

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-04-28	File(s): A163.21 Ward: 3
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-05-06 1:00 PM

Consolidated Recommendation

The City recommends that the application be deferred to permit the Applicant the opportunity to redesign the driveway.

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 the dwelling of 6.02m (approx. 19.75ft) whereas By-law 0225-2007, as amended, requires a minimum front yard measured to the dwelling of 7.50m (approx. 24.61ft) in this instance;
2. A front yard measured to the garage of 6.05m (approx. 19.85ft) whereas By-law 0225-2007, as amended, requires a minimum front yard measured to the garage of 7.50m (approx. 24.61ft) in this instance;
3. A side yard westerly of 1.20m (approx. 3.94ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81m (approx. 5.94ft) in this instance;
4. A side yard easterly of 1.23m (approx. 4.04ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81m (approx. 5.94ft) in this instance; and
5. A driveway width along the property line of 6.58m (approx. 21.59ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width along the property line of 4.74m (approx. 15.55ft) in this instance.

Background

Property Address: 720 Hillman Crescent

Mississauga Official Plan

Character Area: Applewood Neighbourhood

Designation: Residential Low Density II

Zoning By-law 0225-2007

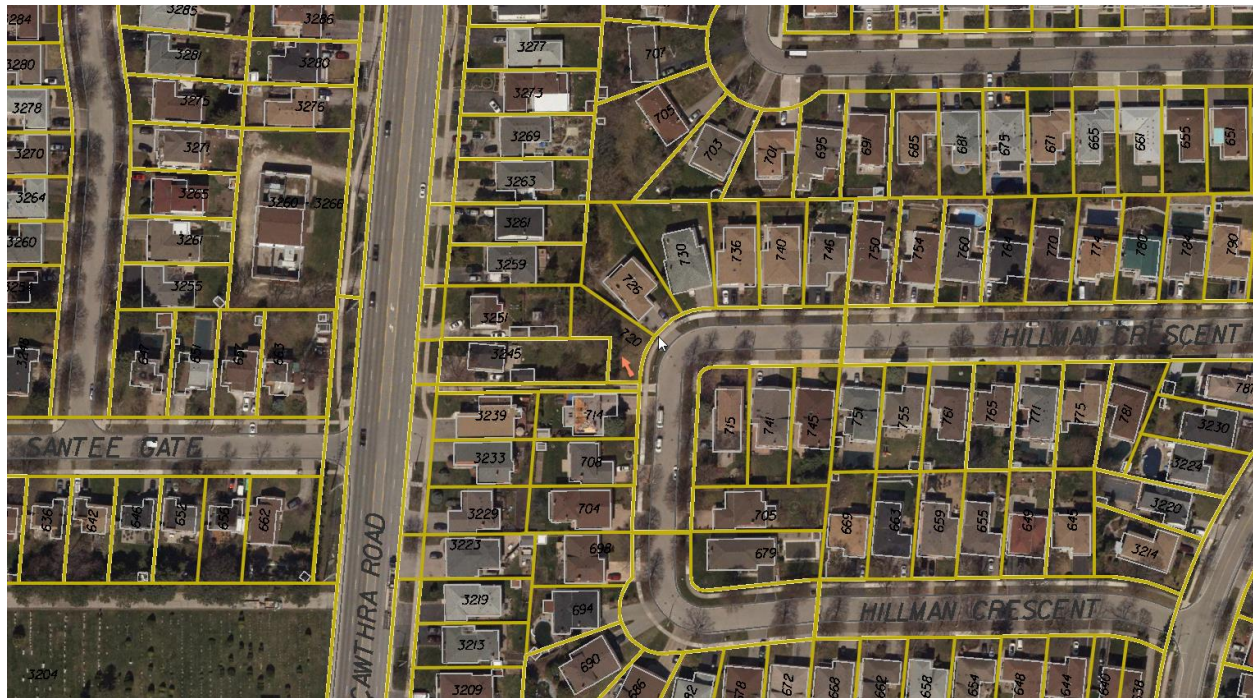
Zoning: R3 - Residential

**Other Applications: BP 9NEW 20-785
PREAPP 17-5540
A 17-277**

Site and Area Context

The subject property is located south-west of the Bloor St. and Cawthra Rd. intersection. It is an interior parcel with a lot area of +/- 473.40m² and a lot frontage of +/- 16.72m. The property currently houses a two-storey, detached dwelling with mature vegetation and landscape elements in the front and rear yards. Contextually, the area is comprised primarily of two-storey detached dwellings with lot frontages +/-15.0m with mature vegetation and landscape elements present in the front yards.

The applicant is proposing a new dwelling requiring variances for front and side yard setbacks as well as 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:

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

The subject property is located in the Applewood Neighbourhood character area and designated Residential Low Density II on Schedule 10 of the Mississauga Official Plan (MOP). The Residential Low Density II designation permits detached dwellings; semi-detached dwellings, duplex dwellings and triplexes. 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 in the immediate area and does not propose a negative impact to the streetscape character. As such, staff is of the opinion that the proposed dwelling maintains the general intent and purpose of the official plan.

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

Through a detailed review of the application, variances #1-4 do not present any significant concerns as the overall intent of the zoning by-law is being maintained. The reduced front yard, measured to the front façade of the dwelling as well as the garage, is marginal in nature and maintains the overall character of the streetscape. The deficient easterly and westerly side yard setbacks maintain a sufficient buffer to the neighbouring property and does not present any significant massing concerns or impede upon rear yard access. Staff is of the opinion that these variances are appropriate to be handled through the minor variance process.

Variance #5 proposes a unique driveway with a width of 6.58m whereas 4.74m is permitted. The proposed driveway width is a minor deviation from what the zoning by-law envisions. However, the Transportation and Works Department (T&W) note that the configuration poses an adverse sightline as a result of the curvilinear nature of the street.. Planning Staff echo T&W's comments and recommend that application be deferred in order to provide the applicant the opportunity to redesign the driveway.

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

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, the proposed driveway does pose safety concerns as a result of the street design. The Transportation and Works Department have noted the concerns with the proposed driveway and are not supportive of it. As such, staff is of the opinion that variance #5 is not desirable and is not minor in nature.

Conclusion

The Planning and Building Department recommends that the application be deferred to permit the Applicant the opportunity to redesign the driveway.

Comments Prepared by: Brooke Herczeg RPP, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

From the information submitted, in particular the Site Plan, it is evident that this is a very unique lot. This department has reviewed the Site Plan submitted and is concerned with the proposed driveway configuration. The applicant is proposing a garage which is parallel with the roadway and in order for any vehicle to back up into the roadway would require some significant manoeuvring going backwards which could also result in the driver getting dis-oriented. Given the natural curvature of Hillman Crescent directly in front of this property and the existing sidewalk, we are also concerned that adequate sight distances would not be maintained for any vehicles approaching on the roadway or even pedestrians utilizing the sidewalk.

To ensure that adequate sight distances would be available for all approaching and exiting vehicles and pedestrians, we would suggest that some type of turn-around be installed within the property to allow any vehicle to turn around safely within the property and exit the driveway in a forward motion rather than reversing out onto Hillman Crescent.

Additionally, it should be noted that driveway accesses shall maintain a 1.5m setback from aboveground features such as utilities and trees and any costs related to any relocation of utilities would be at the applicant's expense.

In view of the above we would request that this application be deferred until such time that the applicant can explore the re-orientation of the attached garage so that a vehicle could back out into the roadway directly, or alternatively provide for some type of turn-around within the property. Although it may be an expensive option, but the redesign of the driveway configuration may have to consider the relocation of the light standard. The attached photos depict the location of the bell box, light standard and hydro transformer which all significantly restrict and impact on this proposal.



Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit application under file BP 9NEW 20-785. Based on review of the information currently available in this permit application, the following variances, as requested are correct:

1. A front yard measured to the dwelling of 6.02m (approx. 19.75ft) whereas By-law 0225-2007, as amended, requires a minimum front yard measured to the dwelling of 7.50m (approx. 24.61ft) in this instance;
 2. A front yard measured to the garage of 6.05m (approx. 19.85ft) whereas By-law 0225-2007, as amended, requires a minimum front yard measured to the garage of 7.50m (approx. 24.61ft) in this instance;
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- and

We also advise that more information is required in order to verify the accuracy of the remaining requested variance(s) or determine whether additional variance(s) will be required.

Please note that comments reflect those provided through the above permit application submitted on 2021/03/02 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

Minor Variance Application: A-163/21

Development Engineering: Camila Marczuk (905) 791-7800 x8230

Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Site Servicing approvals are required prior to the local municipality issuing building permit. For more information, please call our Site Servicing Technicians at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca

Comments Prepared by: Diana Guida, Junior Planner