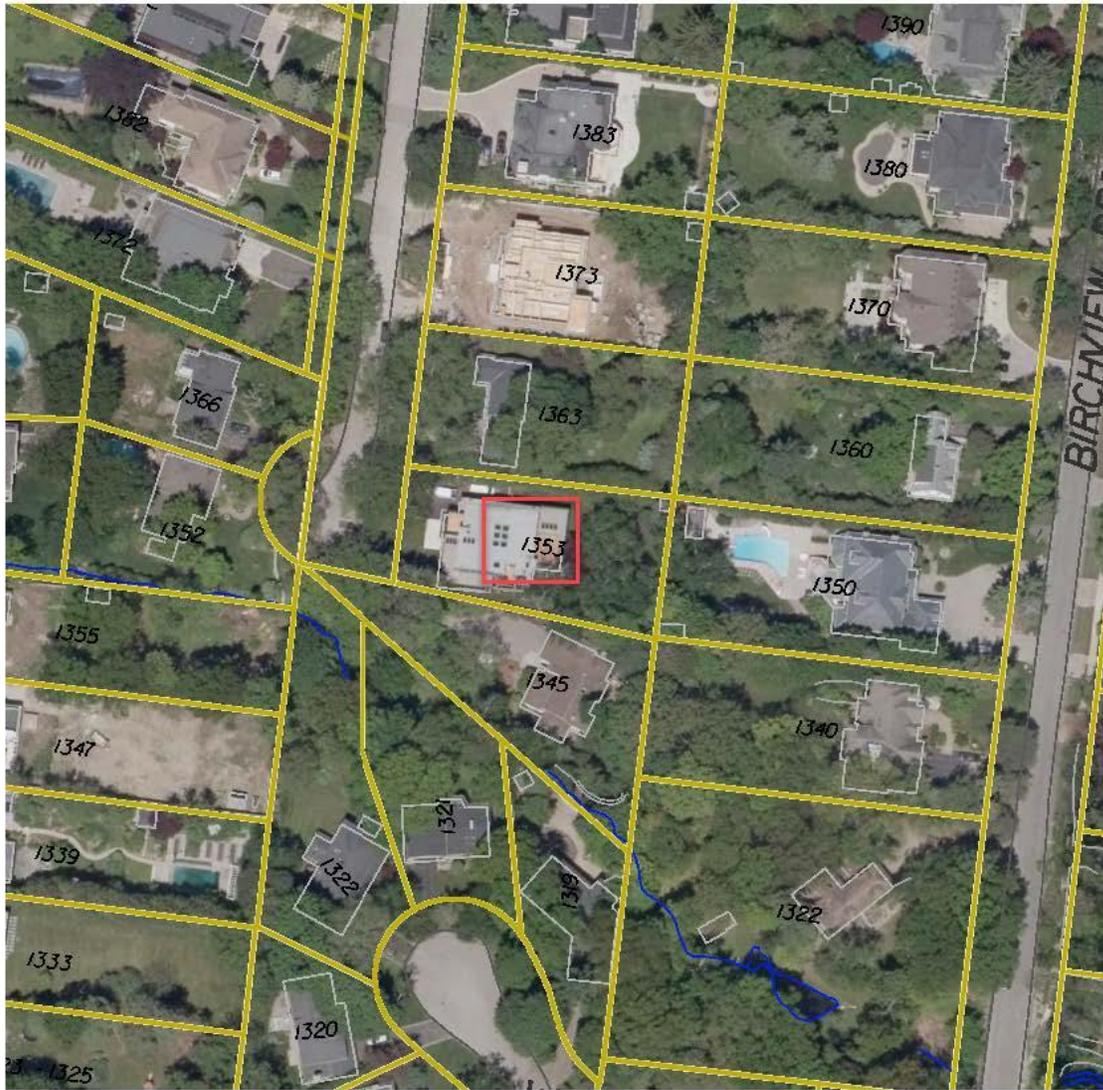
Other Applications

Pre-Zoning Application: 20-88

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, southeast of Lorne Park Road and Indian Road. The neighbourhood is entirely residential consisting of large lots with one and two storey detached dwellings, containing mature vegetation. The neighbourhood mostly consists of lots with significant soft landscaping with little hard landscaping. The subject property contains a new two storey dwelling with mature vegetation in the front yard.

The application proposes variances related to a driveway and walkway attachment width increase and deficient driveway setback.



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 designated "Residential Low Density I" in Schedule 10 of the Mississauga Official Plan (MOP) which permits detached, semi-detached and duplex dwellings. As per Section 9 (Preamble) of MOP, sites will be developed to respect the experience, identity and character of the surrounding context. In this instance, the increased driveway width is contained to one portion of the driveway and does not continue throughout the entire length of the driveway, maintaining a sufficient soft landscaped area within the front yard. However, the proposed walkway attachment width can allow for additional vehicular access and increases the hard surfacing within the front yard. As such staff is of the opinion that variances #1 and 2 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 application proposes a driveway width of 10.15 m whereas a maximum of 8.50 m is permitted. The intent of this portion of the by-law is to permit a driveway large enough to suitably accommodate the required number of parking spaces for a dwelling, with the remainder of the front yard being soft landscaped. A portion of the driveway measured from the widest point contains a width of 10.15 m. The design of the driveway narrows to widths less than the proposed variance. The increased width does not negatively impact the soft landscaped area as the zoning by-law requirement is being maintained. Staff is of the opinion that the application maintains the general intent and purpose of the zoning by-law.

Variance #2 proposes a driveway setback of 0 m whereas 0.60 m is permitted. The intent of this portion of the by-law is to ensure that an adequate visual buffer exists between properties and that it is large enough to mitigate any potential drainage concerns. Typically, staff requires a minimum setback of 0.30 m, however, in this instance, the reduced setback is due to the pinch point of the driveway and property line. One minor portion of the driveway directly abuts the property line; the remaining portion of the driveway is sufficiently setback from the property line, thereby mitigating any potential drainage concerns. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #3 proposes a walkway attachment of 3.34 m whereas a maximum of 1.50 m is permitted. The intent of this portion of the by-law is to allow a hard-surfaced pathway from the driveway to the front entrance and/or the rear yard, while ensuring that such an area cannot be utilized for parking purposes. In principle, staff cannot support the proposed variance as the increased width of the walkway attachment is wide enough to allow for additional vehicular parking supplementary to the driveway. Staff is of the opinion that the general intent and purpose of the zoning by-law is not maintained.

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

The increased driveway width is measured to the widest point and does not continue throughout the entire length of the driveway. The remaining portion of the driveway maintains a width less than what is being proposed, maintaining a sufficient amount of soft landscaping within the front yard. Regarding the driveway setback, the proposed 0 m setback is measured between a pinch point of the driveway and property line. The remaining portion of the driveway maintains a sufficient buffer to the property line, providing a visual buffer and mitigating any potential drainage concerns. The increased walkway attachment proposes a width large enough to accommodate additional vehicular parking accessory to the driveway, negatively impacting the character streetscape. Staff is of the opinion that variances #1 and 2 represent orderly development of the lands and are minor in nature.

Conclusion

The Planning and Building Department has no objections to variances #1 and 2, however, recommend variance #3 be refused. The applicant may choose to defer the application to verify the accuracy of the proposed driveway width.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This Department has no objections, comments or requirements with respect to C.A. 'A' 102/20.

Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

The Planning and Building Department is currently processing a preliminary zoning review application under file 20-88. Based on review of the information currently available for this application, variances 2 & 3 are correct. We advise that more information is required to verify the accuracy of variance 1 or determine whether additional variances will be required.

Comments are based on the plans received by Zoning staff on 01/20/2020 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.

Comments Prepared by: Brian Bonner, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has reviewed the above noted consent application and advises as follows:

- Requirements for Municipal Boulevard tree protection securities and protective hoarding will be addressed during the Site Plan Control Process (SP 17-60).

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 Comments

Development Planning: Tracy Tang (905) 791-7800 x7190

The subject land 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.

I trust this information is of assistance to you and the Committee. If you have any questions or concerns, please do not hesitate to contact me at (905) 791-7800 ext. 7190 or by email at tracy.tang@peelregion.ca

Comments Prepared by: Tracy Tang, Junior Planner

Appendix 5 - 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 (2014);
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.

ONTARIO REGULATION 160/06:

The subject property appears to be partially regulated by CVC. As such, 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 the construction of a new driveway on the subject property proposing:

1. A driveway width (including interlock) of 10.63m (approx. 34.88ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50m (approx. 27.88ft) in this instance;
2. A northerly driveway setback of 0.00m whereas By-law 0225-2007, as amended, requires a minimum driveway setback of 0.60m (approx. 1.96ft) in this instance; and

3. A walkway attachment width of 3.34m (approx. 10.96ft) whereas By-law 0225-2007, as amended, permits a maximum walkway attachment width of 1.50m (approx. 4.92ft) in this instance.

COMMENTS:

Based on the review of the information, CVC staff have **no concerns** and **no objection** to the approval of this minor variance by the Committee at this time.

Please circulate CVC any future correspondence regarding this application.

I trust that these comments are sufficient. Please do not hesitate to contact the undersigned at 905-670-1615 (ext. 296) should you have any further questions or concerns.

Comments Prepared by: Iftekhar Ahmad, Junior Planner