

City of Mississauga Department Comments

8 Date Finalized: 2024-10-16 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): A458.24 Ward: 7 Meeting date:2024-10-24 1:00:00 PM
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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 an accessory structure proposing:

1. A driveway width of 23.13m (approx. 75.89ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50m (approx. 27.89ft) in this instance;
2. A hammerhead width of 8.13m (approx. 26.67ft) whereas By-law 0225-2007, as amended, permits a maximum hammerhead width of 2.60m (approx. 8.53ft) in this instance;
3. A driveway hammerhead length of 9.86m (approx. 32.35ft) whereas By-law 0225-2007, as amended, permits a maximum driveway hammerhead length of 3.00m (approx. 9.84ft) in this instance;
4. A circular driveway coverage of 57.79% whereas By-law 0225-2007, as amended, permits a maximum circular driveway coverage of 50.00% in this instance;
5. A walkway attachment of 3.57m (approx. 11.71ft) whereas By-law 0225-2007, as amended, permits a maximum walkway attachment of 1.50m (approx. 4.92ft) in this instance;
6. A walkway attachment of 3.25m (approx. 10.66ft) whereas By-law 0225-2007, as amended, permits a maximum walkway attachment of 1.50m (approx. 4.92ft) in this instance.

Background

Property Address: 1016 Mississauga Heights Dr

Mississauga Official Plan

Character Area: Erindale Neighbourhood
Designation: Greenlands & Residential Low Density I

Zoning By-law 0225-2007

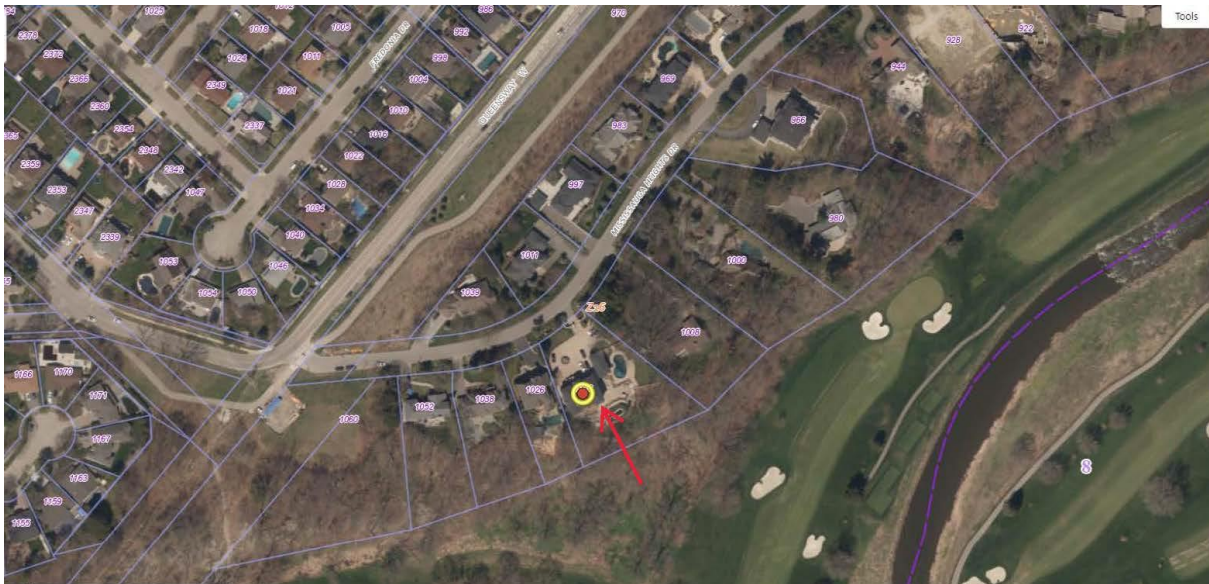
Zoning: R1-8 - Residential

Other Applications: None

Site and Area Context

The subject property is located in the Erindale Neighbourhood Character Area. It currently contains a two-storey detached dwelling with a single storey detached garage. Significant mature vegetation is present in both the front and rear yards. The surrounding area context is predominantly residential, consisting of detached dwellings on lots of varying sizes. The property slopes down towards the rear, where it backs onto the Mississauga Golf and Country Club and the Credit River.

The applicant is proposing to construct a new driveway requiring variances for driveway width, hammerhead width and length, circular driveway coverage 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 of the four tests to this minor variance request are as follows:

The subject property is located in the Erindale Neighbourhood Character Area and is designated Greenlands and 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 proposed 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 relate to the proposed widening of the 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. Staff note the proposed driveway would be able to facilitate a large amount of vehicles to be parked side by side and are of the opinion that the driveway will create a significant amount of hardscaping that will dominate the front yard. 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 are of the opinion that the proposed hammerhead will enable the parking of motor vehicles parallel to and within view of the street.

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 R1-8 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 the proposal will modify the front yard 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 Committees ease of reference is a number of photos depicting the subject property. Acknowledging the unique design and construction of the driveway, we note that the widened portion of the driveway is not located within the Mississauga Heights Drive municipal right-of-way.









Comments Prepared by: Tony Iacobucci, Development Engineering

Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application BP 9ALT 22-5175. Based on review of the information available in this application, we advise that following amendment is required:

To omit the duplicate variance for “A hammerhead width of 8.13m (approx. 26.67ft) whereas By-law 0225-2007, as amended, permits a maximum hammerhead width of 2.60m (approx. 8.53ft) in this instance;”

Our comments may no longer be valid should there be changes in the Committee of Adjustment application that have yet to be submitted and reviewed through the Building Division application. To receive updated comments, the applicant must submit any changes to information or drawings separately through the above application.

Comments Prepared by: Gary Gagnier; Zoning Examiner

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 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 – 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 Credit River. 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 an accessory structure proposing:

1. A driveway width of 23.13m (approx. 75.89ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50m (approx. 27.89ft) in this instance;
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5. A walkway attachment of 3.57m (approx. 11.71ft) whereas By-law 0225-2007, as amended, permits a maximum walkway attachment of 1.50m (approx. 4.92ft) in this instance;
6. 6. A walkway attachment of 3.25m (approx. 10.66ft) whereas By-law 0225-2007, as amended, permits a maximum walkway attachment of 1.50m (approx. 4.92ft) 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 a CVC permit/clearance is required for the proposed works as well as all future works proposed on the property.

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-24-458M / 1016 Mississauga Heights 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.

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