

City of Mississauga Department Comments

Date Finalized: 2024-07-03	File(s): A296.24 Ward: 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-07-11 3:30:00 PM

Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Application Details

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

1. A front yard soft landscaped area of 33.00% whereas By-law 0225-2007, as amended, requires a minimum front yard soft landscaped area of 40.00% in this instance;
2. A driveway width of 6.70m (approx. 21.98ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance; and,
3. A walkway width of 1.93m (approx. 6.33ft) whereas By-law 0225-2007, as amended, permits a maximum walkway width of 1.50m (approx. 4.92ft) in this instance.

Background

Property Address: 7101 Hallsands Drive

Mississauga Official Plan

Character Area: Meadowvale Village Neighbourhood
Designation: Residential Low Density II & Greenlands

Zoning By-law 0225-2007

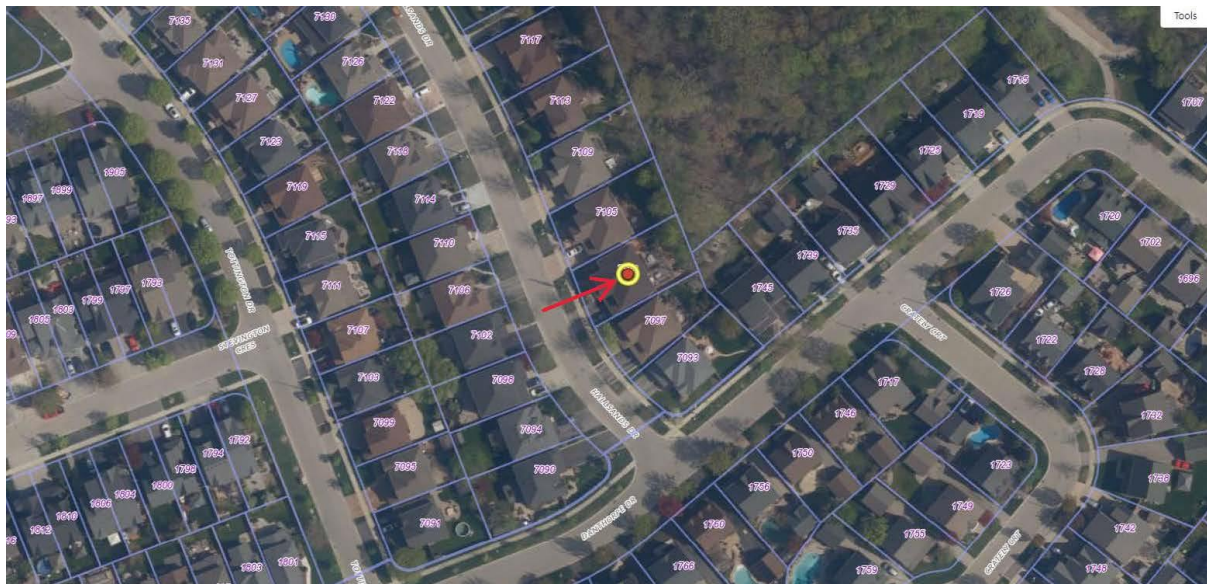
Zoning: R4-36- Residential and G2-1-Greenlands

Other Applications: None

Site and Area Context

The subject property is located north-east of the Derry Road West and Mississauga Road intersection in the Meadowvale Village Neighbourhood Character Area. It is an interior lot containing a two-storey detached dwelling with an attached garage. Limited landscaping and vegetative elements are present on the subject property. The surrounding context is predominantly residential, consisting of detached and semi-detached dwellings.

The applicant is proposing to legalize an existing driveway requiring variances for front yard soft landscaped area, driveway width and walkway attachment.



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 Meadowvale Village Neighbourhood Character Area and is designated Residential Low Density II 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. Staff note the proposal will eliminate a large amount of the existing hardscaping in the front yard and replace it with an appropriately sized driveway.

Variance 1 requests a reduction in soft landscaped area in the front yard. The intent of the by-law regulation ensures hardscaping does not dominate the front yard or the extent of the lot frontage. The subject property is zoned R4-36, and the exception zone contains a specific minimum front yard setback regulation of 3.6m (11.81ft). Staff note the applicant did not provide a site plan which identifies the front yard setback to the dwelling. While staff are not generally supportive of a reduction for soft landscaped area in the front yard, staff note the subject property contains a shallow front yard, which is in line with the permitted exception zone front yard setback regulation. Staff are of the opinion that the required soft landscaped area of 40% will be difficult to satisfy due to the shallow front yard area as well as the requirement for a driveway and walkway attachment to the front entryway. Therefore, staff are of the opinion that the proposal ensures an appropriate amount of soft landscaping is provided, and ensures hardscaping does not dominate the front yard and lot frontage.

Variance 2 requests an increase in driveway size. The intent of the driveway regulations in 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 lands in the front yard being soft landscaping. Staff are of the opinion that the increase in driveway width is minor as it appropriately aligns with the garage doors. Furthermore, staff are satisfied that the proposed driveway width does not facilitate the parking of additional vehicles across the driveway, nor does it create excessive hardscaping on the property.

Variance 3 requests an increase in walkway attachment width. The intent of the walkway attachment regulations are to provide a convenient and dedicated pathway to accommodate pedestrians as well as define an entryway to the dwelling, while ensuring the walkway cannot be utilized for parking purposes. Staff note the applicant has submitted a revised drawing reducing the walkway attachment from 1.93m (6.33ft) to 1.7m (5.57ft). Staff are satisfied that the proposed width is proportional and will not be able to facilitate the movements or parking of motor vehicles.

Additionally, staff note the applicant will be removing the raised planting bed within the municipal right-of-way, ensuring Transportation and Work's comments are satisfied.

Staff are satisfied that the proposed variances meet the general intent and purpose of both the official plan and zoning by-law. Furthermore, staff note the proposal is minor in nature and represents appropriate development of the subject property.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

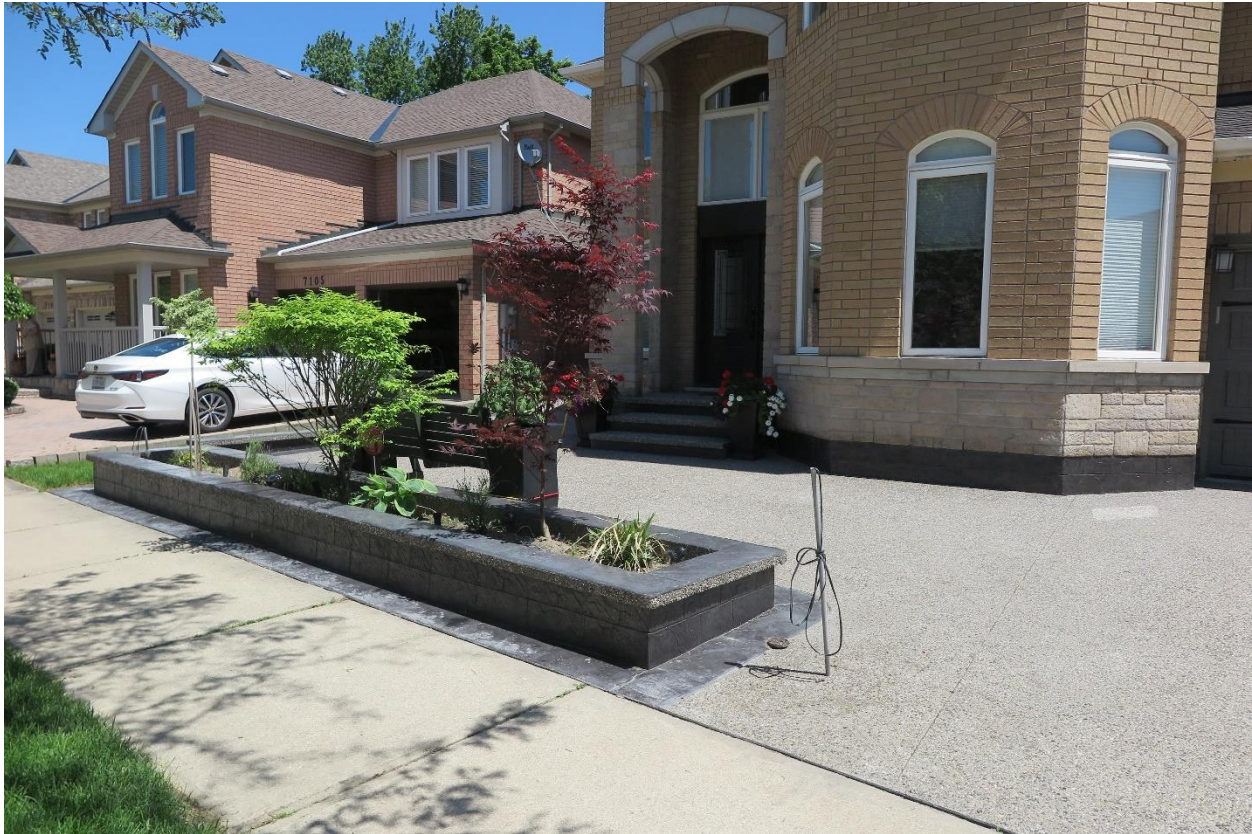
Appendix 1 – Transportation and Works Comments

The Transportation and Works Department cannot support this application and would request that all the concrete structures/landscaping constructed within the municipal right-of way be removed and re-instated with topsoil and sod. It is clearly evident from our site inspection and attached photos that the concrete structures/landscaping are encroaching within the limits of city owned lands.

In addition to the city not supporting these structures within their lands, we note that having such a significant obstruction abutting the municipal sidewalk creates an unsafe condition for any snow clearing equipment in the winter months. Secondly these structures have been constructed within the Municipal Boulevard which may also impact on any utility works which could be required in the future.

It should also be mentioned that from our site inspection and attached photos, we noted that the applicant has installed some type of underground hydro cables for what appears to be for some additional purpose. In this regard all underground hydro cables originating from the subject lands are to be removed from the city owned lands.









Comments Prepared by: Tony Iacobucci, 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: Brooke Herczeg, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

Park Planning

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 Silver Fox Forest (P-383), classified as a 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...;

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

1. Construction 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. Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, c.P. 13, as amended) and in accordance with the City's policies and by-laws.

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

Forestry

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

1. 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.

2. 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.
3. Please note if a tree is identified as a shared tree with the adjacent property owner, and the applicant intends to apply for a Tree Removal Permit, written consent must be obtained by both parties.

A Tree Removal Application to Permit the Injury or Destruction of Trees on Public and Private Property can be found at <https://www.mississauga.ca/publication/application-to-permit-the-injury-or-destruction-of-trees-on-public-and-private-property/>.

Should further information be required, please contact Rita Di Michele, By-law Inspector, Community Services Department at 905-615-3200 ext. 5872 or via email rita.dimichele@mississauga.ca.

Comments Prepared by: Rita Di Michele, By-law Inspector

Appendix 4 – Region of Peel

We have no comments or objections.

Comments Prepared by: Petrele Francois, Junior Planner