

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-05-19	File(s): A171.21 Ward: 3
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-05-27 1:00 PM

Consolidated Recommendation

The City recommends that the application be deferred to allow the applicant an opportunity to redesign the driveway.

Application Details

The applicant requests the Committee to approve a minor variance to allow a widened driveway proposing a driveway width of 11.81m (approx. 38.75ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance.

Amendments

While Planning Staff are not in a position to provide an interpretation of the Zoning By-law; Staff would note the variance should be amended as follows:

The applicant requests the Committee to approve a minor variance to allow a widened driveway width of 11.81m for that portion of the driveway that is within 6.0m of the garage face whereas By-law 0225-2007, as amended, permits a maximum driveway width of 10.5m for that portion of the driveway that is within 6.0 m of the garage face and which is providing direct vehicular access to the garage.

And note the following should be added:

2. A driveway width of 8.97m for that portion of the driveway that is beyond 6.0m of the garage face, whereas By-law 0225-2007, as amended permits a maximum driveway width of 8.50m for that portion of the driveway that is beyond 6.0m of the garage face.
3. A gravel driveway whereas By-law 0225-2007, as amended requires all parking areas, driveways and loading areas shall have a minimum overall vertical depth of 15.0 cm comprised

of a stable surface such as asphalt, concrete, pervious materials or other hard-surfaced material.

The Building Department is currently processing a building permit application under file PREAPP 21-5251. Based on review of the information currently available for this building permit, we advise that the following variance(s) should be added as follows:

4. Proposed landscaped soft area, in the yard containing the driveway, of 36.39%, whereas By-law 0225-2007, as amended, requires a minimum landscaped soft area of 40% in this instance.

Background

Property Address: 4050 Westminister Place

Mississauga Official Plan

Character Area: Rathwood Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

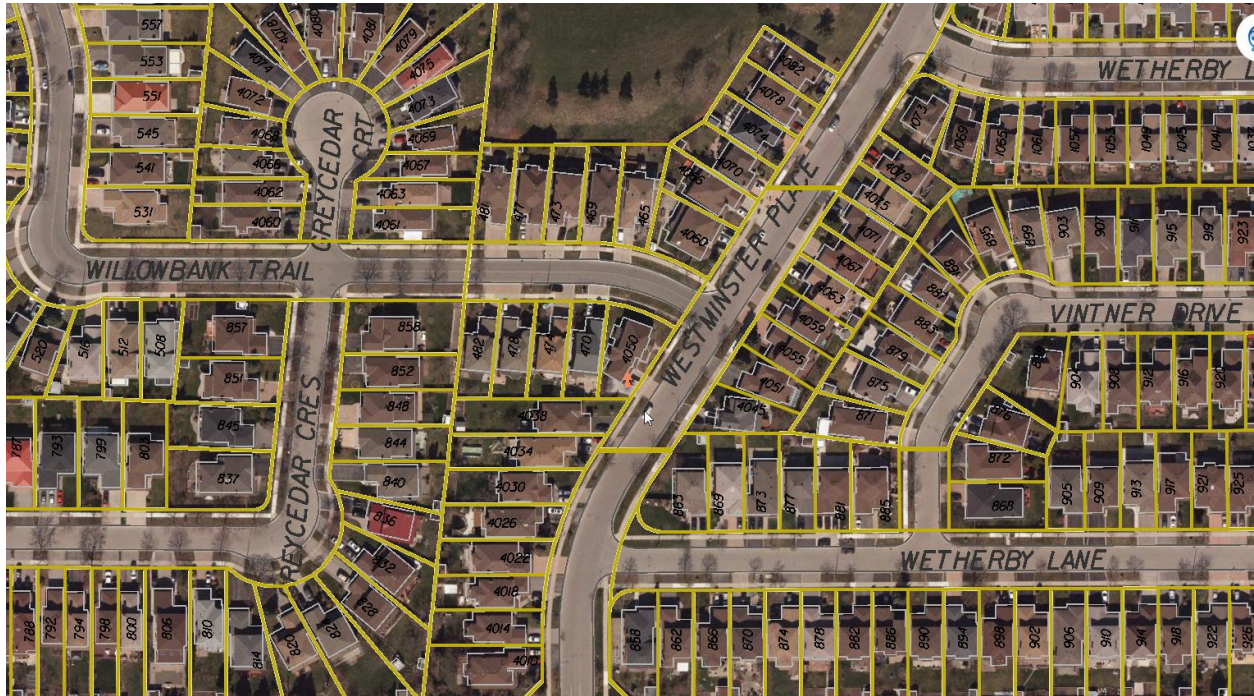
Zoning: R4-12 - Residential

Other Applications: None

Site and Area Context

The subject property is situated south-west of the Burnhamthorpe Rd E. and Westminister Pl. intersection. The subject property is an interior parcel with a lot area of +/- 556.84m² and a lot frontage of +/- 25.57m. The property currently houses a two-storey detached dwelling with a double-car garage and possesses minimal vegetation/ landscape elements in the front and rear yards. Contextually, the surrounding neighbourhood is comprised exclusively of detached dwellings with minimal vegetation and landscape elements in the front yards. The properties within the immediate area possess lot frontages of +/-17.00m.

The application proposes a driveway widening requiring a variance for 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 site is located within the Rathwood Neighbourhood Character Area, and designated Residential Low Density I by the Mississauga Official Plan (MOP). As per Section 9.1 (Introduction), driveway widths 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, with the remainder of the property's front yard being in the form of soft-landscaping. From a streetscape perspective, the proposed driveway widening, and its associate hard-surfaced area, represents a significant portion of the property's front yard. This is visibly different from the unaltered lots in this neighbourhood. 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?

As per Zoning By-law 0225-2007, the subject property is zoned R4-12 (Residential). Section 4.1.9.13 (Driveways and Parking), permit lots with a lot frontage of 18.0m or greater, a maximum driveway width of 10.5m for that portion of the driveway that is within 6.0m of the garage face, which provides direct vehicular access to the garage. The general intent of this portion of the Zoning By-law is to permit a driveway width large enough to provide two vehicles to park side by side, with the remainder of the lands being soft landscaping (front yard). The Applicant's proposal results in a driveway large enough to accommodate an excessive amount of vehicles parked in tandem as well as side-by-side at its widest point, based on current zoning regulations.

Section 4.1.9.13 also stipulates that the driveway width for that portion of the driveway that is beyond 6.0m from the garage face is a maximum width of 8.5m. Through correspondence with the applicant on May 3, 2021, the driveway length from the garage face extends to 6.56m and 8.97m wide. As such the driveway is excessive in nature and extends in width beyond what the by-law envisions, becoming the prominent feature of the front yard.

While Planning Staff are not in a position to provide an interpretation of the Zoning By-law; Staff would note the variance should be amended as follows:

The applicant requests the Committee to approve a minor variance to allow a widened driveway width of 11.81m for that portion of the driveway that is within 6.0m of the garage face whereas By-law 0225-2007, as amended, permits a maximum driveway width of 10.5m for that portion of the driveway that is within 6.0 m of the garage face and which is providing direct vehicular access to the garage.

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Staff note that the proposal does not meet the purpose or general intent of the Zoning By-law and recommends that the application be deferred.

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

The variance, as amended, results in the driveway being the prominent feature of the yard and which is out of character with the surrounding area. This is an undesirable development of the land, and one whose effects are not minor in nature.

Conclusion

The Planning and Building Department recommends that the application be deferred for redesign.

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

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committee's information are photos of the existing driveway on the subject property.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

BP RECEIVED, AMEND VARIANCE

The Building Department is currently processing a building permit application under file PREAPP 21-5251. Based on review of the information currently available for this building permit, we advise that the following variance(s) should be added as follows:

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Our comments are based on the plans received by Zoning staff on 03/01/2021 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