

City of Mississauga Department Comments

Date Finalized: 2024-09-04	File(s): A183.23
To: Committee of Adjustment	Ward: 2
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 requested, 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 allow a circular driveway proposing

1. A combined access points width for a circular driveway of 9.31m (approx. 30.54ft) whereas By-law 0225-2007, as amended, permits a maximum combined width of 8.50m (approx. 27.89ft) in this instance; and,
2. A walkway attachment width of 2.60m (approx. 8.53ft) whereas By-law 0225-2007, as amended, permits a maximum walkway attachment width of 1.50m (approx. 4.92ft) in this instance.

Background

Property Address: 1303 Tecumseh Park Dr

Mississauga Official Plan

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

Zoning By-law 0225-2007

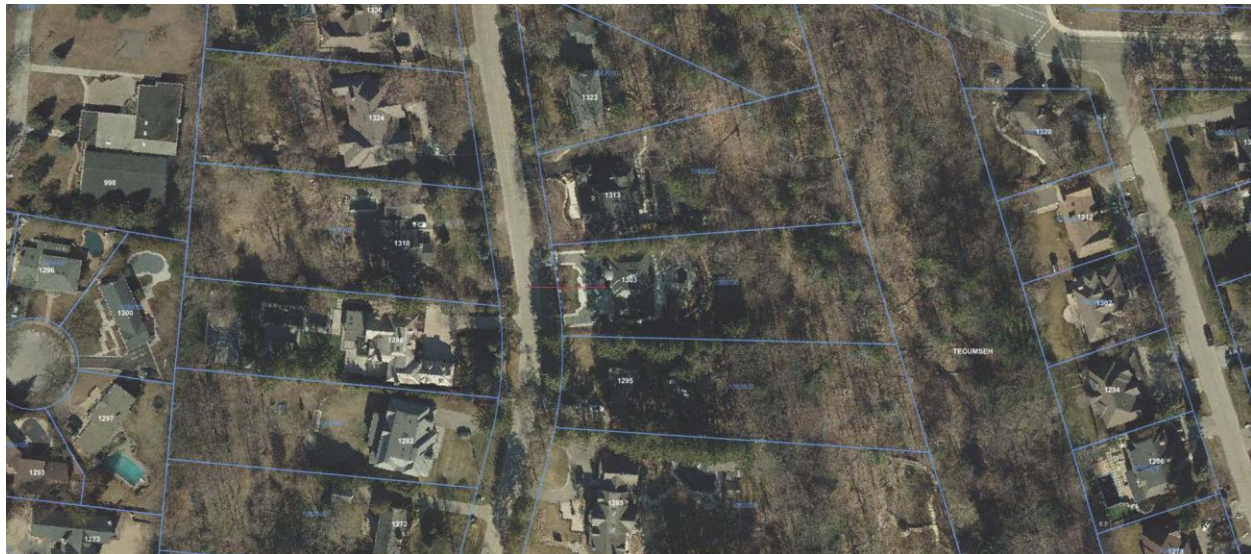
Zoning: R1-2 -Residential

Other Applications: None

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, southeast of the Indian Road and Lorne Park Road intersection. The neighbourhood is entirely residential, consisting of lot large lots with one and two storey-detached dwellings. The subject property contains a two-storey detached dwelling with vegetation along the interior side yards. Adjacent to the subject property at the rear is a City owned park known as Tecumseh Park.

The applicant is proposing to legalize an existing circular driveway, requesting variances related to combined width of access points for a circular driveway 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 are as follows:

The subject property is designated Greenlands and Residential Low Density I within the Clarkson Lorne Park Neighbourhood in Schedule 10 of the Mississauga Official Plan (MOP).

Staff note that the subject property has been before the Committee of Adjustment multiple times to legalize the existing driveway under different applications. The current application was

deferred on March 21, 2024, to allow the applicant an opportunity to capture all required variances and work with Planning staff to address hardscaping concerns.

The applicant has since worked with staff and is proposing to remove portions of hardscaping with sod to reduce the driveway width to 6m (19.68ft) from the original proposal of 8.72m (28.60ft). Further, in redesigning the driveway and reducing the width, the variances for excessive driveway coverage of the front yard and driveway width have been eliminated.

Variance #1 requests an increase in the combined access points width for a 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 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. With respect to Variance #2, the intent of the walkway attachment provision is to help define the entryway and to permit safe movement of pedestrians to the dwelling while prohibiting vehicle accommodation. The requested walkway is located in such a way that staff are satisfied that it will be unable to facilitate vehicular movements. Staff note the walkway is designed and angled in a manner that it can not facilitate additional parking. Staff are of the opinion that the walkway is to facilitate access to the front porch from the driveway.

Through a detailed review of the application, 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

Enclosed you will find pictures of the existing driveway conditions at the property limit. 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.

There were two (2) previous minor variance applications, A148/6 and A149/20, that requested a minor variance for a combined access points width greater than what the zoning by-law permits which both were refused.

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 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 Tecumseh Park (P-015), 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. 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.

Comments Prepared by: Nicholas Rocchetti, Planner in Training

Appendix 4 – CVC

Based on the review of the information provided, CVC has **no objection** to the proposed minor variance at this time.

The applicant is to note that the property is regulated by CVC and a CVC permit/clearance is required for any future development on the property.

Please let me know if you have any questions or concerns.

Comments Prepared by: Stuti Bhatt, Junior Planner

Appendix 5 – Region of Peel

Our previous comments still apply.

Comments Prepared by: Petrele Francois, Junior Planner