

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-04-07	File(s): A125.21 Ward: 8
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-04-15 1:00 PM

## Consolidated Recommendation

The City recommends that variance #4 be refused, however, have no objections to the remaining variances, as amended, subject to the condition.

## Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a new house proposing:

1. A front yard measured to a porch inclusive of stairs of 5.65m (approx. 18.54ft) whereas By-law 0225-2007, as amended, requires a minimum front yard measured to a porch inclusive of stairs of 7.00m (approx. 22.97ft) in this instance;
2. An interior side yard of 2.40m (approx. 7.87ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard ranging 3.00m to 6.00m (approx. 9.84ft – 19.69ft) in this instance;
3. An attached garage facing the front lot line whereas By-law 0225-2007, as amended, requires the attached garage to face the interior side lot line in this instance;
4. A circular driveway configuration whereas By-law 0225-2007, as amended, requires a hammerhead driveway configuration in this instance.

## Amendments

The following variances should be added to the application:

- Proposed development not in compliance with schedule R1-53 - Map 16, whereas By-law 0225-2007, as amended, requires all site development plans shall comply with Schedule R1-53 Map 16, in this instance.
- 2 kitchens proposed, whereas By-law 0225-2007, as amended, permits one kitchen, in this instance.

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## Recommended Conditions and Terms

Staff recommends that the following condition be added to the application:

- A circular driveway shall not be permitted on the subject site

## Background

**Property Address:** 1800 Mississauga Road

### Mississauga Official Plan

Character Area: Sheridan Neighbourhood  
Designation: Residential Low Density I

### Zoning By-law 0225-2007

**Zoning:** R1-53 (Residential)

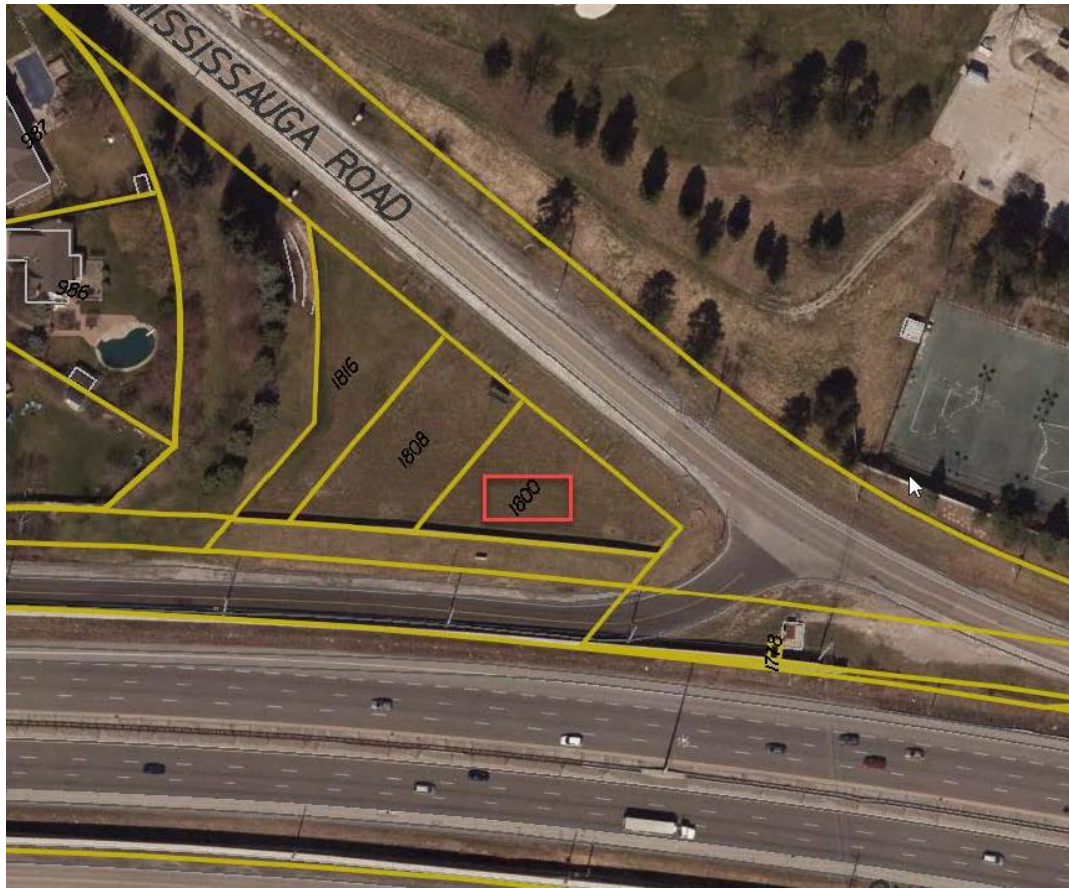
### Other Applications

Pre-Application: 20-3665

### Site and Area Context

The subject property is located within the Sheridan Neighbourhood Character Area, at the corner of North Sheridan Way and Mississauga Road. The immediate area primarily consists of large two storey residential dwellings with mature vegetation. North of the subject property is the Mississauga Golf and Country Club. The subject property is currently vacant and was subject to a rezoning and consent application which proposed a detached dwelling in-keeping with the R1-53 exception zone of the Zoning By-law.

The application proposes a two storey dwelling, requiring variances from the R1-53 zone for deficient front and interior side yard setbacks, a garage facing the street and a circular driveway.



## 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 designed 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. The proposed dwelling is generally in-keeping with the character of two storey dwellings on Mississauga Road and does not propose a negative impact

to the streetscape character. However, Section 9.3.3.11 (h) discourages circular driveways within the Scenic Route which encompasses the subject property. Instead, hammerheads and driveways with on-site turnarounds will be encouraged. As such, staff is of the opinion that variances #1-4 maintain the general intent and purpose of the official plan.

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

Through discussions with the Zoning Division, an additional two variances that are outlined below should be added to the application.

- Proposed development not in compliance with schedule R1-53 - Map 16, whereas By-law 0225-2007, as amended, requires all site development plans shall comply with Schedule R1-53 Map 16, in this instance.
- 2 kitchens proposed, whereas By-law 0225-2007, as amended, permits one kitchen, in this instance.

Through a detailed review of the application, variances #1-3 do not present any significant concerns as the overall intent of the design of the dwelling is being maintained. The deficient front yard is measured to the stairs of the front porch and the main front façade of the dwelling maintains the required 7 m front yard setback. The deficient side yard setback maintains a sufficient buffer to the neighbouring property and does not present any significant massing concerns from what the by-law requires. Regarding the garage orientation, the by-law intended for a side-loaded garage and hammerhead driveway to allow vehicles to turnaround on-site. In this case, while the garage is proposed to face the street, the driveway can be configured in a manner that allows for a hammerhead. Based on the preceding information, staff is of the opinion that these variances are appropriate to be handled through the minor variance process.

Variance #4 proposes a circular driveway whereas a circular driveway is not permitted. The zoning by-law permits circular driveways on lots that have a minimum frontage of 22.50 m. While the subject property meets this requirement, through the rezoning process, Map 16 of the R1-53 zone was created to prohibit a circular driveway on the subject site due to the location of the lot. Through discussions with the Transportation and Works Department, the Traffic Section is not supportive of a circular driveway in this location. Although there are several lots on Mississauga Road that contain circular driveways, the locational context of those lots differ from the subject property. The intent of the zoning by-law was to have an on-site turnaround and only one point of access onto Mississauga Road. The proposed variance does not comply with the intended vision of the lot that was anticipated through the rezoning application. As such, staff is of the opinion that the general intent and purpose of the zoning by-law is not maintained.

While staff have no concerns regarding the other variances identified by the Zoning Division, should Committee see merit in the variances excluding variance #4, staff recommends the following condition be added to the application:

- A circular driveway shall not be permitted on the subject site

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

While the proposed dwelling maintains the existing and planned character of the surrounding neighbourhood and does not present any significant massing concerns to the neighbouring property or streetscape. However, circular driveways are discouraged within the Scenic Route policies of the MOP. While several properties on Mississauga Road have circular driveways, Map 16 of the R1-53 zone specifically prohibits its application in this location. The Transportation and Works Department have also noted concerns with the proposed circular and are not supportive of it. The zoning by-law intended for an on-site turnaround with one access point from Mississauga Road. As such, staff is of the opinion that variance #4 is not desirable and is not minor in nature.

## **Conclusion**

The Planning and Building Department recommends that variance #4 be refused, however, have no objections to the remaining variances, as amended, subject to the condition.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

We have reviewed the plans provided through the Minor Variance application and our Traffic Planning Section is not supportive of the two access locations proposed for this property. This department does not see the rationale in permitting two driveways on a residential property, in particular when fronting onto a major road. Additionally, the submitted drawing depicts a 3.0m wide driveway, which can be problematic as it does not provide an adequate turning radius. In view of the above, we recommend refusal for the proposed circular driveway configuration.



Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit application under file PREAPP 20-3665. Based on review of the information currently available for this building permit, we advise that the following variance(s) should be added/amended as follows:

-Proposed development not in compliance with schedule R1-53 - Map 16, whereas By-law 0225-2007, as amended, requires all site development plans shall comply with Schedule R1-53 Map 16, in this instance.

- 2 kitchens proposed, whereas By-law 0225-2007, as amended, permits one kitchen, in this instance.

Our comments are based on the plans received by Zoning staff on 12/16/2020 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: A. McCormack

#### **Appendix 5 – Region of Peel Comments**

We have no comments or objections

Comments Prepared by: Diana Guida, Junior Planner