

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-06-16	File(s): A163.21 Ward: 3
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-06-24 1:00 PM

Consolidated Recommendation

The City has no objection to the variance(s), as amended. The Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

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 6.32m (approx. 20.73ft) 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; and
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.

Amendments

While Planning Staff are not in a position to provide an interpretation of the Zoning By-law; Staff would note that the following variances should be added:

1. A front yard measured to the porch of 4.66 m (approx. 15.29ft) whereas By-law 0225-2007, as amended, requires a minimum front yard measured to the porch of 5.90 m (approx. 19.36ft) in this instance; and
2. A driveway width of 6.58m (approx. 21.59 ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 4.74m (approx. 15.55ft) in this instance.

Background

Property Address: 720 Hillman Crescent

Mississauga Official Plan

Character Area: Applewood NHD
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3 - Residential

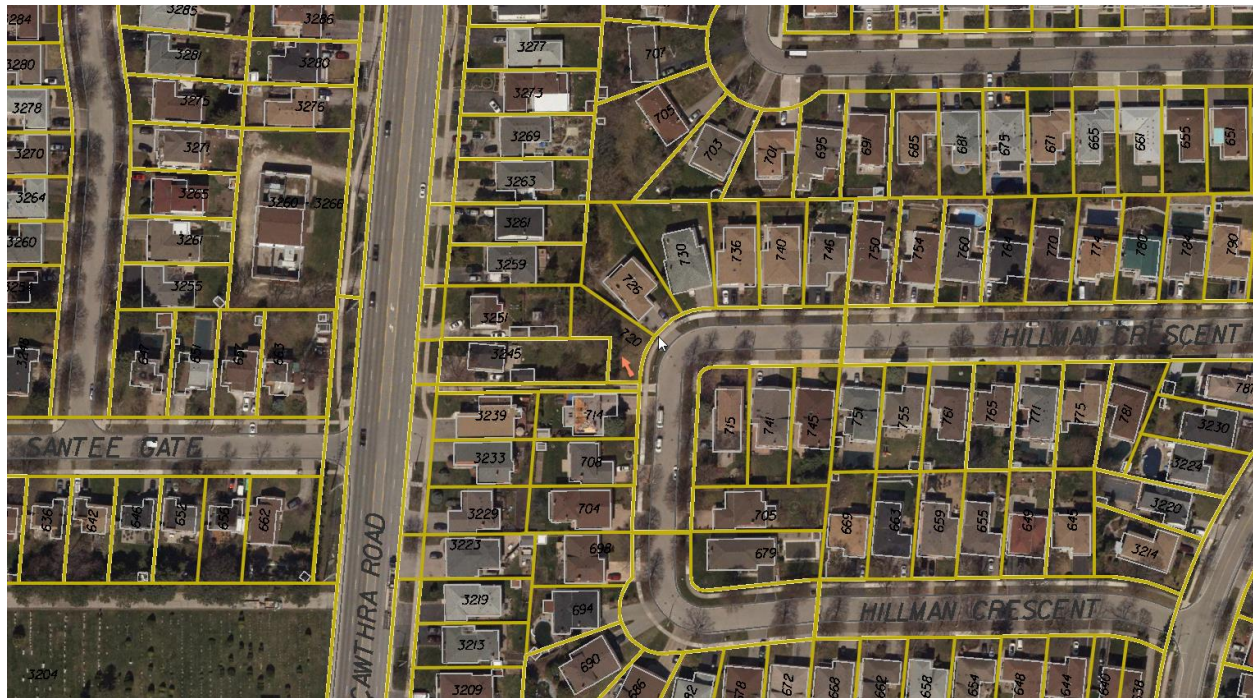
Other Applications:

BP 9NEW 20-785, PREAPP 17-5540 and A17-277 (Withdrawn)

Site and Area Context

The subject property is located south-east of the Bloor Street and Cawthra Road intersection. The property is an interior parcel with a lot area of +/- 473.40m² and a lot frontage of +/-16.72m. Currently the property is vacant with mature vegetation in the front and side yards. Contextually, the immediate area is comprised exclusively of two-storey detached dwellings that possess lot frontages of +/- 5.8m, with mature vegetation and landscape elements in both the front and exterior side yards.

The applicant is proposing a new house that requires variances for setbacks and 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 are as follows:

The site is situated within the Applewood 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. The intent of a front yard setback is to ensure that a consistent character is maintained along the streetscape and that a sufficient front yard space is incorporated into the design of neighbourhoods. Staff is of the opinion that the character along the streetscape is maintained and that sufficient front yard space has been incorporated into the proposed dwelling. Furthermore, the placement of the proposed dwelling on the property, including the detached garage, are generally inline with the positioning of dwellings/garages abutting the property. Lastly, the proposed development is a two storey detached dwelling which is consistent with properties in the immediate area. Staff recognizes the unique shape of the property and finds the front yard setback ensures that the existing character is maintained along the streetscape.

The general intent of the side yard (easterly and westerly) is to ensure that an adequate buffer exists between the massing of primary structures on adjoining properties, and that access to the rear yard ultimately remains unencumbered. The applicant's proposal ensures that access to the rear yard from the westerly side of the property is unencumbered. Staff is of the opinion that the proposed side yards provide an adequate buffer between the massing of primary structures on adjoining properties. Furthermore, the proposed side yards are in staff's opinion, a minor deviation from what is permitted in the Zoning By-law.

The applicant's is proposing a driveway width of 6.58m, whereas By-law 0225-2007, as amended, permits a maximum driveway width of 4.74m. While the proposed driveway width is a significant deviation from the maximum width contained in the Zoning By-law, it is generally consistent with other driveway widths in the neighbourhood. Furthermore, staff are generally supportive of driveway widths that are less than half of the width of the property's frontage to ensure enough soft landscaping is maintained. The applicant's proposed driveway width represents less than half of the property's frontage. Therefore, the proposed driveway is in keeping with the general intent and purpose of the zoning by-law.

It is Staff's opinion that the proposed dwelling is sympathetic to the surrounding area and does not impact the neighbouring properties. Through a detailed review of the application, staff is of the opinion that the application is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning nature.

Conclusion

The City recommends that the Committee have regard for all comments and evidence provided by the Applicant and area residents when assessing if the application, as requested, meets the requirements of Section 45(1) of the Planning Act. The Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Comments Prepared by: Connor DiPietro, Planning Associate

Appendices

Appendix 1 – Transportation and Works Comments

In our previous comments we indicated that this was a very unique lot and from the initial Site Plan submitted we were concerned with the proposed driveway configuration. The applicant was proposing a garage which was parallel with the roadway and in order for any vehicle to back up into the roadway would have required some significant manoeuvring going backwards which could have resulted in the driver getting dis-oriented. Given the natural curvature of Hillman Crescent directly in front of this property and the existing sidewalk, we were concerned that adequate sight distances would not be maintained for any vehicles approaching the roadway or even pedestrians utilizing the sidewalk.

To ensure adequate sight distances for all approaching and exiting vehicles and pedestrians we had suggested 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 onto Hillman Crescent. We had also indicated that any driveway had to maintain a 1.5M setback from any aboveground features such as utilities and trees and any costs related to the relocation of any utilities would be at cost to the applicant.

Through a number of discussions with the applicant/owner a revised Site Plan Drawing has been submitted (Rev#9 dated 05/07/21) to reflect a detached garage with a driveway configuration which allows a vehicle to back out directly into the roadway. Acknowledging that we have no objections to the revised concept, we note for the applicant's information that the driveway width within the municipal boulevard may have to be narrowed in order to achieve a minimum 1.5m setback to any above ground utilities.

Another concern we had indicated to the applicant was the location of the door opening onto the driveway, we were concerned that depending on the elevations that any steps/door sill may have impacted on any turning movements into the garage. The applicant has provided additional grading information and elevation drawings which confirm that the door will not require any steps which satisfies our concern.

In view of the above we would have no objections to the applicant's request and note that any conditions/requirements for the proposed new dwelling can be addressed through the Building Permit Process.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

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;
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;
5. A front yard measured to the porch of 4.66 m (approx. 15.29ft) whereas By-law 0225-2007, as amended, requires a minimum front yard measured to the porch of 5.90 m (approx. 19.36ft) in this instance; and
6. A driveway width of 6.58m (approx. 21.59 ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 4.74m (approx. 15.55ft) in this instance.

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: Brandon Eidner, Zoning Examiner

Appendix 5 – Region of Peel Comments

Deferred Minor Variance Application: DEF-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