

City of Mississauga Department Comments

Date Finalized: 2024-02-22	File(s): A750.22 Ward: 3
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-02-29 3:30:00 PM

Consolidated Recommendation

The City recommends the application be deferred for redesign and to ensure all required variances have been identified.

Application Details

The applicant requests the Committee to approve a minor variance to allow an existing driveway proposing:

1. A driveway width of 13.50m (approx. 44.29ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance and,
2. A side yard driveway setback of 0.00m whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 0.60m (approx. 1.97ft) in this instance.

Background

Property Address: 1160 Greyowl Point

Mississauga Official Plan

Character Area: Applewood Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3 - Residential

Other Applications: None

Site and Area Context

The subject property is located south-west of the Burnhamthorpe Road East and Golden Orchard Drive intersection in the Applewood Neighbourhood Character Area. It currently contains a detached dwelling with an attached garage. Limited landscaping and vegetative elements are present on the subject property. The property has an approximate lot area of +/- 988.39m² (10,638.94ft²), characteristic of lots in the area. The surrounding area context is exclusively low density residential, consisting of detached dwellings.

The applicant is proposing to legalize an existing driveway requiring variances for driveway width and side yard 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:

The subject property is located within the Applewood Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). Section 9 of the 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 are dwellings accessed by appropriately sized driveways. While some widened driveways do exist in the neighbourhood, the existing driveway

would be one of the largest driveways in the area and is not compatible with the existing or planned character of the area.

The intent of limiting the driveway width is to permit a driveway large enough to suitably accommodate the required number parking spaces for a dwelling, with the remainder of lands in the front yard being soft landscaping. The existing driveway represents the total lot frontage and could facilitate the parking of at least four vehicles across. This results in the significant loss of front yard soft landscaping, a characteristic that is not common in the neighbourhood.

While planning staff are not in a position to interpret the zoning by-law, staff note an additional variance for minimum landscaped soft area in the yard containing a driveway is required. Staff note the subject property is zoned R3, and requires a minimum soft landscaped area of 40% in the front yard.

Staff recommend that the application be deferred to allow the applicant time to redesign the driveway and identify the correct variances. Furthermore, it should be noted that staff are not supportive of the current driveway width, and suggest the applicant maintains the landscaped soft area in the front yard.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

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: Joe Alava, T&W Development Engineering





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 Permit, 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: Minan Song, Planner in Training

Appendix 3 – Parks, Forestry & Environment

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

The lands adjacent to the property are owned by the City of Mississauga, identified as Applewood Hills (P-049), classified as a Significant Natural Area within the City's Natural Heritage System, and zoned G1. 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 measure(s):

- 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...

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

1. If future construction is required, access from the adjacent park/greenlands is not permitted.
2. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
3. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.
4. No public trees shall be injured or removed. If public tree removal is required, a permit must be issued as per By-law 0020-2022.

5. No private trees shall be injured or removed. If a private tree with a diameter of 15 centimetres or greater on private property is to be injured or destroyed, a permit must be issued as per By-law 0021-2022.

Should further information be required, please contact Nicholas Rocchetti, Planner in Training - Park Assets, Community Services Department at 905-615-3200 ext. 4659 or via email Nicholas.Rocchetti@mississauga.ca.

Comments Prepared by: Nicholas Rocchetti, Planner in Training

Appendix 4- Region of Peel

Minor Variance: A-22-750M / 1160 Greyowl Point

Planning: Ayooluwa Ayoola (905) 791-7800 x8787

Comments:

- The subject land is in the regulated area of the Credit Valley Conservation Authority (CVC). We rely on the environmental expertise of the CVC for the review of development applications located within or adjacent to the regulated area in Peel and the impact of natural hazards on proposed development. We therefore request that the City staff consider comments from the CVC and incorporate their requirements appropriately. Final approval of this application requires all environmental concerns to be addressed to the satisfaction of the CVC.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner

Appendix 5- Toronto and Region Conservation Authority

Given the scale of development (only driveway as attached), this email is to provide clearance at 1160 Greyowl Point for the minor variance application on the Feb 29th 2024, CofA agenda.

Thus, TRCA will not be providing a detailed comment letter and I have cancelled the invoice of \$660.00.

Please be advised that TRCA is interested in future development or site alteration on the property and should be contacted prior to development.

I trust this is of assistance. Thank you.

Comments Prepared by: Marina Janakovic, Planner