

# City of Mississauga

Memorandum:

## City Department and Agency Comments

Date Finalized: 2020-10-14	File(s): A323/20 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-10-22

### Consolidated Recommendation

The City recommends that the application be refused.

### Application Details

The Applicant requests the Committee to approve a minor variance to allow a driveway widening, proposing a width of 7.50m (approx. 24.61ft); whereas, By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft), in this instance.

### Background

**Property Address:** 5481 Wilderness Trail

#### Mississauga Official Plan

Character Area: Hurontario Neighbourhood  
Designation: Residential Low Density II

#### Zoning By-law 0225-2007

**Zoning:** R5 (Residential)  
**Other Applications:**

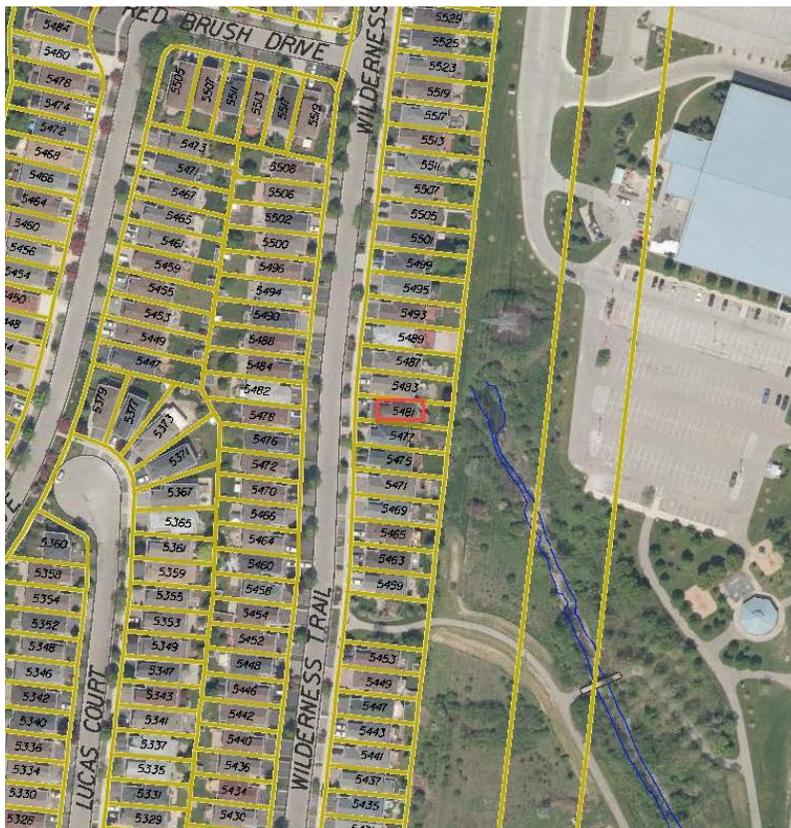
Building Permit: 19-7626

#### Site and Area Context

The subject property is located south-east of the Kennedy Road South and Matheson Boulevard East intersection, and currently houses a two-storey detached dwelling with an attached double-

car garage. The site is contiguous to an open space / landscaped trail to the rear. Contextually, the surrounding neighbourhood is comprised exclusively of detached dwellings exhibiting a shared 1990's subdivision architectural style. The properties within the immediate area possess lot frontages of +/-9.9m, with minimal vegetative / natural landscaped elements within the front yards.

The subject property is an interior parcel, with a lot area of +/- 365.0m<sup>2</sup> and a lot frontage of 9.75m.



## Comments

### Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment the authority to grant relief from requirements of the municipal Zoning By-law; provided such applications meet the requirements set out under Section 45(1) and/or 45(2) (a) or (b) of the *Planning Act*.

Staff comments concerning the application of the four tests to this minor variance request are as follows:

Planning Staff would echo the Zoning Department's concern regarding the absence of any formal permit applications at this time and would reiterate that a comprehensive zoning review has yet to be completed in this regard.

While Planning Staff are not in a position to provide an interpretation of the Zoning By-law; Staff would note, based upon the provided drawings submitted in support of this Minor Variance Application (House 5481 Wilderness Trail, n.d.), as the hard-surfaced area adjacent to the garage is wide enough to accommodate a motor-vehicle, the variance should be amended to permit a width of 8.16m; whereas, By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m, in this instance.

### **Does the proposal maintain the general intent and purpose of the Official Plan?**

The site is situated within the Hurontario Neighbourhood Character Area, and designated Residential Low Density II by the Mississauga Official Plan (MOP). As per Section 9.1 (Introduction), driveway widths should respect the identity and character of the surrounding context. The planned context of this neighbourhood is that of detached dwellings serviced by appropriately sized driveways, with the remainder of the property's frontage serving to form a soft-landscaped area. From a streetscape perspective, the proposed driveway, and its associate hard-surfaced area, represents a significant portion of the property's front yard. This is visibly different from the unaltered lots within this neighbourhood which are used to define the area's planned context. The proposal does not meet the purpose or general intent of the Official Plan

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

As per Zoning By-law 0225-2007, the subject property is zoned R5 (Residential). Pursuant to Table 4.2.1.12.3 (R1 to R5 Permitted Uses and Zone Regulations), the maximum driveway width for a detached dwelling is 6.0m; whereas, the Applicant is proposing 8.16m, as amended. The general intent of this portion of the Zoning By-law is to permit a driveway width large enough to provide the necessary space for two vehicles parked side-by-side, with the remainder of lands being soft landscaping (front yard). The Applicant's proposal results in a driveway large enough to accommodate three vehicles parked side-by-side at its widest point. The variance, as amended, does not meet the purpose or general intent of the Zoning By-law.

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

The variance, as amended, creates a significant amount hardscaping and results in the driveway being the prominent feature of the front yard (84% at its widest point). This is an undesirable development of the land, and one whose effects are not minor in nature.

## **Conclusion**

Based upon the preceding information, it is the opinion of Staff that the variance, as amended, does not meet the criteria established by Section 45(1) of the *Planning Act*. To this end, the Planning and Building Department recommends that the application be refused.

Comments Prepared by: Roberto Vertolli, 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: David Martin, Supervisor Development Engineering

### **Appendix 2 – Zoning Comments**

The Building Department is not in receipt of any permit applications at this time. In the absence of any permit application, this Department is unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a full zoning review has not been completed.

Comments Prepared by: Brian Bonner, Zoning Examiner

### **Appendix 5 – Region of Peel Comments**

Regional Planning staff have reviewed the applications listed on the October 22<sup>nd</sup>, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

**Minor Variance Applications:** A-316/20, A-318/20, A-319/20, A-320/20, A-321/20, A-322/20, A-323/20, A-324/20, A-325/20, A-328/20, A-356/20.

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. 8243 or by email at [diana.guida@peelregion.ca](mailto:diana.guida@peelregion.ca).

Comments Prepared by: Diana Guida, Junior Planner

## **Appendix 6- Conservation Authority Comments**

This letter will acknowledge receipt of the above noted application, received on September 25, 2020. Toronto and Region Conservation Authority (TRCA) staff has reviewed the above noted application, and as per the "Living City Policies for Planning and Development within the Watersheds of the TRCA" (LCP), provides the following comments as part of TRCA's commenting role under the *Planning Act*, the Authority's delegated responsibility of representing the provincial interest on natural hazards encompassed by Section 3.1 of the *Provincial Policy Statement, 2014 (PPS)*; TRCA's Regulatory Authority under Ontario Regulation 166/06, *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*; and our Memoranda of Understanding (MOU) with the City of Mississauga and the Region of Peel wherein we provide technical environmental advice.

### **Purpose of the Application**

We understand that the purpose of Minor Variance Application A 323/20 is to allow a driveway widening proposing a width of 7.50 m (approx. 25.61 ft.) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00 m. (approx. 19.69 ft.) in this instance.

### **Recommendation**

On the basis of the comments noted below, TRCA staff supports conditional approval of Minor Variance Application A 323/20, subject to the following condition:

1. The applicant submits the variance application review fee of \$580 made payable to the TRCA.

### **Application Specific Comments**

#### **Ontario Regulation 166/06:**

A portion of the subject property is located within TRCA's Regulated Area of the Etobicoke Creek Watershed, as it is adjacent to a tributary of Etobicoke Creek. In accordance with Ontario Regulation 166/06, as amended (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), a permit is required from the TRCA prior to any of the following works taking place:

- a) straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;
- b) development, if in the opinion of the Authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development.

Development is defined as:

- i. the construction, reconstruction, erection or placing of a building or structure of any kind;
- ii. any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;
- iii. site grading, including the temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere.

It is our understanding that the requested variance is required in order to facilitate the widening of the existing driveway. Based on our review, it appears that the proposed works are located outside of TRCA's Regulated Area. As such, TRCA staff have no concerns with the proposed works, as submitted, and a TRCA permit will not be required at this time.

Please note that all future development proposals on the property should be circulated to TRCA for our review and approval prior to any works taking place.

### **Fees**

In addition to regulatory responsibilities, TRCA has a role as a commenting agency for Planning Act applications circulated by member municipalities to assess whether a proposed development may be impacted by the TRCA.

1. By copy of this letter, the applicant is advised that the TRCA has implemented a fee scheduled for our planning application review services. This application is subject to a \$580 (Variance – Residential – Minor) review fee. The applicant is responsible for fee payment and should forward the application fee to this office as soon as possible.

### **Conclusion**

We thank you for the opportunity to review the subject application and provide our comments as per our commenting and regulatory role. Should you have any additional questions or comments, please do not hesitate to contact the undersigned.

Comments Prepared by: Lina Alhabash, Planner I