

City of Mississauga

Memorandum:

City Department and Agency Comments

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| Date Finalized: 2024-11-14 | File(s): A514.24 |
| To: Committee of Adjustment | |
| From: Committee of Adjustment Coordinator | Meeting date:11/21/2024 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 proposing:

1. A below grade principal entrance in the right side yard whereas By-law 0225-2007, as amended, does not permit a below grade principal entrance in the right side Yard in this instance.
2. A driveway width of 18.68m (approx. 61.29ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance;
3. A soft landscaping in the front yard of 7.14% whereas By-law 0225-2007, as amended, requires a minimum soft landscaping in the front yard of 40.00% in this instance.

Background

Property Address: 2616 Mason Heights

Mississauga Official Plan

Character Area: Cooksville Neighbourhood (West)
Designation: Residential Low Density II

Zoning By-law 0225-2007

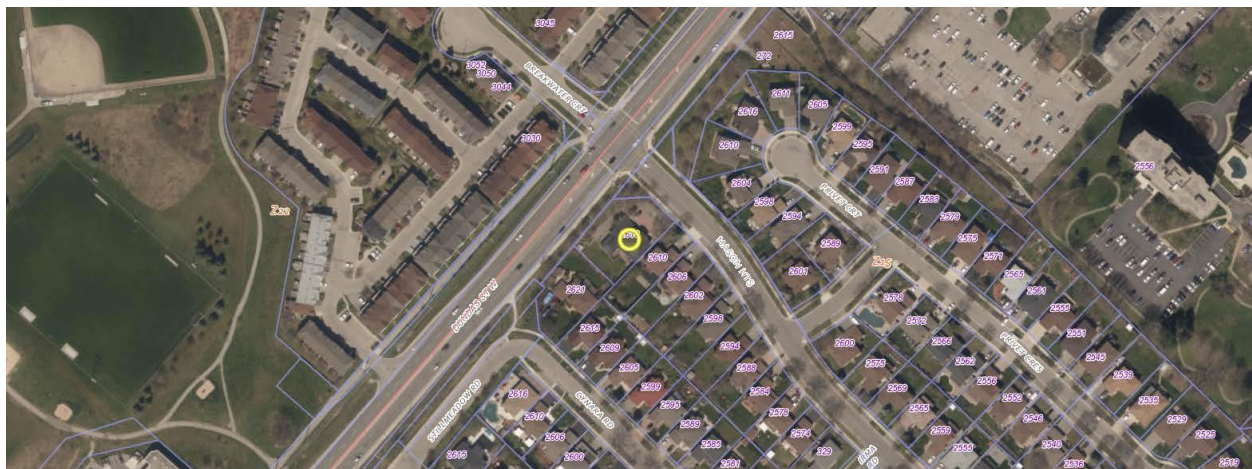
Zoning: R3 - Residential

Other Applications: SEC UNIT 24-2575

Site and Area Context

The subject property is located on the south-west corner of the Dundas Street West and Mason Heights intersection in the Cooksville Neighbourhood Character Area. It is a corner lot containing a two-storey dwelling with an attached garage. Limited landscaping and vegetative elements are present on the subject property. The surrounding area context is mostly residential, consisting mainly of detached dwellings. Townhouse dwellings are located on the north side of Dundas Street West.

The applicant is proposing to legalize the existing driveway requiring variances for driveway width and the soft landscaping ratio in the yard containing the driveway. Furthermore, the applicant is proposing a below grade entrance in the exterior side yard to facilitate an attached additional residential unit requiring a variance for the location of the below grade entrance.



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 Cooksville Neighbourhood Character Area and is designated Residential Low Density II. 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 residential 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 variance relates to a widened driveway on the subject property. The planned character of the area are residential dwellings serviced by appropriately sized driveways that can accommodate the parking of vehicles required by the zoning by-law for each property. The intent of the driveway width regulations in the by-law is to allow a driveway to accommodate two vehicles parked side by side, with the remainder of the front yard being soft landscaped area. The existing driveway would be able to facilitate the parking of many 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. The subject property does not possess the frontage necessary to support the size of the driveway and meet the intent of the regulations. Additionally, staff note the garage is at the rear of the property and its access is from the driveway at the side of the dwelling.

Staff note a prior Committee of Adjustment application (A520.17) was approved on December 7th, 2017 to permit the establishment of a veterinary practice in the existing single family dwelling to be operated by the resident veterinarian. Further review of the subject property also notes that a Zoning Certificate of Occupancy (C17-8769) was sought to further legalize the proposed veterinary practice, however it was never issued and the subsequent application was cancelled. While Planning staff recognize that commercial uses were approved and existed on the subject property, staff note the current proposal only requests a residential use to occupy the property. Therefore, staff recommend deferral of the application to allow the applicant an 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 ease of reference are photos depicting the subject property. With regards to Variance #1, we have no drainage related concerns as it does not impact any of the abutting properties.

With regards to Variance #2, we concur with the applicant's explanation as this was constructed in 1984 and the property functioned as a dentist office for years. We also note and as evident from the enclosed photos and submitted Site Plan, the garage is at the rear of the property and its access is from the driveway at the side of the dwelling.







Comments Prepared by: Tony Iacobucci, Development Engineering

Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application SEC UNIT 24-2575. Based on review of the information available in this application, we advise that more information is required in order to verify the accuracy of the requested variances or determine whether additional variances will be required.

Please note that comments reflect those provided through the above application. 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: Gary Gagnier, 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-24-514M / 2616 Mason Heights

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

Comments:

- Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Site Servicing approvals are required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections by email at siteplanservicing@peelregion.ca.
- Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. All works associated with the servicing of this site will be at the applicant's expense. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.

Comments Prepared by: Petrele Francois, Junior Planner

Appendix 6 – Metrolinx

Metrolinx is in receipt of the Minor Variance application for 2616 Mason Heights to facilitate the construction of two dwelling unit additions to the existing 2-storey dwelling as circulated on October 23rd, 2024, and to be heard at Public Hearing on November 21st, 2024, at 1PM. Metrolinx's comments on the subject application are noted below:

- The subject property is located adjacent of the proposed Dundas Bus Rapid Transit (Dundas BRT) alignment.

GO/HEAVY-RAIL – ADVISORY COMMENTS

- It is advised to coordinate with City of Mississauga and Metrolinx should there be any works that may impact the proposed ROW of the Dundas BRT.
- The subject property is located adjacent to the future Dundas Bus Rapid Transit (“BRT”) alignment. The Dundas BRT project was assessed under the Transit Project Assessment Process (TPAP) in accordance with Ontario Regulation 231/08. During the TPAP, an Environmental Project Report (EPR) was prepared to assess the potential environmental impacts as a result of the Project. The Environmental Project Report was available for a 30-day review period (starting February 23, 2022 – March 25, 2022); and, on April 27, 2022, the Minister of the Environment, Conservation and Parks issued a [Notice to Proceed](#) with the municipal transit project. If the applicant wishes to find out more about the Dundas BRT project, the applicant is encouraged to visit <https://www.metrolinxengage.com/en/content/dundas-brt-round-3-engagement-environmental-assessment>.

Should you have any questions or concerns, please contact Farah.Faroque@metrolinx.com.

Comments Prepared by: Farah Faroque, Project Analyst, Third Party Project Review