

City of Mississauga Department Comments

Date Finalized: 2022-10-26	File(s): A418.22
To: Committee of Adjustment	Ward: 7
From: Committee of Adjustment Coordinator	Meeting date:2022-11-03 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 application to permit an existing driveway proposing a width of 6.75m (approx. 22.15ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 3.75m (approx. 12.30ft) in this instance.

Background

Property Address: 23 Premium Way

Mississauga Official Plan

Character Area: Downtown Hospital
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: RM5-52 - Residential

Other Applications: None

Site and Area Context

The subject property is located north-west of the Hurontario Street and Queen Elizabeth Way interchange. It is located along the curve of Premium Way and contains a two-storey townhouse dwelling with an attached garage. Limited landscaping and vegetative elements are present on

the subject property. The surrounding area context includes a mix of land uses and built forms on varying sized lots.

The applicant is proposing to maintain the existing 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:

The subject property is located in the East Credit Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). 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 applicant is proposing a driveway width of 6.75m (22.15ft). The intent of the driveway width regulations in the by-law is to allow an appropriately sized driveway, with the remainder of the front yard being soft landscaped area. As constructed, the driveway represents a significant portion of the front yard which is out of character for the surrounding context. Furthermore the planned character of the area, specifically of these townhouse dwellings, is that of dwellings serviced by single car width driveways with an associated hammerhead. Hammerheads are

permitted on these lots despite not meeting the frontage requirements for hammerheads elsewhere in the City in order to facilitate safe egress from the site due to the curve of Premium Way. Transportation and Works staff have also raised concerns surrounding the loss of the hammerhead, as outlined in their comments.

Staff are of the opinion that the driveway does not meet the general intent or purpose of the zoning by-law, does not represent appropriate development of the subject property, and is not minor in nature. Staff therefore recommend that the application be refused.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This department cannot support the applicant's request to permit the widened driveway and requests that the driveway be re-instated with a hammerhead driveway and that the boulevard area be re-sodded. At the time of development of the subject and abutting town homes, access and sight lines were identified as a concern due to the road curvature on Premium Way. To address the access concern, hammerhead driveways were required and also depicted on the Site Plan Drawings reviewed/approved for all the units. It should also be noted that all abutting townhouses in the area have maintained a functional hammerhead driveway and as already mentioned, the Site Plan submitted by the applicant also depicts hammerhead driveways for all the properties.







Comments Prepared by: Tony Iacobucci, 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/Zoning Certificate of Occupancy application, 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: Brandon Eidner, Zoning Examiner

Appendix 3 – Metrolinx

At this stage Metrolinx doesn't have any major comments but any work within Metrolinx ROW or within 60 m of the Hu LRT will require approval and coordination with Mobilinx.

Comments Prepared by: Farah Faroque, Intern, Third Party Projects Review

Appendix 4 – Trans-Northern Pipeline

Thank you for providing Trans-Northern Pipeline Inc. (TNPI) with notice of public hearing for the minor variance under Section 45 of the Planning Act for the proposed development to permit an existing driveway proposing a width of 6.75m (approx. 22.15ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 3.75m. TNPI currently operates a high-pressure petroleum products transmission pipeline within a 10 foot right of way on the property east and adjacent side to the proposed development relating to 23 Premium Way.

TNPI has no concerns with the proposed development as it is outside of our right-of-way. As the project is within the Prescribed Area (30m on either side of the pipeline as described by the CER) additional steps will be required, please see the steps described near the end of this.

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 our crossing coordinator via email at : crossingrequestseast@tnpi.ca.

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

Appendix 5 - Region of Peel

We have no comments or objections.

Comments Prepared by: Patrycia Menko, Junior Planner