

City of Mississauga Department Comments

Date Finalized: 2024-09-04	File(s): A386.24
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2024-09-12 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, as amended, meets the requirements of Section 45(1) of the Planning Act. 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 permit a combined circular driveway proposing a combined access point width of 13.00m (approx. 42.65ft) whereas By-law 0225-2007, as amended, permits a maximum combined access point width of 8.50m (approx. 27.89ft) in this instance.

Amendments

While Planning staff are not in a position to provide a Zoning review, staff note that the driveway width is measured at the property line. As such, the proposed driveway width appears to be 9m (29.5ft) whereas 8.50 (27.89ft) is permitted.

Background

Property Address: 1570 Stavebank Rd

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

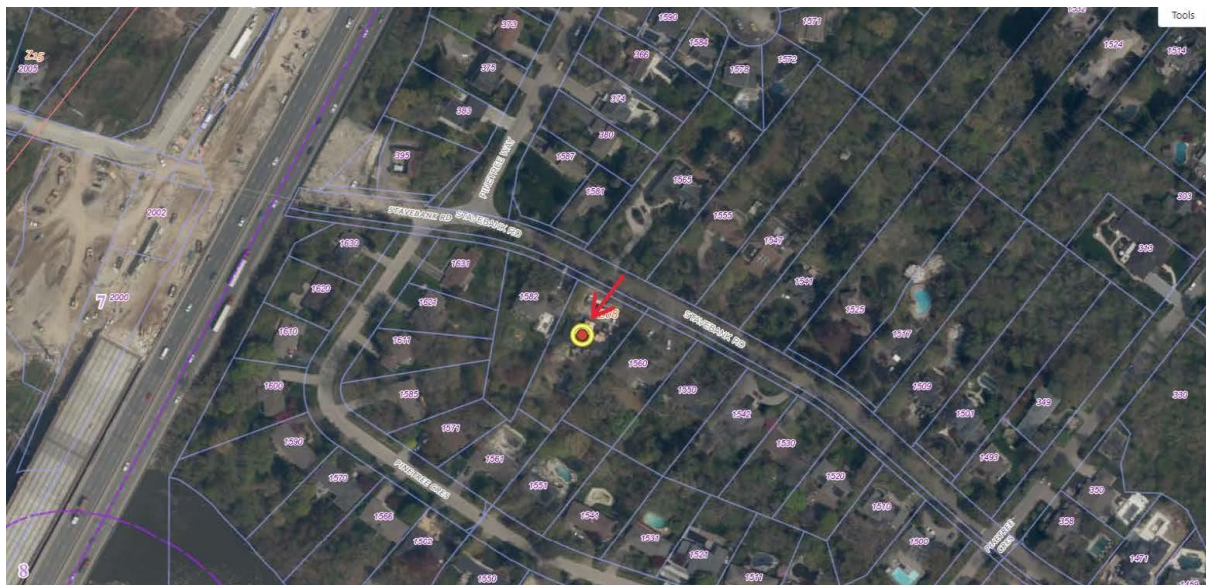
Zoning: R1-2 - Residential

Other Applications: None

Site and Area Context

The subject property is located on the west side of Stavebank Road, northeast of the Lakeshore Road West and Mississauga Road intersection. The surrounding area context is primarily residential, consisting of a mix of one and two-storey detached dwellings on lots of varying sizes. The subject property currently contains a one-storey detached dwelling with mature vegetation in the front and rear yards.

The applicant is proposing a second driveway access on the subject property requiring a variance for the combined circular 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 are as follows:

The subject property is located within the Mineola Neighbourhood Area and is designated Residential Low Density I. The Residential Low Density I designation permits only detached dwellings in this area.

The sole requested variance requests an increase in the combined access width for a circular driveway. Through discussions with the applicant, Planning staff note the driveway width currently proposed in the application reflects the dimensions of the flared portion on the street. However, staff note that the minor variance process is applicable for the driveway width measured at the property line. As such, the variance appears incorrect, and the driveway width appears to be 9m (29.5ft).

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 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.

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

Our Traffic Planning Section does not recommend permitting a combined driveway access width exceeding 8.5m. Through Traffic Engineering best practices, driveway widths on the municipal road network are generally 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 and clearly identify which property each driveway serves, etc.

All costs incurred in providing any new driveway entrances to the subject lands or any modifications/reinstatement required (including the existing driveway), would be at the cost of the owner. We are also noting that should any utilities/trees need to be relocated, all costs incurred will also be at the expense of the owner. Driveway accesses shall maintain a 1.5m setback from aboveground features such as utilities. Setbacks from any trees shall be confirmed with the City's Community Services Department.

Should the Committee see merit in the proposed minor variance, the applicant shall apply for an Access Modification Permit for the driveway access works to the City's satisfaction.







Comments Prepared by: John Salvino, 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 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: Crystal Abainza, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

The Forestry Section of the Community Services Department has reviewed the above noted minor variance application and advises as follows:

1. No public trees shall be injured or removed. If public tree injury or 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 Permit Application, written consent must be obtained by both parties.

An 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/>.

Additionally, Forestry notes that the proposed 3.5m driveway on Stavebank Rd. may impact the existing English Yew tree located within the City Right-of-Way (ROW). Further information regarding this tree is noted below:

- English Yew: 27cm DBH, good-fair condition, minimum Tree Protection Zone (TPZ) 1.8m, located northwest of the driveway, City owned tree

The proposed edge of the driveway is located outside of this tree's minimum TPZ, however care should be taken to protect the above noted City tree as best as possible. If necessary, Tree Protection Hoarding for City trees shall be installed as per By-law 0020-2022. Any public tree injuries and/or removals need to apply for Tree Application Permits as noted in Item 1.

For privately owned trees to be protected, and where necessary, Tree Protection Hoarding shall be installed as per By-law 0021-2022. Any private tree injuries and/or removals (for trees 15cm DBH or greater) need to apply for Tree Application Permits as noted in Item 2.

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.

Comments Prepared by: Jamie Meston, Landscape Architect Assistant

Appendix 4 – CVC

Credit Valley Conservation (CVC) staff have reviewed the subject application and offer comments based on the following roles and responsibilities:

1. Delegated Responsibilities – providing comments representing the provincial interest regarding natural hazards (except forest fires) as identified in Section 3.1 of the Provincial Policy Statement (2020);
2. Regulatory Responsibilities – providing comments to ensure the coordination of requirements under the *Conservation Authorities Act* Section 28 regulation, to eliminate unnecessary delay or duplication in process;
3. Source Protection Agency – providing advisory comments to assist with the implementation of the CTC Source Protection Plan under the *Clean Water Act*, as applicable.

CVC REGULATED AREA

Based on our mapping, the subject property is regulated due to slope hazard associated with Stavebank creek. As such, the property is subject to the Prohibited Activities, Exemptions, and Permits Regulation (Ontario Regulation 41/24). This regulation prohibits altering a watercourse, wetland or shoreline and prohibits development in areas adjacent to the Lake Ontario shoreline, river and stream valleys, hazardous lands and wetlands, without the prior written approval of CVC (i.e. the issuance of a permit).

PROPOSAL:

It is our understanding that the applicant is requesting the Committee to approve a minor variance to permit a combined circular driveway proposing a combined access point width of 13.00m (approx. 42.65ft) whereas By-law 0225-2007, as amended, permits a maximum combined access point width of 8.50m (approx. 27.89ft) in this instance.

COMMENTS:

Based on the review of the information provided, CVC has no objection to the approval of the minor variance at this time as the proposed development is sufficient setback from the natural features of interest to CVC.

The applicant is advised that the subject property is regulated by CVC and a CVC permit/clearance will be required for the proposed works and any other future development on the property.

The applicant is to note that CVC has not received payment of the review fee of \$478 for this Minor Variance application. The applicant should forward this directly to CVC at the earliest convenience.

I trust that these comments are sufficient. Please do not hesitate to contact the undersigned at stuti.bhatt@cvc.ca or 905-670-1615 (ext. 350) should you have any further questions. Please circulate CVC on any future correspondence or applications regarding this site.

Comments Prepared by: Stuti Bhatt, Junior Planner

Appendix 5 – Region of Peel

Minor Variance Application: A-24-386M / 1570 Stavebank Road

Development Engineering: Brian Melnyk (905) 791-7800 x3602

Comments:

- Hydrants near driveways shall be located a minimum of 1.25 m clear from the projected garage (or edge of driveway, whichever is greater) in residential applications (Peel Water Design Criteria Standard 4.3).
- All residential service boxes (curb stops) shall be installed in grass areas with a minimum distance of 1.0 meter from the edge of the driveway (Region of Peel Watermain Design Criteria Standard 6.6).
- The applicant shall verify the location of the existing service connections to the subject site and the contractor shall locate all existing utilities in the field. Requests for underground locates can be made at <https://www.ontarioonecall.ca/portal/>
- For location of existing water and sanitary sewer infrastructure please contact Records by e-mail at PWServiceRequests@peelregion.ca

Planning: Petrele Francois (905) 791-7800 x3356

Comments:

- Please be advised that the subject lands are located within the floodplain of the regulated area of the Credit Valley Conservation Authority (CVC). We request that City staff consider comments from the CVC and incorporate their conditions of approval appropriately.

Comments Prepared by: Petrele Francois, Junior Planner