

City of Mississauga Department Comments

Date Finalized: 2024-10-16	File(s): A468.24 Ward: 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-10-24 3:30:00 PM

Consolidated Recommendation

The City recommends the application be deferred for redesign.

Application Details

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

1. A driveway width of 15.24m (approx. 50.00ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 10.50m (approx. 34.45ft) in this instance;
2. A driveway width at the middle point of the driveway of 12.19m (approx. 40.00ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 10.50m (approx. 34.45ft) in this instance; and,
3. A driveway width at the property line of 8.84m (approx. 29.00ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50m (approx. 27.89ft) in this instance.

Background

Property Address: 4866 Forest Hill Dr

Mississauga Official Plan

Character Area: Central Erin Mills Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

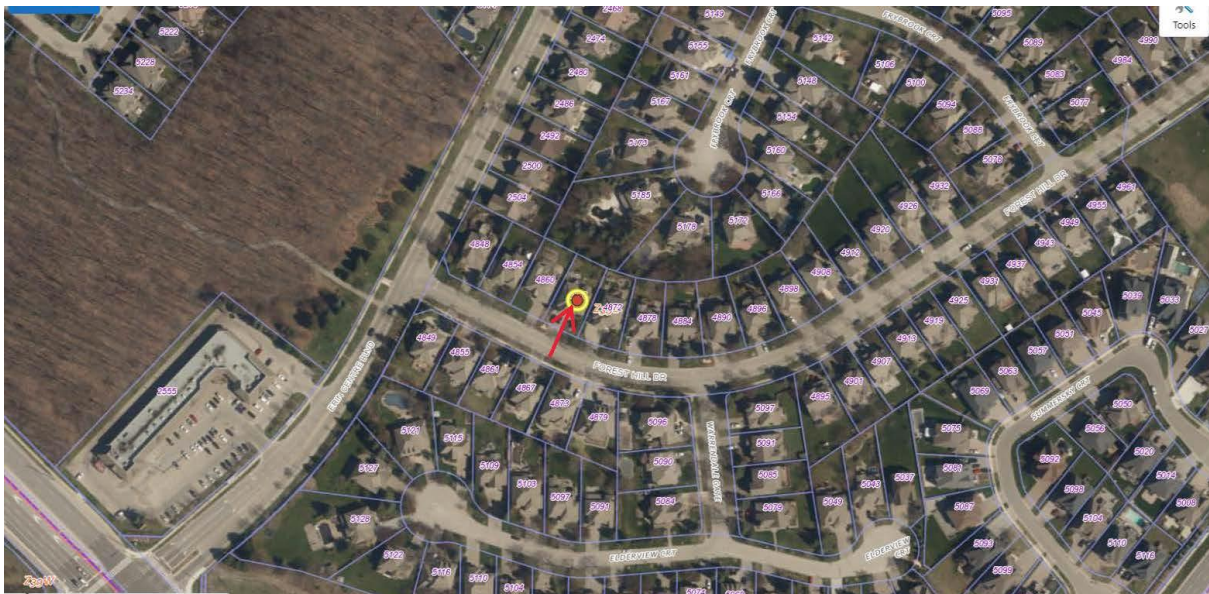
Zoning: R2-8

Other Applications: None

Site and Area Context

The subject property is located south-east of the Erin Mills Parkway and Erin Centre Boulevard intersection in the Central Erin Mills 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 area context is exclusively residential, consisting of detached dwellings.

The applicant is proposing to widen the existing driveway requiring variances for 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 of the four tests to this minor variance request are as follows:

The subject property is located in the Central Erin Mills Neighbourhood Character Area and is designated Residential Low Density I. Section 9 of the Mississauga Official Plan (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 conditions,

the surrounding context and the landscape of the character area. The planned character of the area are dwellings accessed by appropriately sized driveways. The existing driveway is not compatible with the existing or planned character of the area. Staff are of the opinion that the general intent and purpose of the official plan is not maintained in this instance.

The proposed variances pertains to the widening of the existing driveway on the subject property. The planned character of the area are dwellings serviced by appropriately sized driveways that can accommodate the parking of vehicles side by side required by the zoning by-law with the remainder of the front yard being soft landscaping area for each property. The proposed driveway would be able to facilitate the parking of 5 or more motor vehicles parked side by side. Further, the existing driveway creates a significant amount of hardscaping that dominates the perceived street frontage of the property and compromises the front yard soft landscaping requirements.

Given the above, staff are of the opinion that the application be deferred to allow the applicant the opportunity to redesign the driveway.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committee's reference is a number of photos that depict the subject property, and note that this department cannot support the variance as submitted for a driveway width of 15.24 m. We feel that this request is excessive and not warranted for a dwelling that already has a driveway width designed for a 3-car garage.

When reviewing these types of variances for increased hard surfaces being proposed where grassy permeable surfaces exist or existed, we are concerned with the additional hard surface treatment as this essentially increases the flow of water into the municipal storm sewer system. Incremental increases across the neighbourhood and the city essentially have an increased pressure and impact on the city's storm sewer system. Lots are designed to typically retain some rainwater through infiltration of water into the permeable surfaces, such as grass.







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: Emily Majeed, Planner-in-Training

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 currently proposed driveway layout on Forest Hill Dr. will likely impact the existing Linden trees located within the City Right-of-Way (ROW) along the property frontage. Linden trees do not tolerate construction impacts well and as a result, there is a possibility that both these trees may be injured. Additional information regarding these trees is as follows:

- Linden: 36.5cm DBH, good condition, minimum Tree Protection Zone (TPZ) 2.2m, located northwest of the proposed driveway, City owned tree.
- Linden: 40.5cm DBH, good condition, minimum Tree Protection Zone (TPZ) 2.4m, located southwest of the proposed driveway, City owned tree.

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. As per this By-law, no person shall perform any work within a TPZ without a valid permit.

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 Technician, Forestry Section, Community Services Department at 905-615-3200 ext. 4264 or via email jamie.meston@mississauga.ca.

Comments Prepared by: Jamie Meston, Landscape Technician

Appendix 4 – Region of Peel

Minor Variance Application: A-24-468M / 4866 Forest Hill Drive

Development Engineering: Wendy Jawdek (wendy.jawdek@peelregion.ca)(905) 791-7800 x6019

Comments:

- Property line water service shut off valves and water services within the road allowance are owned by the Region of Peel. All water services shall have shut-off valves (curb stops and boxes) installed at the property line, be flush with grade, and accessible at all times. For residential applications, shut off valves and service lines shall be installed in grass areas with a minimum distance of 1.0m from the edge of the driveway.

Comments Prepared by: Petrele Francois, Junior Planner