

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2025-03-13	File(s): A37.25
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:3/20/2025 1:00:00 PM

Consolidated Recommendation

The City has no objection to the application.

Application Details

The applicant requests the Committee to approve a minor variance to allow existing conditions proposing:

1. A driveway setback of 0m whereas By-law 0225-2007, as amended, requires a minimum driveway setback of 0.60m (approx. 1.97ft) in this instance;
2. A walkway attachment to the west of 2.30m (approx. 7.55ft) whereas By-law 0225-2007, as amended, permits a maximum walkway attachment to the west of 1.50m (approx. 4.92ft) in this instance;
3. A walkway attachment to the east of 1.81m (approx. 7.55ft) whereas By-law 0225-2007, as amended, permits a maximum walkway attachment to the west of 1.50m (approx. 4.92ft) in this instance; and
4. A driveway width of 9.10m (approx. 29.86ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50m (approx. 27.89ft) in this instance.

Background

Property Address: 1800 Balsam Ave

Mississauga Official Plan

Character Area: Clarkson - Lorne Park Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

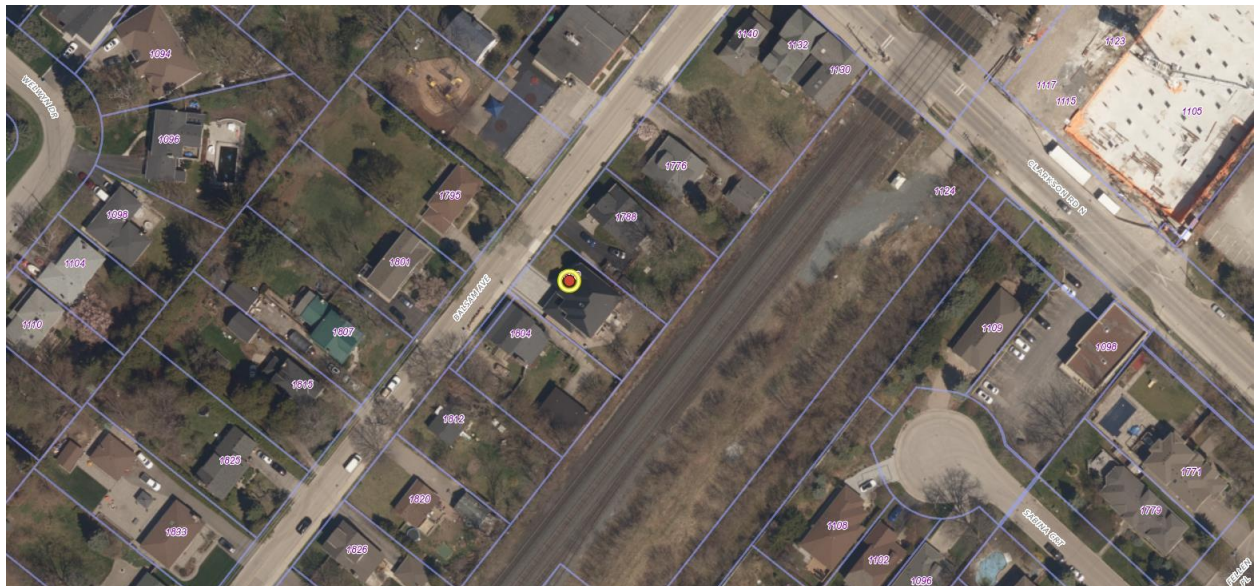
Zoning: R3-2-Residential

Other Applications: Preliminary Zoning Review application PREAAP 23-3846

Site and Area Context

The subject property is located on the interior corner of Doctor Peddle Crescent. The property has a lot area of +/- 691m² (+/- 7437ft².) and a lot frontage of +/- 19.49m (+/- 63.94ft.). Currently the property houses a two-storey, detached dwelling with an attached garage. There are limited vegetative and landscape elements on the property. The immediate neighbourhood is comprised primarily of two-storey detached dwellings on lots of similar sizes.

The applicant is proposing to legalize the existing driveway requiring variances for driveway width, walkway attachment widths and driveway setback.



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:

Does the proposal maintain the general intent and purpose of the Official Plan?

The site is located within the Clarkson - Lorne Park Neighbourhood Character Area and is designated Residential Low Density II by the Mississauga Official Plan (MOP). This designation permits detached dwellings only in this instance. Section 9.1 of the MOP states that driveway widths and associated setbacks should respect the identity and character of the surrounding context. Staff are satisfied that the driveway is appropriate for both the subject property and surrounding context, and therefore that the general intent and purpose of the Official Plan are maintained.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

Variance #1 relates to the driveway setback to the side lot line. The intent of driveway setback regulations is to ensure a visual separation between properties, and to allow for appropriate drainage patterns. While Planning staff do not typically support variances for 0m setbacks to paved surfaces and driveways, staff note that reduced side yard setbacks measured to the driveway are common in the immediate area. Further, Transportation and Works have not raised any drainage related concerns.

Variances #2 and #3 pertain to walkway attachment widths. The intent of the walkway attachment provision is to help define the entryway and to permit safe movement of pedestrians to the dwelling while prohibiting vehicle accommodation. The requested walkways are located in such a way that staff are satisfied that it will be unable to facilitate vehicular movements. Furthermore, staff are satisfied that the design of both the walkways restrict vehicular parking.

Variance #4 relates to the driveway width. The intent of the driveway width regulations is to ensure that the driveway can suitably accommodate two vehicles parked side by side, with the remainder of the front yard being soft landscaping. Staff are satisfied that the proposed driveway width does not create excessive hardscaping on the subject property, nor does it facilitate the parking of additional vehicles across the driveway. Furthermore, staff are of the opinion that the driveway is appropriately sized for the property, maintaining a front yard landscaping of 48% whereas 40% is required. Staff are satisfied that the proposed increase in the width does not pose negative impacts.

Given the above staff are satisfied that the application maintains the general intent and purpose of the Zoning By-law.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

Staff are satisfied that the proposed driveway and walkways are compatible with the surrounding context. Staff are therefore of the opinion that this application represents the orderly development of the lands and is minor in nature.

Comments Prepared by: Shivani Chopra, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed you will find pictures of the existing driveway and walkway. Since the driveway was covered in snow at the time of the site inspection, I have also included 2 screen shots from current Google Streetview that show the extent of the existing hard surface of the driveway.

Considering the existing width of the driveway hard surface is the subject of variance #4 and the comments from planning for the proposed/as-constructed condition are supportive, Transportation and Works echoes Planning and is also in support of the variance with the caveat that the existing curb cut provided by The City is not widened.

The existing driveway depression provides free moving access for two vehicles and the as-constructed driveway width demonstrates ample space for navigating freely between vehicles and per Planning's comment above "(the) width does not create excessive hardscaping on the subject property, nor does it facilitate the parking of additional vehicles across the driveway". In addition, we acknowledge that the municipal portion of the driveway area within the right-of-way (ROW) boulevard (section from back of sidewalk to property line) is also constructed to the width identified in Variance #4 (9.1m), in keeping with the aesthetic of the completed interlock driveway within the subject property. Transportation and Works advises caution that in the event of municipal work in the ROW being completed that this area may be directly impacted. In the event that the completed interlock in this area is disturbed as a result of such work, the restoration efforts beyond the maximum 8.5m maximum width may be subject to the owner's expense as the approval of the variance applies only to the private property. To mitigate this risk the applicant has the option to restore the municipal ROW boulevard section to match the width of the curb cut, of their own volition.

Comments Prepared by: Geoff Russell, Supervisor, Development Engineering - South









Appendix 2 – Zoning Comments

The Building Division is processing Preliminary Zoning Review application PREAAP 23-3846 submitted on 09/09/2024. Based on the review of the information available in this application, the requested variances are correct.

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: Jeanine Benitez, Zoning Examiner

Appendix 3 – Region of Peel Comments

We have no comments or objections.

Comments Prepared by: Petrele Francois, Junior Planner

Appendix 4- Conservation Authority Comments

Please see below CVC comments for 1800 Balsam Avenue in Mississauga:

Based on best available information, the subject property located at 1800 Balsam Avenue in Mississauga does not contain any floodplains, watercourses, shorelines, wetlands, valley slopes or other environmental features of interest to Credit Valley Conservation (CVC). Furthermore, the property is not subject to Ontario Regulation 41/24, (the Prohibited Activities, Exemptions, and Permits Regulation) or to the policies of CVC at this time.

Comments Prepared by: Stuti Bhatt, Junior Planner

Appendix 5 – Metrolinx

The subject property is located within 300m, adjacent to, the Metrolinx Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.

GO/HEAVY-RAIL – ADVISORY COMMENTS

- Please contact Canadian National (CN) rail to coordinate any required construction works taking place within 30 ft of tracks at proximity@cn.ca.
- The Proponent is advised of the following:
 - Warning: The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

Should you have any questions or concerns, please contact jenna.auger@metrolinx.com.

Comments Prepared by: Jenna Auger, Third Party Project Review