

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-05-27	File(s): A207.21
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-06-03 1:00 PM

## Consolidated Recommendation

The City recommends that the application be refused. The applicant may choose to defer the application to verify the requested variances and ensure additional variances are not required.

## Application Details

The applicant requests the Committee to approve a minor variance to a widened driveway proposing:

1. A driveway width of 8.60m (approx. ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.68ft) in this instance; and
2. A front yard soft landscape area of 36.41% whereas By-law 0225-2007, as amended, requires a minimum front yard soft landscape area of 40.00% in this instance.

## Background

**Property Address:** 1453 Daniel Creek Road

### Mississauga Official Plan

Character Area: East Credit Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

**Zoning:** R4 - Residential

**Other applications:** None

## 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 situated within the East Credit 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 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 in the form of a soft-landscaped area. From a streetscape perspective, the proposed driveway, and its associate hard-surfaced area, represents a significant portion of the property's front yard. This is visibly different from the other lots within this neighbourhood, which is 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 and #2 as requested pertains to a wider driveway:

Table 4.2.1 (R1 to R5 Permitted Uses and Zone Regulations) of the zoning by-law permits a maximum driveway width for a detached dwelling of 6.0m; whereas, the applicant is proposing 8.60m. 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 two vehicles parked side-by-side, 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, thereby creating a deficiency in the required soft landscaping area of 36.41% whereas 40.0% is permitted. Staff note that the variance, as amended, does not meet the purpose or general intent of the Zoning By-law.

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

Staff finds the proposed driveway creates 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. The applicant may choose to defer the application to verify the requested variances and ensure additional variances are not required.

## Appendices

### Appendix 1 – Transportation and Works Comments

This department notes that with regard 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 not in receipt of any permit applications at this time and the applicant is advised that a zoning review has not been completed. We are unable to confirm the accuracy of the requested variance(s) or determine whether additional variance(s) may be required.

The applicant is advised that a completed zoning review may identify additional instances of zoning non-compliance. The applicant may consider applying for a preliminary zoning review application and submit working drawings for a detailed zoning review to be completed. A minimum of 6-8 weeks will be required to process a preliminary zoning review application depending on the complexity of the proposal and the detail of the information submitted.

Comments Prepared by: Daniel Grdasic, Planning Associate

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

We have no comments or objections.

Comments Prepared by: Diana Guida, Junior Planner