

City of Mississauga Department Comments

Date Finalized: 2024-10-16 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): A439.24 Ward: 6
	Meeting date:2024-10-24 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 width of 13.5m (approx. 44.3ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.0m (approx. 19.7ft) in this instance.

Background

Property Address: 5230 Creditview Rd

Mississauga Official Plan

Character Area: East Credit Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3 - Residential

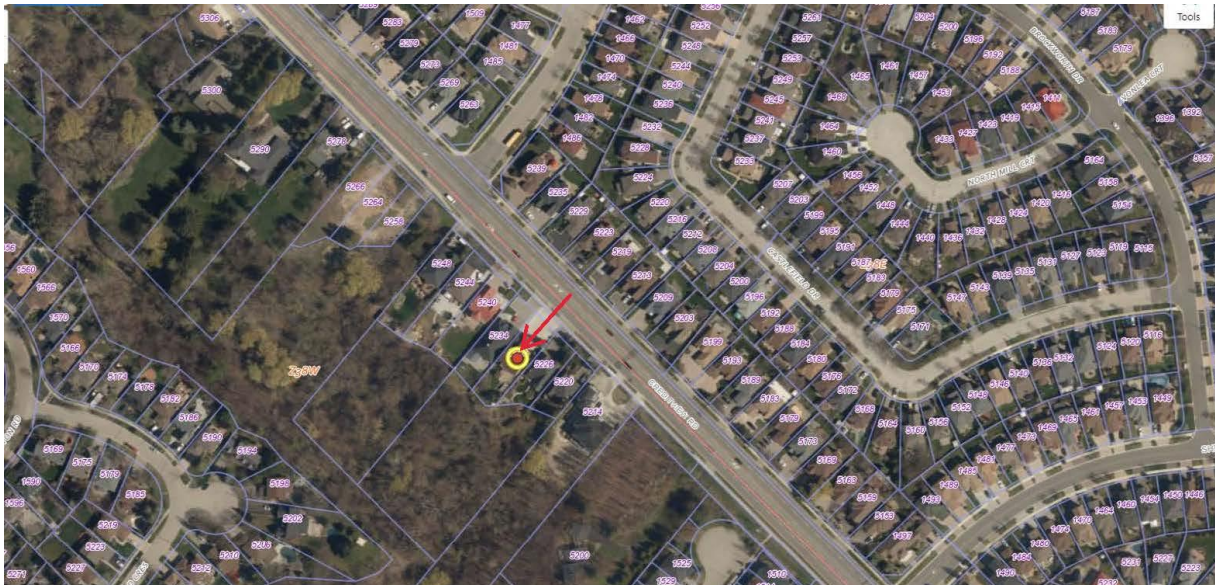
Other Applications: None

Site and Area Context

The subject property is located along the west side of Creditview Road, north of the Eglinton Avenue West and Creditview Road intersection in the East Credit Neighbourhood Character Area. It is an interior lot containing a two-storey detached dwelling with attached garage. Limited landscaping and mature vegetative elements are present on the subject property. The

surrounding context is mainly residential, with detached dwellings located along both sides of Creditview Road. Additionally, the site abuts a City-owned woodlands area to the west.

The applicant is proposing to legalize a widened driveway on the subject property requiring a variance 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 East Credit 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 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 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 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. The subject property does not possess the frontage necessary to support the size of the driveway and meet the intent of the regulations.

While Planning staff are not in a position to interpret the zoning by-law, staff note that an additional variance is required for minimum landscaped soft area in the yard containing the driveway. In this particular instance, the R3 zone requires 40% of the front yard to be soft landscaping, as the driveway for the subject property is located in the front yard. Staff note a large portion of the front yard has been modified to contain almost all hard surface landscaping material for the driveway. Staff further note they would not be supportive of a reduction to the by-law requirement for minimum landscaped soft area in the yard containing the driveway.

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 ease of reference are photos which depict the widened driveway. We are concerned that the additional hard surfacing within the front yard will increase the flow of stormwater into the municipal storm sewer system. Incremental increases in hard surfacing across the neighbourhood and throughout the city have increased pressures and impact on the City's storm sewer system. Lots are typically designed to retain some stormwater through infiltration via permeable surfaces like sodded areas and other landscaped areas.

This Department does not support the variance as submitted based on the above and recommend that the applicant make modifications to the widened driveway which are acceptable to city staff.

This Department requests that the municipal boulevard (area between the municipal curb and property line) is re-instated with topsoil and a sodded condition.







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 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 to the rear of the property are owned by the City of Mississauga, identified as Carolyn Creek (P-250), 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 measures:

- 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 – Park Planning, Community Services Department at 905-615-3200 ext. 4659 or via email nicholas.rocchetti@mississauga.ca.

Comments Prepared by: Nicholas Rocchetti, Planner

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 flood and slope hazard associated with Carolyn 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 allow a driveway width of 13.5m (approx. 44.3ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.0m (approx. 19.7ft) in this instance.

COMMENTS:

Based on the review of the information provided, CVC has **no objection** to the approval of the proposed minor variance at this time as all works proposed are sufficiently setback from the natural features of interest to CVC.

The applicant is advised that the subject property is regulated by CVC and any further development will require a CVC permit.

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-24-439M / 5230 Creditview Road

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.

Note: Petrele Francois (petrele.francois@peelregion.ca)(905) 791-7800 x3356

Please be advised that the subject lands are located in 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