

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2024-11-06	File(s): A495.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:11/14/2024 1:00:00 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 allow a driveway proposing:

1. A side yard setback to hardscaping of 0.15m (approx. 0.49ft) whereas By-law 0225-2007, as amended, requires a minimum side yard setback to hardscaping of 0.61m (approx. 2.00ft) in this instance;
2. A driveway width of 8.00m (approx. 26.25ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance;
3. A setback to the driveway of 0.25m (approx. 0.82ft) whereas By-law 0225-2007, as amended, requires a minimum setback to the driveway of 0.61m (approx. 2.00ft) in this instance;
4. A hammerhead driveway width of 2.87m (approx. 9.42ft) whereas By-law 0225-2007, as amended, permits a maximum hammerhead driveway width of 2.60m (approx. 8.53ft) in this instance;
5. A hammerhead driveway height of 4.25m (approx. 13.94ft) whereas By-law 0225-2007, as amended, permits a maximum hammerhead driveway height of 3.00m (approx. 9.84ft) in this instance.

Background

Property Address: 2565 Scarth Crt

Mississauga Official Plan

Character Area: Central Erin Mills Neighbourhood

Designation: Residential Low Density II

Zoning By-law 0225-2007

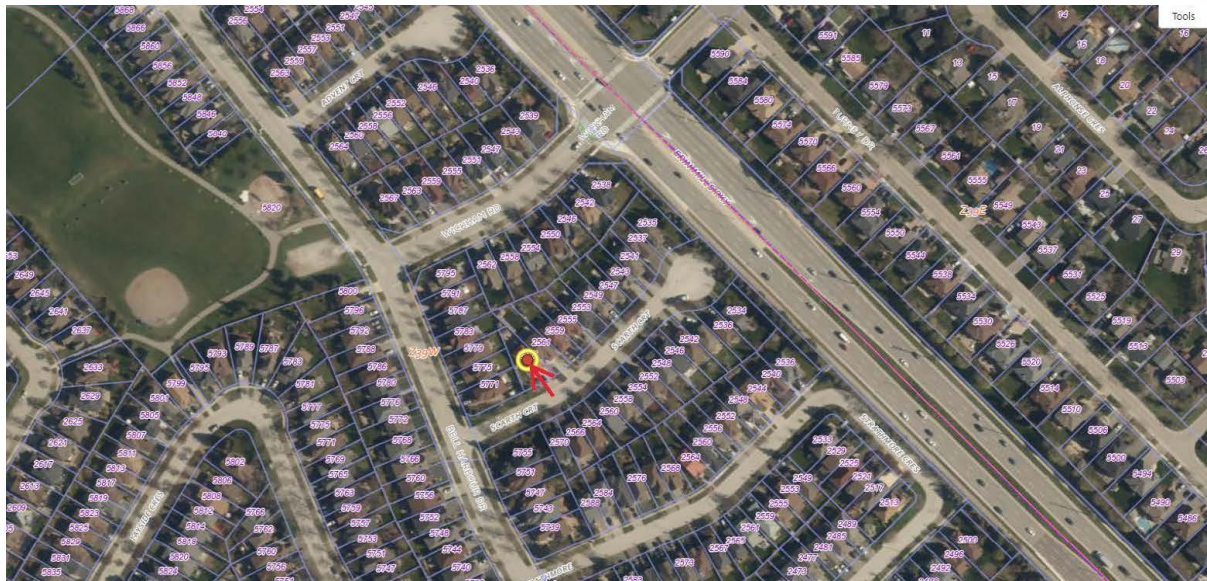
Zoning: R5 - Residential

Other Applications: None

Site and Area Context

The subject property is located north-west of the Erin Mills Parkway and Thomas Street 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 vegetation is present throughout the subject property. The surrounding area is exclusively residential, consisting of detached and townhouse dwellings.

The applicant is proposing to legalize an existing driveway and hard surface landscaping in the rear yard requiring variances for driveway width, hammerhead length and width as well as driveway and hard surface landscape material setbacks.



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 II in Schedule 10 of the Mississauga Official Plan (MOP). Section 9 of the MOP promotes development 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.

Staff note no concerns with variances 1 and 3, as there is an appropriate buffer between abutting properties and Transportation and Work's staff have raised no drainage concerns. Additionally, staff have no concerns with variance 2 regarding the proposed driveway width. Staff note the parcel is shaped as a reversed pie lot, with the frontage of the subject property along Scarth Road measuring approximately +/- 20m (65.61ft). Staff note that Zoning By-law 0225-2007 permits a driveway width of 8.5m (27.88ft) where the lot frontage is 18m (59.05ft) or greater.

Staff are recommending deferral due to the variances concerning the hammerhead driveway area. The intent of the hammerhead provisions are to permit a hammerhead large enough to allow for vehicles to turn around on the subject property, but not accommodate additional vehicular parking on the hammerhead. Staff note the hammerhead will enable the parking of a motor vehicle. Additionally, Transportation and Work's staff note a large portion of the hammerhead has been constructed on City property.

Given the above, staff are recommending deferral to allow the applicant the opportunity to redesign the driveway hammerhead area.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Attached for Committee's easy reference are photos depicting the subject property, in particular the existing driveway.

With regards to variance #2 which is requesting a driveway width of 8.00M, we note that the widened driveway within the municipal boulevard (the area between the municipal curb and property line) should be reinstated with topsoil and sod should the application be modified to reflect a smaller driveway width approved by the Committee or if the application is not supported by the Committee.

It should also be noted that regardless of what driveway width is approved by the Committee, the two brick entry gate features, including any below ground electrical connections are to be removed from city property (municipal right-of-way).

We also have concerns with variance #4 & 5 pertaining to the hammerhead driveway as a portion of this hammerhead driveway has been constructed within city property and should be removed. In this instance we also do not see the rationale for having a hammerhead driveway on this property as it fronts onto a Minor Local Residential Road, which is not in a high traffic area.

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: Crystal Abainza, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

Forestry Comments

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 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 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 Comments**Minor Variance Application: A-24-495M / 2565 Scarth Court**

Development Engineering: Brian Melnyk (brian.melnyk@peelregion.ca)(905) 791-7800 x3602

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