

City of Mississauga Department Comments

Date Finalized: 2022-08-17	File(s): A370.22 Ward: 8
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-08-25 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 and hard surface landscaping with:

1. A driveway width of 9.1m (approx. 29.9ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.0m (approx. 19.7ft) in this instance;
2. A setback of 0.33m (approx. 1.08ft) to the driveway whereas By-law 0225-2007, as amended, requires a minimum setback of 0.61m (approx. 2.00ft) to the driveway in this instance; and,
3. A minimum setback of 0.00762m (approx. 0.0025ft) to the hard surface landscape in the rear yard (approx. ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 0.61m (approx. 2.00ft) to hard surface landscape in this instance.

Background

Property Address: 3593 Colonial Dr

Mississauga Official Plan

Character Area: Erin Mills Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

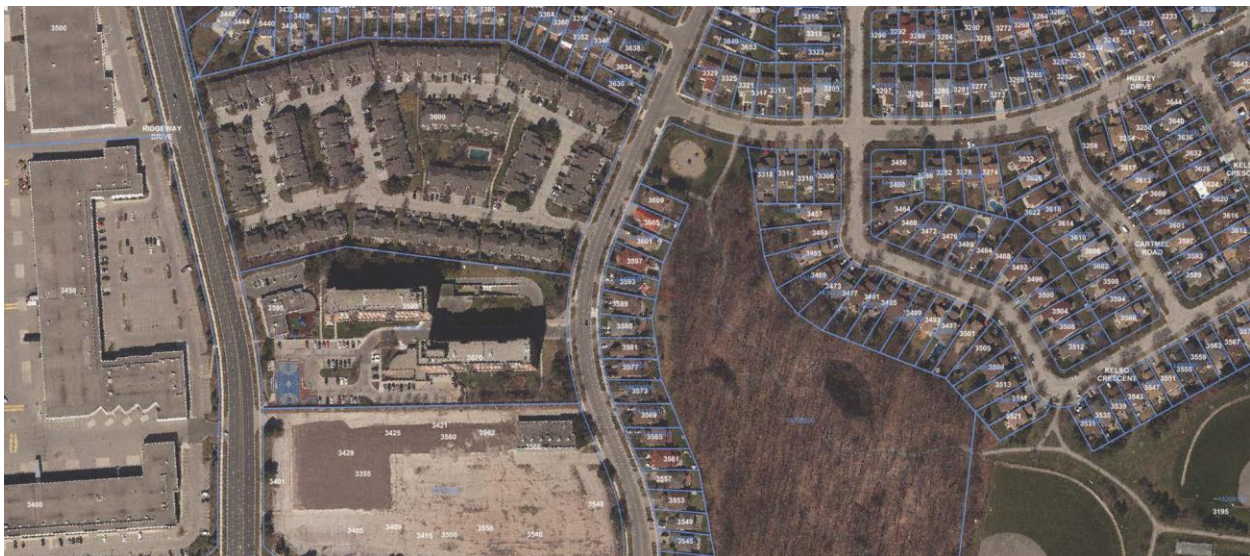
Zoning: R4 - Residential

Other Applications: none

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, southwest of Ogden Avenue and the South Service Road. The immediate neighbourhood is primarily residential, consisting of a two 10-storey apartment buildings (west of the subject property) and two-storey detached dwellings on lots with mature vegetation in the front yards. The subject property contains an existing two-storey detached dwelling with mature vegetation in the front yard.

The applicant is seeking to permit an existing driveway and hard surface landscaping requiring variances related to driveway width and a 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 located in the Erin Mills Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, and duplex dwellings. Section 9 of 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. The existing dwelling conforms to the designation, however staff are concerned that the proposed widened driveway would not be compatible with the surrounding context and the character area.

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

Staff are concerned with Variance #1, regarding the proposed driveway width. The intent of this portion of the by-law is to permit a driveway large enough to suitably accommodate the required number parking spaces for a dwelling, with the remainder of lands being soft landscaping. The proposed driveway width can accommodate 3.5 cars parked side by side. This does not meet the intent of the driveway width provision. Further, the proposed widened driveway creates unnecessary and excessive hardscaping on the subject property. Furthermore, Planning staff are of the opinion that the applicant may require an additional variance for reduced soft landscape area, which would not be supported by Planning staff.

Staff are also concerned with Variance #2 which proposes a reduced setback to the hard landscaped surface. The intent of this portion of the by-law is to ensure that an adequate buffer is provided, large enough to mitigate any potential drainage concerns. Transportation and Works staff have identified concerns with the proposed setback regarding surface drainage. Staff echo these concerns and note that the proposed variance does not maintain 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?

Planning staff recommend the application be refused. The variances create a significant amount hardscaping in the front yard, making the driveway the predominant feature. Furthermore, the proposed setbacks to the hard surface landscape area present potential drainage concerns. As a result of these concerns, staff is of the opinion that the proposed driveway widening and hard surface area is an undesirable development of the land, whose effects are not minor in nature.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committees information are photos of the existing driveway and hard surface surrounding the dwelling. We draw attention to the 2 side yard areas where the interlock hard surface has been placed very close to the fences. This particular lot is a rear to front draining lot, where the surface drainage is dependent on side yard swales in order to get out to the front of the lot. The side yard swales have been eliminated with the installation of the hard surface. We have consulted with our Development Construction Section and recommend the following:

- We would request that at a minimum, the hard surface beside the dwelling in the 2 side yards be cut back to at least 0.3m from the side property limits in order for a swale or clear stone to be re-established to allow the surface drainage to flow
- We would request that the hard surface in the rear yard must be cut back to 0.6m from the side lot lines at minimum in order for the surface drainage to not directly flow onto the neighbouring lots.











Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

In the absence of a development application we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed. The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

For scope of work that does not require Site Plan Approval/Building Permit/Certificate of Occupancy, the applicant may consider applying for a preliminary zoning review application. A detailed site plan drawing and architectural plans are required for a detailed zoning review to be completed. A minimum of 6-8 weeks is required depending on the complexity of the proposal and the quality of information submitted.

Comments Prepared by: Gary Gagnier, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has reviewed the minor variance application and advises as follows:

The lands to the rear of the property are owned by the City of Mississauga, identified as Tom Chater Memorial Park (P-291) and classified as Significant Natural Area within the City's Natural Heritage System and zoned G2. 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.

In addition, Community Services notes the following:

1. If future construction is required, access from the adjacent park is not permitted.
2. Stockpiling of construction materials and encroachment in the adjacent park is not permitted.
3. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.

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