

# City of Mississauga Department Comments

Date Finalized: 2024-07-17	File(s): A288.24
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2024-07-25 1:00:00 PM

## Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the Applicant and area residents when assessing if the application meets the requirements of Section 45(1) of the Planning Act. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

## Application Details

The applicant requests the Committee to approve a minor variance to allow modifications to the under construction dwelling proposing:

1. A combined width of access points for a circular driveway of 11.03m (approx. 36.19ft) whereas By-law 0225-2007, as amended, permits a maximum combined width of access points for a circular driveway of 8.50m (approx. 27.89ft) in this instance; and
2. 2 kitchens whereas By-law 0225-2007, as amended, permits a maximum of 1 kitchen in this instance.

## Background

**Property Address:** 1617 Birchwood Dr

### Mississauga Official Plan

Character Area: Clarkson - Lorne Park Neighbourhood  
Designation: Residential Low Density I

### Zoning By-law 0225-2007

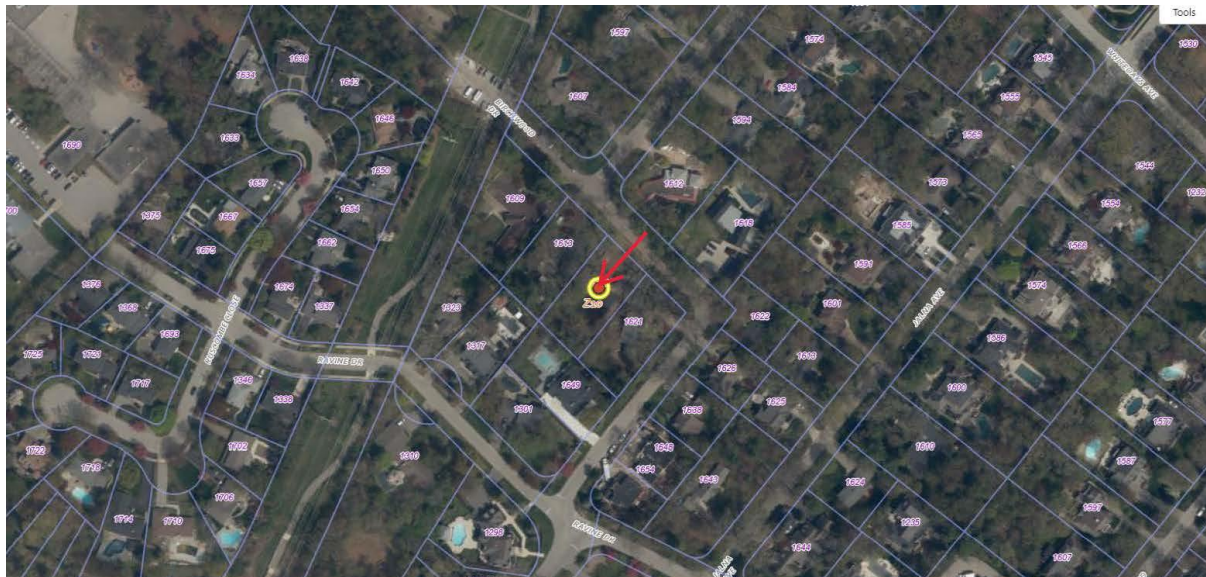
**Zoning:** R2-5 - Residential

**Other Applications:** Preliminary Zoning Review application PREAPP 24-1451

## Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, southeast of the Clarkson Road North and Truscott Drive intersection. The immediate neighbourhood is residential, consisting primarily of one and two-storey detached dwellings on large lots with mature vegetation in the front yards. The subject property contains an under construction two-storey detached dwelling with limited vegetation in the front yard.

The application is proposing modifications to the dwelling requesting variances for the combined width of the access points of the circular driveway and the number of kitchens.



## 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 are as follows:

The subject property is located within the Clarkson-Lorne Park Neighbourhood Area and is designated Residential Low Density I. The Residential Low Density I designation permits only detached dwellings in this area. The proposal respects the designated and surrounding land uses. Furthermore, staff are of the opinion that the built form is compatible with the surrounding context and meets the general intent and purpose of the official plan.

Variances #1 pertains to the combined width of point of access for the circular driveway. The zoning by-law permits circular driveways on lots that have a minimum frontage of 22.50m (73.81ft). Staff note that the subject property meets the required lot frontage (30.48m or 100ft) for a circular driveway and that larger driveways are not out of character for the neighbourhood. Furthermore, the proposed driveway does not require additional variances for setbacks or soft landscaping.

Variance #2 pertains to the number of permitted kitchens. The original intent of the restriction on second kitchens was to restrict the creation of second dwelling units. Given the implementation of second unit policies as well as new provincial and municipal legislation regulating three and four dwelling units as of right, the addition of a second kitchen is minor in nature.

Given the above, Planning staff are of the opinion that the application is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning nature.

Comments Prepared by: Shivani Chopra, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposed dwelling will be addressed by our Development Construction Section through the future Building Permit process.

However, our Traffic Planning Section does not support a circular driveway/secondary access for the subject site. As per the TAC Geometric Design Guide for Canadian Roads, "Single family residential properties [are] normally restricted to one driveway, irrespective of frontage." Consistent with Traffic Engineering best practices, the number of accesses to the municipal road network are to be minimized to optimize roadway safety and efficiency, minimize vehicular and pedestrian conflict points, ensure sufficient space is available between driveways for signage/utilities/trees/other street appurtenances, maintain on-street parking spaces, clearly identify which property each driveway serves, etc. In addition, in this particular instance we can not see the rationale for having a circular driveway on this property.

Comments Prepared by: John Salvino, Development Engineering Technologist





## Appendix 2 – Zoning Comments

The Building Department processed a Preliminary Zoning Review application PREAPP 24-1451. Based on review of the information available in this application, we advise the following requested variance is correct:

1. A combined width of access points for a circular driveway of 11.03m (approx. 36.19ft) whereas By-law 0225-2007, as amended, permits a maximum combined width of access points for a circular driveway of 8.50m (approx. 27.89ft) in this instance;

We also advise additional information is required in order to verify the accuracy of the remaining variance or determine whether additional variance(s) will be required.

Please note that comments reflect those provided through the above application submitted on 05/08//2024. These comments may no longer be valid should there be changes contained within this Committee of Adjustment application that have not been submitted and reviewed through the application noted above. The applicant must submit any changes and/or updates to

information and/or drawings separately through the above application in order to receive updated comments.

Comments Prepared by: Jeanine Benitez, 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 Neebin Park (P-443), zoned OS1 – Open Space – Community Park.

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.

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](mailto: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 Jamie Meston, Landscape Architect Assistant, Forestry Section, Community Services Department at 905-615-3200 ext. 4264 or via email [jamie.meston@mississauga.ca](mailto:jamie.meston@mississauga.ca).

Comments Prepared by: Jamie Meston, Landscape Architect Assistant

#### **Appendix 4 – Region of Peel**

We have no comments or objections.

Comments Prepared by: Petrele Francois, Junior Planner