

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-08-11	File(s): A318.21 Ward: 2
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 and #3, however recommends that variance #4 be refused. 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 an addition proposing:

1. A combined width of side yards of 8.09m (approx. 26.54ft) whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 9.38m (approx. 30.77ft) in this instance;
2. A driveway width within 6.0m of the garage face of 12.54m (approx. 41.14ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width within 6.0m of the garage face of 10.50m (approx. 34.45ft) in this instance;
3. A driveway width beyond 6.0m of the garage face of 12.54m (approx. 41.14ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width beyond 6.0m of the garage face of 8.50m (approx. 27.88ft) in this instance; and
4. A walkway attachment width of 2.75m (approx. 9.02ft) whereas By-law 0225-2007, as amended, permits a maximum walkway attachment width of 1.50m (approx. 4.92ft) in this instance.

Background

Property Address: 1249 Mississauga Road

Mississauga Official Plan

Character Area: Clarkson – Lorne Park Neighbourhood
Designation: Greenlands and Residential Low Density I

Zoning By-law 0225-2007

Zoning: R1-3 - Residential, G1 - Greenlands

Other Applications: BP 21-6257

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, southeast of the Indian Road and Mississauga Road intersection. The neighbourhood is east of the Credit River, and is entirely residential consisting of one and two storey detached dwellings on large lots with significant mature vegetation in both the front and rear yards. The subject property contains an existing two storey dwelling with mature vegetation in both the front and side yards.

The application proposes an addition to the residential dwelling requiring variances related to side yards, driveway width and walkway attachment.



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 in the Clarkson – Lorne Park Neighbourhood Character Area is designated Residential Low Density I and Greenlands in the Mississauga Official Plan (MOP). The entirety of the proposal is situated on the Residential Low Density I portion of the property, which permits detached dwellings; semi-detached dwellings and duplex dwellings. The proposed detached dwelling respects the designated land use, and has regard for the distribution of massing on the property as a whole and will not negatively impact the character streetscape. Staff is of the opinion that the general intent and purpose of the official plan is maintained.

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

Variance#1 as requested pertains to a combined width of side yards:

The general intent of this portion of the by-law 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 has proposed a combined width of side yards of 8.09m when a minimum combined width of side yards of 9.38m is required. Staff has no concerns with the proposed variance as the proposed side yards are adequate and existing vegetation provides screening between the subject property and abutting properties.

Variance #2 and #3 as requested pertains to driveway width:

The intent of this portion of the By-law is to permit a driveway large enough to suitably accommodate the required number parking spaces for a dwelling with the remainder of lands being utilized for soft landscaping (front yard). The applicant has proposed a driveway width within 6.0m of the garage face of 12.54m, when a maximum driveway width of 10.50m is permitted. The applicant has also requested to maintain the driveway width of 12.54m, an additional 3.86m beyond the original 6m from the garage, where the by-law permits a maximum driveway width of 8.5m beyond 6.0m from the garage face. While the variances proposed are excessive, Planning Staff is not concerned with these variances as they are to permit a parking pad on the subject property that is significantly setback from the street. Furthermore, the

majority of the proposed driveway maintains a +/- 4.27m width and the proposed parking pad is adequately screened by existing vegetation. Staff is also of the opinion that although additional hardscaping is proposed, the front yard will maintain a large soft landscaped area.

Variance #4 as requested pertains to walkway attachment width:

The intent of this portion of the By-law is to allow a hard-surfaced pathway from the driveway to the front entrance and/or the rear yard, while ensuring that such an area cannot be utilized for parking purposes. The applicant has proposed a walkway attachment width of 2.75m when 1.5m is the permitted maximum. Staff have concluded that the increased walkway width of 2.75m is excessive, and is large enough to be utilized for parking purposes. Furthermore, given the nature of the walkway design, it is possible to accommodate vehicular access and parking.

It is therefore the opinion of staff that variances #1, #2 and #3 requested maintain the general intent and purpose of the Zoning By-law; however, variance #4 should be refused.

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

The proposed variance for the walkway width attachment is excessive and is large enough to be utilized for parking purposes. In addition to the driveway proposed, the excessive walkway would create more hardscaping on the property and would not be considered minor in nature. The remaining variances, as requested, maintain the context of the surrounding neighbourhood and do not pose any significant impact to the streetscape character and represent desirable or appropriate development of the subject lands.

Conclusion

The Planning and Building Department has no objections to variances #1, #2 and #3, however recommends that variance #4 be refused. The Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposed addition will be addressed through the future Site Plan Approval process.



Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit under file BP 9ALT 21-6257. Based on review of the information currently available in this permit application, the following variance, as requested is correct:

1. A combined width of side yards of 8.09m (approx. 26.54ft) whereas By-law 0225 2007, as amended, requires a minimum combined width of side yards of 9.38m (approx. 30.77ft) 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 2021/04/30 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 3 – Region of Peel Comments

Please be advised that a portion of the subject property is located within an area the Regional Official Plan (ROP) designates as a Core Area - Valley Corridor, and Core Area – Environmentally Significant Areas, of the Greenlands System in Peel, under Policy 2.3.2. A portion of the subject property is also located within the limits of the regulated area of the Credit Valley Conservation (CVC).

The Region relies on the environmental expertise of the CVC for the review of development applications located within or adjacent to this regulated area in Peel and their potential impacts on the natural environment. Regional Planning staff therefore, request that the Committee and city staff consider comments from the CVC and incorporate their conditions of approval appropriately.

Comments Prepared by: Diana Guida (905) 791-7800 x8243