

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-01-06	File(s): A410.20 Ward: 3
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-01-14 12:00:00 AM

Consolidated Recommendation

The City has no objections to variances #2-5, however, recommend that variance #1 be refused. The applicant may choose to defer the application to verify the accuracy of the requested variances.

Application Details

The applicants request the Committee to approve a minor variance to allow:

1. A driveway width of 6.6m (approx. 21.7ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 5.2m (approx. 17.1ft) in this instance;
2. A side yard measured to hard surface of 0.0m whereas By-law 0225-2007, as amended, requires a minimum side yard measured to hard surface of 0.61m (approx. 2.00ft) in this instance;
3. A gross floor area of an accessory structure of 10.60sq.m (approx. 114.10sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of an accessory structure of 10.00sq.m (approx. 107.64sq.ft) in this instance;
4. A height of an accessory structure of 3.09m (approx. 10.14ft) whereas By-law 0225-2007, as amended, permits a maximum height of an accessory structure of 3.00m (approx. 9.84ft) in this instance; and
5. A setback to an accessory structure of 0.46m (approx. 1.51ft) whereas By-law 0225-2007, as amended, permits a maximum height of an accessory structure of 0.61m (approx. 2.00ft) in this instance.

Background

Property Address: 4358 Shelby Crescent

Mississauga Official Plan

Character Area: Rathwood Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: RM1 - Residential

Other Applications

Building Permit: 20-4218

Site and Area Context

The subject property is located within the Rathwood Neighbourhood Character Area, southwest of Eastgate Parkway and Tomken Road. The neighbourhood consists of two storey detached dwellings with limited mature vegetation. The subject property contains an existing two storey dwelling with a widened driveway. The applicant is proposing to legalize existing conditions related to an increased driveway width, reduced side yard measured to hard surfacing and variances related to the existing accessory structures.



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 subject property is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP) which permits detached, semi-detached and duplex dwellings. Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with: the existing site conditions; the surrounding context; and, the landscape of the character area. Variance #1 proposes a driveway width that makes up a large majority of the lot frontage, resulting in excessive hard surfacing within the front yard. The deficient side yard is measured to the edge of the driveway at the face of the garage which makes up a minor portion of the deficient side yard and does not negatively impact the character of the streetscape. It should be noted that the interior side yard is permitted to have a setback of 0 m. Staff is of the opinion that variances #2-5 maintain the general intent and purpose of the official plan.

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

The intent of the zoning by-law in regulating individual driveway widths is to establish a driveway wide enough to accommodate space necessary for two vehicles parked side-by-side, with the remainder of lands being soft landscaping (front yard). While the proposed 6.66 m driveway width would not be wide enough to accommodate three vehicles parked side-by-side using the by-law regulations for the width of a parking space; it does result in the driveway being the prominent feature of the front yard with little soft landscaping. As such, staff is of the opinion that the general intent and purpose of the zoning by-law is not maintained.

The remaining variances do not pose any unacceptable adverse impacts to the character of the neighbourhood and neighbouring properties. The deficient side yard is measured to the edge of the driveway at the garage face and does not continue down the entire length of the driveway, thereby limiting the impact to the neighbouring properties and streetscape. The variances related to the accessory structure are minor deviations from what is permitted, thereby limiting the overall massing impact to the neighbouring property. Staff is of the opinion that the application is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning nature.

Conclusion

The Planning and Building Department has no objections to variances #2-5, however, recommend that variance #1 be refused. The applicant may choose to defer the application to verify the accuracy of the requested variances.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This department notes that we do not have any drainage related concerns with respect to the proposed accessory shed structure.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit application under file BP 9ALT 20-4218. Based on review of the information currently available for this building permit, we advise that more information is required to verify the accuracy of the requested variances or determine whether additional variances will be required.

Our comments are based on the plans received by Zoning staff on 11/04/2020 for the above captioned building permit application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: Adam McCormack – Zoning Plans Examiner

Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the January 14th, 2021 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Minor Variance Applications: A-395/20, A-408/20, A-410/20, A-411/20, A-412/20, A-417/20, A-418/20, A-2/21, A-4/21, A-6/21.

Comments Prepared by: Diana Guida, Junior Planner

Appendix 7 – Ministry of Transportation of Ontario

RE: 4358 Shelby Cres.

The MTO has a 14m setback, normally. This property will need a building permit. When the MTO receives a site plan, the MTO can comment further on the changes. The owner can send direct to me on the proposed changes.

Comments Prepared by: Corey Caple, Corridor Management Officer

Appendix 8 – Trans-Northern Pipelines Inc

Thank you for providing Trans-Northern with the Committee of Adjustment Notice for January 14, 2021 which includes details for the proposed development at 4358 Shelby Cres (to allow for property development including structural change and driveway) and 1060 Walden Cir (to allow for a balcony projection beyond the allowable permit limit). Trans-Northern currently operates a high-pressure petroleum products transmission pipeline within a 60 foot right of way on the property Northwest and adjacent to the proposed development relating to 4358 Shelby Cres and 1060 Walden Cir Mississauga.

TNPI has no concerns with the developments proposed as they are beyond the Prescribed Area of the pipeline (30m)Trans-Northern and do not contain multi-unit dwellings. However please note that TNPI will need to be contacted through the One call provider to obtain firm clearance to ensure the construction and activities related are beyond our permit issue area. Please note, any development plans within the right-of-way will require a Crossing permit and any developments within the Prescribed Area (30m on either side of the pipeline will require a permit which can be requested by following the steps described near the end of this response.

Please note that, Trans-Northern is regulated by the Canada Energy Regulator. Section 335 (1) and (2) of the Canadian Energy Regulator Act, provides that:

- *It is prohibited for any person to construct a facility across, on, along or under a pipeline or engage in an activity that causes a ground disturbance within the prescribed area unless the construction or activity is authorized or required by the orders made under subsection (3) or (4) or regulations made under subsections (5) or (6) and done in accordance with them.*

- **Prohibition — vehicles and mobile equipment**

It is prohibited for any person to operate a vehicle or mobile equipment across a pipeline unless

- **(a)** *that operation is authorized or required by orders made under subsection (3) or (4) or regulations made under subsections (5) or (6) and done in accordance with them; or*
- **(b)** *the vehicle or equipment is operated within the travelled portion of a highway or public road.*

Additionally, should the applicant proposes to cross the pipeline with a vehicle or construct a facility across, on, along or under the pipeline, the applicant would be required to contact Trans-Northern prior to commencement of their work to receive the required authorization. This process can be initiated through Ontario One Call (1-800-400-2255). A representative from

Trans-Northern will attend on site mark the pipeline location, confirm safe work practices, and advise of any permit requirements.

Should the applicant require further information on the technical requirements related to ground disturbance or crossing of the pipeline, they may contact Cliff Lee, Crossing Coordinator via email at : crossingrequestseast@tnpi.ca.

As always, Trans-Northern appreciates being circulated Committee of Adjustment Notices for proposed activities within 200 m of our assets.

Comments Prepared by: Michelle Gruszecki, Property & Right of Way Administrator