

# City of Mississauga

Memorandum:

## City Department and Agency Comments

Date Finalized: 2025-01-09	File(s): A429.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:1/16/2025 1:00:00 PM

### Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure that all required variances have been accurately identified.

### Application Details

The applicant requests the Committee to approve a minor variance to allow a driveway width of 7.20m (approx. 23.62ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance.

### Background

**Property Address:** 861 Stargazer Dr

#### Mississauga Official Plan

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

#### Zoning By-law 0225-2007

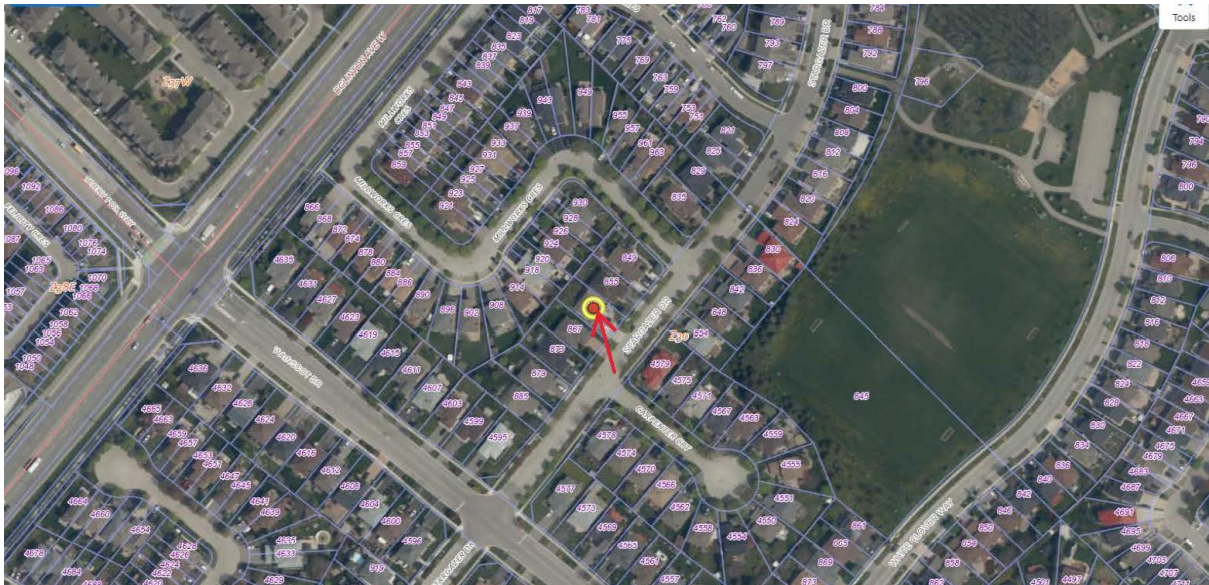
**Zoning:** R3-23 - Residential

**Other Applications:** None

#### Site and Area Context

The subject property is located south-west of the Eglinton Avenue West and Mavis Road intersection in the East Credit Neighbourhood. It is an interior lot containing a two-storey semi-detached dwelling with an attached garage. Limited landscaping and vegetative elements are present on the subject property. The surrounding context is predominantly residential, consisting of detached and semi-detached dwellings.

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:

Planning staff note the Committee of Adjustment deferred the application on September 26<sup>th</sup>, 2024, due to the existing widened driveway on the property. The applicant worked with staff to reduce the driveway from 9.2m (30.18ft) to 7.2m (23.62ft).

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

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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 sole 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 required by the zoning by-law for each property. The intent of the driveway width regulations in the by-law is to permit a driveway that can accommodate two vehicles parked side by side, with the remainder of the front yard being soft landscaped area. Staff are of the opinion that the increase in driveway width is minor, while the proposed driveway width does not facilitate the parking of additional vehicles across the driveway, nor does it create excessive hardscaping on the property. Additionally, Transportation and Work's staff have raised no drainage concerns. Planning staff are of the opinion that the proposal maintains the general intent and purpose of the official plan and zoning by-law, is minor in nature and represents appropriate development of the subject property. The proposal will not have any additional impacts to abutting properties.

While Planning staff are not in a position to interpret the zoning by-law, staff note an additional variance for a maximum walkway attachment maybe required. The zoning by-law stipulates a maximum walkway attachment of 1.5m (4.92ft) shall be permitted on each side of the driveway. Staff note the drawings depict a 2m (6.56ft) maximum walkway attachment on the south side of 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. This Department requests that the municipal boulevard (area between the municipal curb and property line) is re-instated with topsoil and a sodded condition should the application be modified to reflect a reduced driveway width or if the application is not supported by the Committee.

Further, it should be noted that the revised plan submitted dated November 11, 2024, contains limited information and it is difficult to determine what modifications are being considered to achieve the proposed 7.2 m driveway width.









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**

### Forestry Comments

The Forestry Section of the Community Services Department has reviewed the above noted minor variance application. The Forestry Section does not support this application, as the widening of the existing driveway may result in the injury of two City owned trees.

Care should be taken to protect the below noted trees as best as possible:

- Norway Maple: 24.5cm DBH, good condition, minimum Tree Protection Zone (TPZ) 1.8m, located southwest of the driveway, City owned tree.
- Norway Maple: 26.5cm DBH, fair condition, minimum Tree Protection Zone (TPZ) 1.8m, located northeast of the 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 below 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 below in Item 2.

Should this application be approved, the Forestry Section 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/>.

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](mailto:jamie.meston@mississauga.ca).

Comments Prepared by: Jamie Meston, Landscape Technician

#### **Appendix 4 – Region of Peel Comments**

Please note that our previous comments still apply.

Comments Prepared by: Petrele Francois, Junior Planner