

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-05-05	File(s): A460.19 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-05-13 1:00 PM

Consolidated Recommendation

The City has no objections to the requested variances. The applicant may choose to defer the applications to verify the accuracy of the requested variances and ensure additional variances are not required.

Application Details

The applicants request the Committee to approve a minor variance to allow the existing driveway to remain proposing:

1. A driveway width of 19.39m (approx. 63.62ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.68ft) in this instance;
2. A front yard landscaped area of 35% of the front yard whereas By-law 0225-2007, as amended, requires a minimum front yard landscaped area of 40% of the front yard in this instance;
3. An easterly driveway setback of 0.20m (approx. 0.66ft) whereas By-law 0225-2007, as amended, requires a minimum driveway setback of 0.60m (approx. 1.96ft) in this instance;
4. A westerly driveway setback of 0.48m (approx. 1.57ft) whereas By-law 0225-2007, as amended, requires a minimum driveway setback of 0.60m (approx. 1.96ft) in this instance; and
5. A driveway width of 11.50m (approx. 37.73) beyond 6.00m (approx. 19.69ft) of the garage face whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50m (approx. 27.89ft) beyond 6.00m (approx. 19.69ft) of the garage face in this instance.

Amendments

The application should be amended as follows:

1. A driveway width of 11.50 m for that portion of the driveway that is within 6.0 m of the garage face whereas By-law 0225-2007, as amended, permits a maximum driveway width

of 10.50 m for that portion of the driveway that is within 6.0m of the garage face and which is providing direct vehicular access to the garage in this instance;

2. A driveway width of 10 m for that portion of the driveway that is beyond 6.0 m 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 6.0 m of the garage face in this instance;
3. A walkway attached to a driveway with a width of 3.70m on the west side of the driveway whereas By-law 0225-2007, as amended, permits a walkway attached to a driveway with a maximum width of 1.50m in this instance.

Background

Property Address: 1499 Trotwood Avenue

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3-1 - Residential

Other Applications

Pre-Zoning Application: 19-7136

Site and Area Context

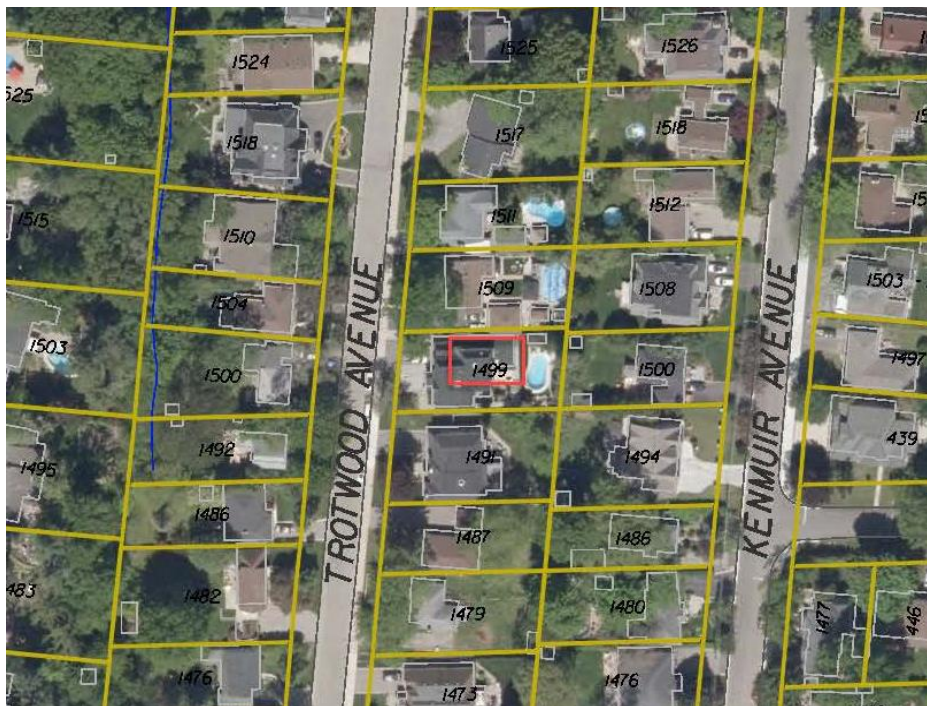
The subject property is located within the Mineola Neighbourhood Character Area, southwest of Cawthra Road and the Queen Elizabeth Way (QEW) interchange. The subject property contains a two storey detached dwelling with little mature vegetation. The neighbourhood consists of one and two storey detached dwellings with mature vegetation within the front yard.

The application was previously deferred from the April 30th, 2020 Committee of Adjustment hearing to allow an opportunity for the applicant to work with staff to revise the driveway width allowing for an increase in front yard soft landscaping. The hearing notice has not been updated to match the revised plans. The variances requested should be as follows:

1. A driveway width of 11.50 m for that portion of the driveway that is within 6.0 m of the garage face whereas By-law 0225-2007, as amended, permits a maximum driveway width

of 10.50 m for that portion of the driveway that is within 6.0m of the garage face and which is providing direct vehicular access to the garage in this instance;

2. A driveway width of 10 m for that portion of the driveway that is beyond 6.0 m 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 6.0 m of the garage face in this instance;
3. A walkway attached to a driveway with a width of 3.70m on the west side of the driveway whereas By-law 0225-2007, as amended, permits a walkway attached to a driveway with a maximum width of 1.50m in this instance.



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 II in Schedule 10 of the Mississauga Official Plan (MOP) which permits detached, semi-detached, duplex, triplex and other forms of low rise dwellings with individual frontages. Pursuant to Section 9.5.1.1 of MOP, buildings and site design will be compatible with site conditions, the surrounding area context and surrounding landscape of the existing or planned character of the area. The proposed driveway width has been reduced which results in a sufficient amount of soft landscaping being reinstated within the front yard. The revised plans are compatible with the surrounding area and does not represent an inconsistent streetscape. Staff is of the opinion that the general intent and purpose of the official plan is maintained.

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

The application proposes a driveway width of 11.50 m whereas 10.50 m is permitted within 6 m of the front garage face and 10 m whereas 8.50 m is permitted beyond 6 m of the front garage face. The applicants have reduced the overall driveway width both within and beyond the first 6 m of the front garage which has resulted in an increase in soft landscaping and ensuring the soft landscaping requirement is maintained. The intent of this portion of the by-law is to give larger lots permission for increased driveway widths, recognizing that these lots can accommodate larger driveways while still maintaining a sufficient soft landscaped area. In this instance, variances #1 and 2 do not significantly alter the hard landscaping of driveway from what is permitted as of right. Additionally, the hard surfacing towards the street has been reduced and will be replaced with soft landscaping, preserving more green space at the street. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #3 proposes a walkway attachment of 3.70 m on the west side of the driveway whereas a maximum 1.50 m is permitted. The intent of this portion of the by-law is to allow a hard-surfaced pathway from the driveway to the front entrance and/or the rear yard of the dwelling while ensuring that such an area cannot be utilized for parking purposes. While 3.70 m is larger than what the by-law contemplates, the walkway attachment narrows in width towards the garage and would not allow for full vehicular access. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

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

The neighbourhood is characterized by generous soft landscaping within the front yard with little hard surfacing. The proposed driveway width has been revised to reduce the hard surfacing at the street allowing for additional soft landscaping to be reinstated, maintaining the by-law requirement and preserving the streetscape character. Staff is of the opinion that the application represents orderly development of the lands and is minor in nature.

Conclusion

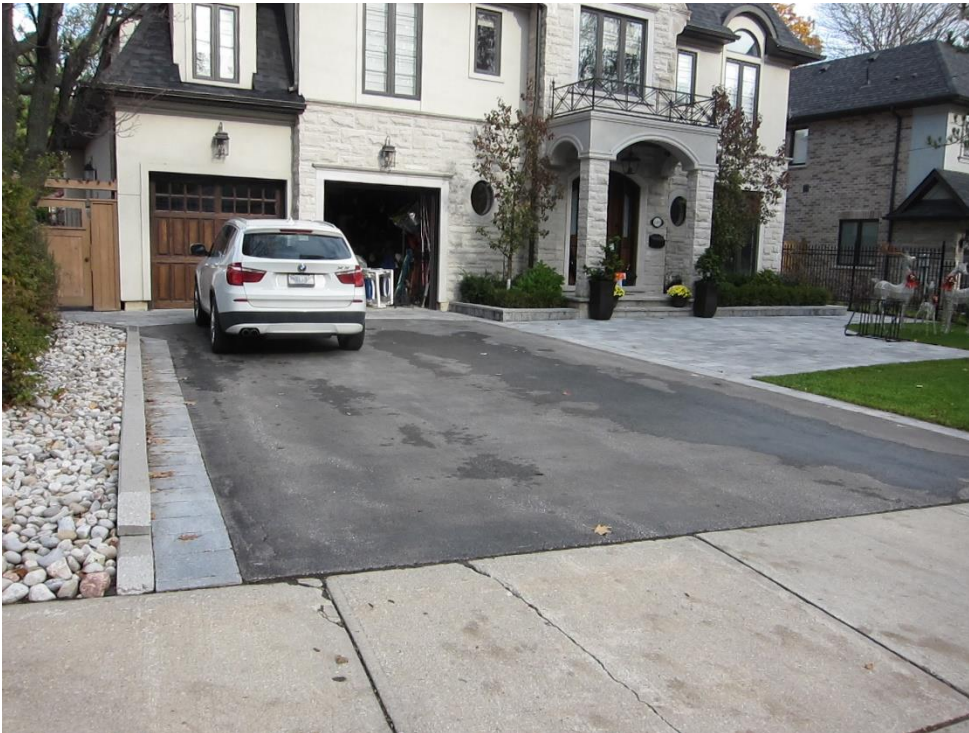
The Planning and Building Department have no objections to the requested variances. The applicant may choose to defer the applications to verify the accuracy of the requested variances and ensure additional variances are not required.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committee's easy reference are photos depicting the existing driveway configuration on site.





Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Planning and Building Department is currently processing a building permit application under file 19-7136. 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.

Comments Prepared by: A. McCormack

Appendix 5 – Region of Peel Comments

We have no comments or objections.

Comments Prepared by: Diana Guida, Junior Planner