

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-06-16	File(s): A285.19 Ward: 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-06-24 1:00 PM

Consolidated Recommendation

The City recommends that the application be refused.

Application Details

The applicant requests the Committee to approve a minor variance to allow a widened driveway on the subject property proposing:

1. A driveway width (including walkway) of 7.87m (approx. 25.82ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance;
2. A setback (southerly) measured to the lot line of 0.45m whereas By-law 0225-2007, as amended, requires a minimum setback measured to a lot line of 0.61m (approx. 2.00ft) in this instance; and
3. A setback (northerly) measured to the lot line of 0.45m whereas By-law 0225-2007, as amended, requires a minimum setback measured to a lot line of 0.61m (approx. 2.00ft) in this instance.

Amendments

While Planning Staff are not in a position to provide an interpretation of the Zoning By-law; Staff would note variances #1, #2 and #3 should be amended as follows:

1. A driveway width (including walkway) of 10.4m (approx. 34.12ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance;
2. A setback (southerly) measured to the lot line of 0.15m (approx.0.49ft) whereas By-law 0225-2007, as amended, requires a minimum setback measured to a lot line of 0.61m (approx. 2.00ft) in this instance; and
3. A setback (northerly) measured to the lot line of 0.15m (approx. 0.49ft) whereas By-law 0225-2007, as amended, requires a minimum setback measured to a lot line of 0.61m (approx. 2.00ft) in this instance.

Background

Property Address: 3484 Palgrave Road

Mississauga Official Plan

Character Area: Fairview NHD
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3 - Residential

Other Applications: A39/74

Site and Area Context

The property is located north-east of the Central Parkway West and Confederation Parkway intersection and houses a detached dwelling with a double car garage. With the exception of the neighbouring Bishop Scalabrini School, the immediate neighbourhood is comprised exclusively of detached dwellings. The properties in the immediate area possess a lot frontage of +/-15.3m. The subject property is an interior parcel, with a lot area of approximately 557m², and a frontage of 15.24m.

The applicant is proposing a widened driveway requiring minor variances for driveway width and setbacks measured to the lot line.



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 situated within the Fairview Neighbourhood Character Area, and designated Residential Low Density I by the Mississauga Official Plan (MOP). The Residential Low Density I designation permits detached dwellings; semi-detached dwellings; and, duplex dwellings. As per Section 9.1 (Introduction), driveway widths should respect the identity and character of the surrounding context. The planned context of this neighbourhood is that of detached dwellings serviced by appropriately sized driveways, with the remainder of lot frontage serving to form a soft-landscaped area. From a streetscape perspective, the proposed driveway represents more than half of the property's frontage and is visibly different from the unaltered properties that are

reflective of the planned context. The proposal does not meet the general intent or purpose 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 R3 (Residential). Pursuant to Table 4.2.1 (R1 to R5 Permitted Uses and Zone Regulations), the maximum driveway width for a detached dwelling is 6.0m; whereas the Applicant is proposing 10.4m. The intent of the Zoning By-law is to permit a driveway large enough to provide the necessary space for two vehicles parked side-by-side, with the remainder of lands being soft landscaping (front yard). The Applicant's proposal results in a driveway large enough to accommodate four vehicles parked side-by-side. Variance 1, as amended, does not meet the purpose or general intent of the Zoning By-law.

Staff note that the design includes hard surfacing that extends almost directly to the neighbouring interior property line. Pursuant to Section 4.1.9.4 (Driveways and Parking), the minimum distance from a driveway to any lot line is 0.6m; whereas, the applicant is proposing 0.15m. The intent of this portion of the By-law is to ensure that an adequate visual buffer exists between the two properties and that it is large enough to mitigate any potential drainage concerns. The Applicant's proposal of a 0.15m setback is insufficient in providing this buffer, as it pertains to the subject lands. Variance 2, 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?

The variances, as amended, create a significant amount hardscaping and result in the driveway being the predominant feature of the front yard (68% at its widest point). This is an undesirable development of the land, whose effects are not minor in nature.

Conclusion

Based upon the preceding information, it is the opinion of Staff that the variances, as amended, do not meet criteria established by Section 45(1) of the *Planning Act*. To this end, the Planning and Building Department recommends that the application be refused.

Comments Prepared by: Connor DiPietro, Planning Associate

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.

We are also noting that we have attached some recent photos of the subject property.





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