

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-03-03	File(s): A73.21 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-03-11 1:00 PM

Consolidated Recommendation

The City recommends that the application be refused, however, have no objection to variance #1. The applicant may choose to defer the application to verify the requested variances and ensure additional variances are not required.

Application Details

The applicant request the Committee to approve a minor variance to allow the construction of an addition proposing:

1. A rear yard of 4.76m (approx. 15.62ft) whereas By-law 2005-2007, as amended, requires a minimum rear yard of 7.50m (approx. 24.61ft) in this instance;
2. A setback measured to a driveway of 0.00m whereas By-law 0225-2007, as amended, requires a minimum setback measured to a driveway of 0.60m (approx. 1.97ft) in this instance;
3. A driveway width of 9.87m (approx. 32.38ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 4.44m (approx. 14.57ft) in this instance; and
4. A walkway attachment width of 4.66m (approx. 15.29ft) whereas By-law 0225-2007, as amended, requires a minimum walkway attachment width of 1.50m (approx. 4.92ft) in this instance.

Recommended Conditions and Terms

This is a corner lot and the addition should be equipped with an eavetrough with the downpipes located such that drainage is directed towards Cortina Crescent and not the abutting properties.

Background

Property Address: 5599 Cortina Crescent

Mississauga Official Plan

Character Area: Hurontario Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R5-18 - Residential

Other Applications: Pre-App 20-426

Site and Area Context

The subject property is located north-west of the Hurontario St and Barondale Dr. intersection. The property is an interior parcel, with a lot area of +/- 455.45m² and a lot frontage of +/- 16.73m. Currently the property houses a two-storey, detached dwelling with minimal vegetation and landscape elements within the front and rear yards. Contextually, the area is comprised exclusively of residential detached dwellings. The properties within the immediate area possess lot frontages of +/- 7.0m, with minimal vegetative / natural landscaped elements within the front yards.

The applicant is proposing an addition that requires a variance for rear yard setback as well as a wider driveway that requires variances for driveway width and walkway attachment width.



The site is situated within the Hurontario Neighbourhood Character Area, and designated Residential Low Density II by the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, duplex and triplex dwellings. As per Section 9.1 (Introduction), driveway widths and associated setbacks should respect the identity and character of the surrounding area. The planned context of this neighbourhood is that of detached dwellings serviced by appropriately sized driveways and setbacks, with the remainder of the property's frontage serving to form a soft-landscaped area. From a streetscape perspective, the proposed driveway, and its associated hard-surfaced area, represents a significant portion of the property's front yard. This is visibly different from the unaltered lots within this neighbourhood, which can be used to define the area's planned context. The proposal does not meet the purpose or general intent of the Official Plan.

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

Variance #1 as requested pertains to rear yard setback:

The intent of the rear yard setback is to ensure that both an adequate buffer exists between the massing of primary structures on adjoining properties, as well as create an appropriate amenity area within the rear yard. The proposed reduction of 4.76m whereas 7.5m is required to accommodate a rear addition to the existing dwelling. The proposed addition poses no drainage concerns and will not impact the neighbouring properties. Variance #1 maintains the general intent and purpose of the Zoning By-law.

Variance #2 as requested pertains to a wider driveway:

Pursuant to Table 4.2.1 (R1 to R5 Permitted Uses and Zone Regulations), the maximum driveway width for a detached dwelling is 4.44m; whereas, the applicant is proposing 9.87m. The general intent of this portion of the Zoning By-law is to permit a driveway width large enough to provide the necessary space for one vehicle, with the remainder of front yard being soft landscaping. The Applicant's proposal results in a driveway large enough to accommodate three vehicles parked side-by-side at its widest point. Staff would note that the variance, as amended, does not meet the purpose or general intent of the Zoning By-law.

Variance #3 as requested pertains to a reduced side yard setback:

Pursuant to Table 4.1.9(4) (Driveways and Parking), the minimum required setback for a driveway to any lot line is 0.6m; whereas, the applicant is proposing 0.0m. The intent of this portion of the By-law is to ensure that an adequate buffer exists between two neighbouring properties, and it is large enough to mitigate any potential drainage concerns. Planning Staff does not typically support anything less than 0.3m in order to accommodate a swale for potential drainage should it be required. The proposed setback of 0.0m does not provide a visual distinction between the two properties nor does it provide adequate space to address potential drainage issues. Staff note that the variance, as requested, does not meet the purpose or general intent of the Zoning By-law.

Variance #4 as requested pertains to a wider walkway attachment:

The intent of this portion of the bylaw is to define an entryway and provide a convenient surface for pedestrian passage. The proposed 4.66m walkway whereas 1.50m is permitted is a significant deviation from what is permitted under the by-law. Additionally there is enough room to accommodate a vehicle, which is not the intention of the by-law. A walkway is intended to provide a dedicated pathway to accommodate pedestrians only. The proposed walkway width of 4.66m is excessive and is not minor in nature. Planning Staff note variance #4 does not maintain the intent of the by-law.

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

Staff find the reduced rear yard to be minor in nature and does not pose a significant impact to the abutting property. However, Variance #2, #3 and #4 create a significant amount of hardscaping, resulting in the driveway becoming the prominent feature of the front yard. This is an undesirable development of the land, and one whose effects are not minor in nature.

Conclusion

The City recommends that the application be refused, however, have no objection to variance #1. The applicant may choose to defer the application to verify the requested variances and ensure additional variances are not required.

Comments Prepared by: Brooke Herczeg, RPP Committee of Adjustment

Appendices

Appendix 1 – Transportation and Works Comments

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposed addition will be addressed through the Building Permit process. This is a corner lot and the addition should be equipped with an eavetrough with the downpipes located such that drainage is directed towards Cortina Crescent and not the abutting properties.

With regards to the widened driveway within the municipal boulevard (the area between the municipal curb and property line) we would request that this area be reinstated with topsoil and sod should the application be modified to reflect a smaller driveway width within the subject property or if the application is not supported by the Committee







Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit application under file PREAPP 20-426. Based on review of the information currently available in this permit application, the variances, as requested are correct.

Please note that comments reflect those provided through the above permit application and should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the application file noted above, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments.

Comments Prepared by: Jeanine Benitez, Zoning Examiner

Appendix 5 – Region of Peel Comments

City Department and Agency Comments	File:A73.21	2021/03/03	9
-------------------------------------	-------------	------------	---

We have no comments or objections to the following applications:

Minor Variance Applications: A-48/21, A-58/21, A-69/21, A-72/21, A-73/21, A-75/21, A-76/21, A-77/21, A-78/21, A-79/21, A-80/21, A-81/21.

Comments Prepared by: Diana Guida, Junior Planner