

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-08-11	File(s): A315.21 Ward 10
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-08-19 1:00:00 PM

Consolidated Recommendation

The City has no objections to variances 1 & 2, subject to the condition, however recommends that variance 3 be refused.

Application Details

The applicants request the Committee to approve a minor variance to allow:

1. A rear yard measured to a window well of 6.17m (approx. 20.24ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard measured to a window well of 6.39m (approx. 20.96ft) in this instance;
2. A pedestrian entrance serving a second unit facing a street whereas By-law 0225-2007, as amended, does not permit a pedestrian entrance serving a second unit facing a street in this instance; and
3. A driveway width of 8.10m (approx. 26.57ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 4.70m (approx. 15.42ft) in this instance.

Recommended Conditions and Terms

The owner shall enter into an agreement pursuant to Section 45(9.1) of the Planning Act to the satisfaction of the Development & Design division that the existing privacy fence shall be extended forward on the property past the location of the entrance to the second unit, and that the fence shall be maintained in that location.

Background

Property Address: 3205 Eclipse Avenue

Mississauga Official Plan

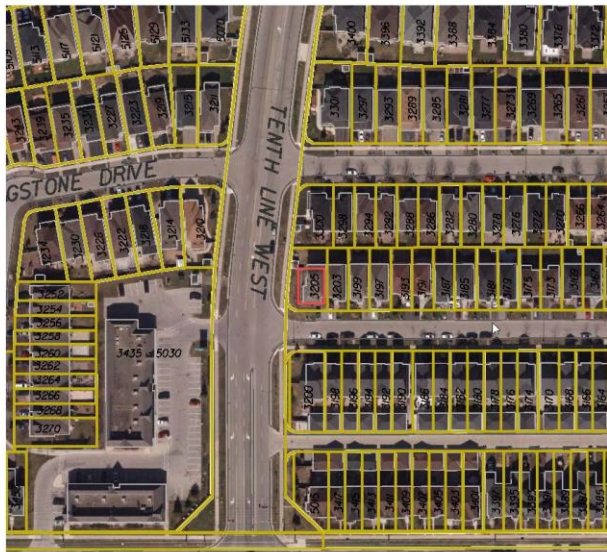
Character Area: Churchill Meadows Neighbourhood

Designation: Residential Medium Density

Zoning By-law 0225-2007**Zoning: RM1-14****Other Applications:** SEC UNIT 21-6204**Site and Area Context**

The subject property is located north-east of the Tenth Line West and Eglinton Avenue West intersection in the Churchill Meadows Neighbourhood. It is an exterior parcel with a lot frontage of +/- 16.5m (54ft.) and a lot area of +/- 397.5m² (4,279sq.ft.). The property currently contains a two-storey link dwelling with an attached single car garage. Contextually the area includes link dwellings and townhomes, with detached dwellings and a commercial plaza across Tenth Line West. The subject property and surrounding area contain no notable vegetation outside of the City boulevard.

The applicant is proposing a second unit on the property requiring variances for the rear yard, second unit entrance location, 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 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 located in the Churchill Meadows Neighbourhood Character Area and is designated Residential Medium Density in Section 10 of the Mississauga Official Plan (MOP). This designation permits all forms of townhouse dwellings. Section 9 of the MOP promotes development (including its elements such as driveways) with appropriate urban form and site design, regulating that such development is compatible with: the existing site conditions, the surrounding context, and the landscape of the character area. The policy seeks to ensure that appropriate development of lots to reduce conflicts in design and maintain the streetscape and character of the area. Staff are satisfied that variance 1 meets this policy. Variance 2 creates concerns regarding its impacts on the streetscape, however staff note the presence of a privacy fence on the subject property. Should Committee see merit in the request, staff would recommend a condition to extend the fence past the proposed entrance in order to ensure the variance meets the general intent and purpose of the Official Plan. Variance 3 is proposing a widened driveway width which represents significant hardscaping in the front yard, does not fit in with the surrounding context and 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?

Variance 1 requests a reduced rear yard measured to a window well. The intent of the rear yard regulations are to ensure an appropriate buffer between the massing of structures on adjoining properties is maintained and that a sufficient rear yard amenity area is provided for the dwelling. The proposed window well presents no massing concerns and does not significantly impact the rear yard amenity space. Therefore staff are of the opinion that the general intent and purpose of the Zoning By-law is maintained in this instance.

Variance 2 requests an entrance to facilitate a second unit facing a street. The intent of the regulation prohibiting such an entrance is to prevent a negative visual impact to the overall streetscape. A detached dwelling, even with a secondary unit, should continue to be presented as a detached dwelling from the streetscape. By adding a secondary unit entrance to the front or exterior side of a dwelling that is clearly visible from the street can impact that perception. In this instance there is no screening or landscaping currently screening the proposed entrance location from Tenth Line West. Should Committee see merit in the request, staff would

recommend a condition to require the fence be extended past the proposed entrance in order to ensure the variance meets the general intent and purpose of the Zoning By-law.

Variance 3 requests a widened driveway on the subject property. The intent of the by-law regarding driveway widths is to permit a driveway large enough to suitably accommodate the required parking for the dwelling, with the remainder of the front yard being soft landscaping. The driveway, as proposed, would represent nearly 50% of the lot frontage and create a significant amount of hardscaping that would dominate the perception of the property from the street. The subject property does not possess the lot frontage that would support a driveway of this size and remain within the intent of the regulations. Therefore the variance as proposed does not meet 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?

The proposed driveway represents a significant negative impact to the existing streetscape. It represents significant hardscaping in the front yard which has effects that are not minor in nature and do not represent the appropriate development of the subject lands. Staff note that variances 1 and 2, with the inclusion of the fence condition, do not raise the same concerns, represent appropriate development and are minor in nature.

Conclusion

The Planning & Building Department has no objections to variances 1 & 2, subject to the condition, however recommends that variance 3 be refused.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This department does not support the request to allow for a proposed driveway width of 8.10M. With the proposed driveway extension as depicted on the Site Plan, the extended driveway would only have a length of 3.63 M (from the face of the dwelling to the municipal roadway). Typically in unique scenarios we may consider a 5.2M setback to the municipal roadway in order to avoid any vehicle encroaching into the municipal boulevard. In this instance the proposed extension would be on the other side of the existing steps and to access this parking space would require an approximate curb cut width of 14M.

Should the applicant not have the intention to widen the curb cut, we are still not supportive as we cannot support a vehicle being parked parallel to the roadway as this creates other sight visibility and manoeuvring concerns. In addition, as this is a corner property in close proximity to an intersection and stop sign, any parallel parking/widened driveway would also create safety related issues.







Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a second unit permit under file SU 21-6204. Based on review of the information currently available in this permit application, the variances, as requested are correct.

Please note that comments reflect those provided through the above permit application 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: Sherri Takaloo – Zoning Examiner