

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-07-08	File(s): A264.21 Ward 6
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-07-15 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 a width of 8.00m (approx. 26.24ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.68ft) in this instance.

## Background

**Property Address:** 5110 Timbermill Court

### Mississauga Official Plan

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

### Zoning By-law 0225-2007

**Zoning:** R5 - Residential

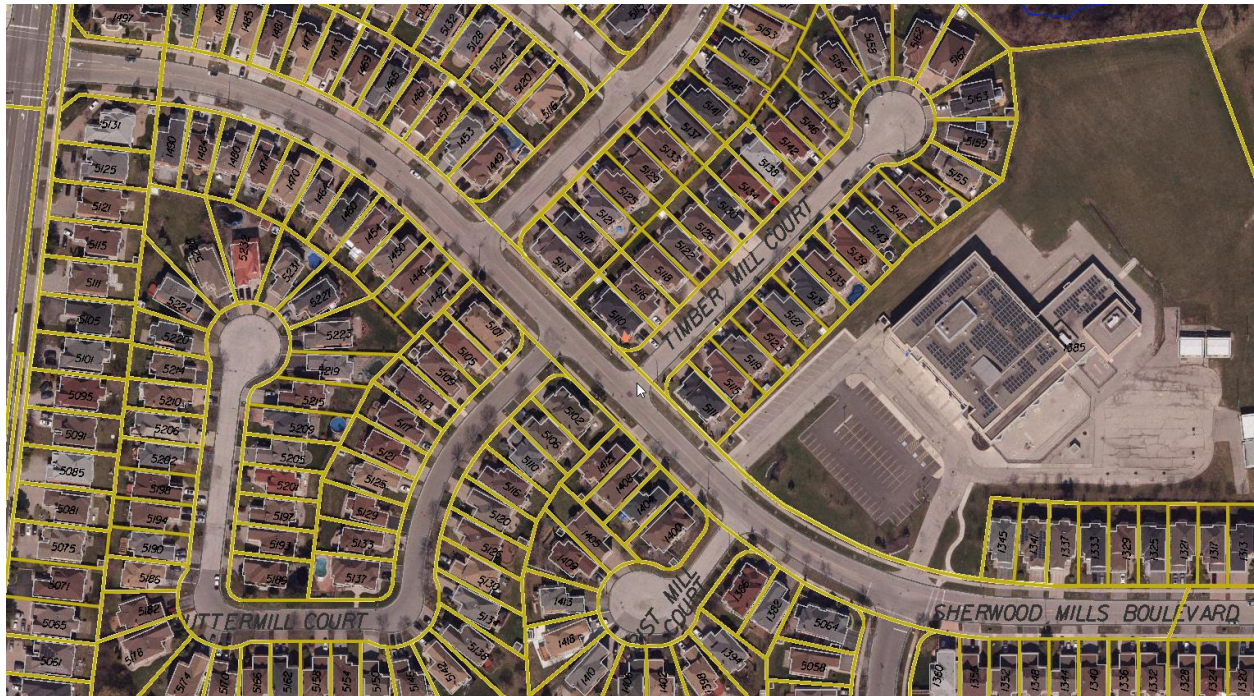
**Other Applications:** SEC UNIT 20-2740

### Site and Area Context

The subject property is located north-east of the intersection of Eglinton Avenue West and Creditview Road, in the East Credit Neighbourhood Character Area. The property fronts onto

Timber Mill Court with a frontage of +/- 16.56m. The surrounding area, with the exception of Sherwood Mills Public School, completely consists of detached dwellings on similarly sized lots with little to no vegetation.

The applicant is seeking to legalize the existing widened driveway 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 property is located within the East Credit Neighbourhood Character Area and is designated Residential Low Density II by the Mississauga Official Plan (MOP). The Residential Low Density II designation permits detached dwellings; semi-detached dwellings; duplex dwellings; and, triplexes, street townhouses, and other forms of low density dwellings with individual

frontages. As per Section 9.1 (Introduction), driveway widths should respect the identity and character of the surrounding context. The driveway, as existing, represents a deviation from the existing character of the neighbourhood and therefore does not meet the general intent and purpose of the Official Plan.

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

The applicant is proposing to legalize an existing driveway on site with a width of 8 metres. The intent of the by-law's driveway width provisions are to suitably accommodate two vehicles parked side by side, with the remainder of the front yard consisting of soft landscaping and amenity area. While staff are in receipt of evidence that the driveway has existed on the property since at least 2002 and a review of Zoning By-law 5500 reveals that the driveway may have been legal at the time of installation, staff are unable to verify the legality of the driveway and as such the driveway must be reviewed under the current by-law framework. The driveway, as it exists today, represents significant hardscaping in the front yard and creates an impact on the streetscape that does not maintain the general intent and purpose of the Zoning By-law.

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

Upon review of the application and the information currently available, it is the opinion of staff that the proposal does not represent a desirable and appropriate development of the subject lands and is not minor in nature. The driveway represents excessive hardscaping and would be more than capable of handling the required parking for the subject property at a reduced width.

## **Conclusion**

The Planning & Building Department recommends that the application be refused.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

## 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 for information purposes that we have been forwarded a copy of the Transportation and Works Department approval for a 1.7M curb cut for the subject property dated October 24, 2002. This approval depicted an existing 8.2M driveway width, a 6.2M existing Curb Depression and a 1.7M curb cut.







Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

## **Appendix 2 – Zoning Comments**

The Building Department is currently processing a building permit under file SEC UNIT 20-2740. Based on review of the information currently available in this permit application, we advise that more information is required in order to verify the accuracy of the 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 2021/01/19 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: Jeanine Benitez, Zoning Examiner

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

We have no comments or objections.

Comments Prepared by: Diana Guida, Junior Planner