

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-08-11	File(s): A325.21 Ward 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-08-19 1:00:00 PM

Consolidated Recommendation

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

Application Details

The applicant requests the Committee to approve a minor variance to allow a walkway proposing a walkway attachment width of 4.75m (approx. 15.38ft) whereas By-law 0225-2007, as amended, permits a maximum walkway attachment width of 1.50m (approx. 4.92ft) in this instance.

Amendments

Zoning staff advise that it appears the variance requested is incorrect, and that the hard surface running alongside the driveway is considered a part of the driveway.

Background

Property Address: 7269 Harwick Drive

Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

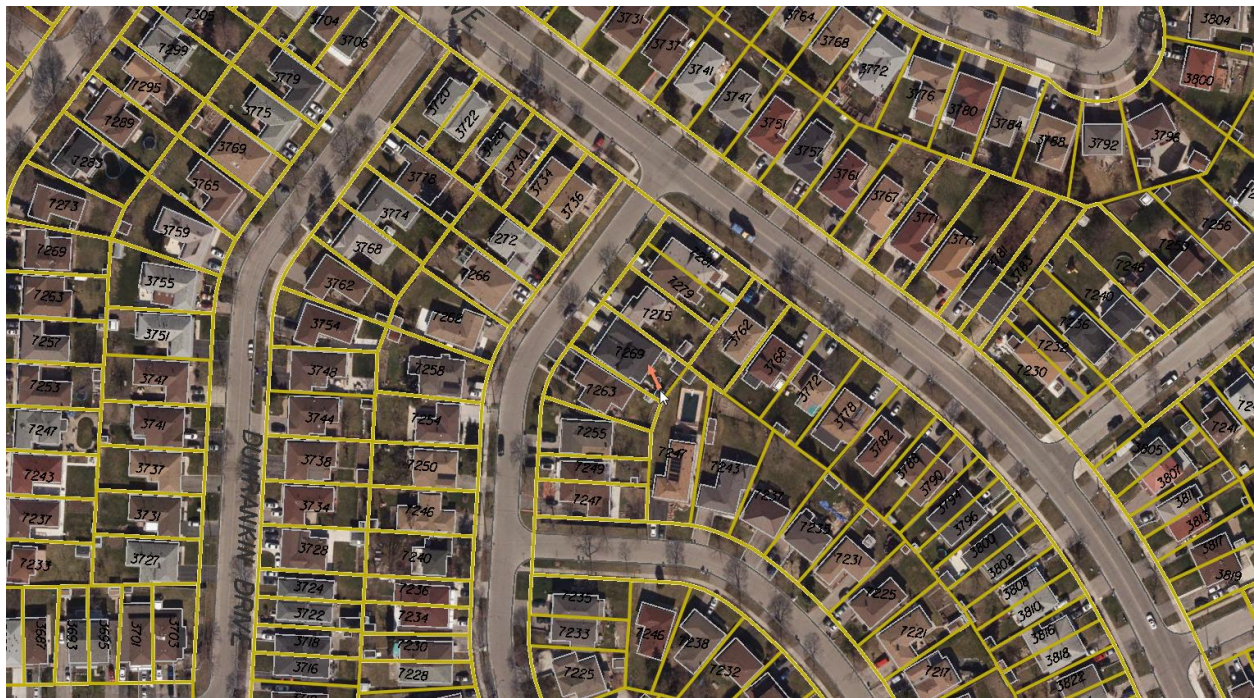
Zoning: R3-69 - Residential

Other Applications: BP 9ALT 18-4474

Site and Area Context

The subject property is located near the Morning Star Drive overpass of Highway 427, in the Malton Neighbourhood Character Area. Harwick Drive contains both detached and semi-detached dwellings with some mature vegetation. The subject property contains a detached dwelling with a mature tree in the City boulevard. It has a lot frontage of +/- 17m (56ft.) and a lot area of +/- 612.81m² (6,596sq.ft.).

The applicant is proposing alterations to the walkway requiring a variance for the proposed 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 subject property is located in the Malton Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan, which permits detached, semi-detached and duplex dwellings. Section 9 of MOP promotes development (including its features such as driveways and landscaping) 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. Widened driveways are not common in this area, and the proposed hardscaping would represent one of the largest driveways in the surrounding area, comparable to some nearby driveways shared by two dwellings. Staff is of the opinion that the general intent and purpose of the Official Plan is not maintained in this instance.

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

The intent behind the walkway attachment regulation in the by-law is to provide a convenient surface for pedestrians to access the main entrance of a dwelling and define an entryway while not permitting vehicular movements or parking. While the drawing indicates that the proposed walkway is to be raised, staff have concerns regarding the details of how the walkway would be raised to prevent vehicle access, especially for larger vehicles. Furthermore the length of the proposed attachment has the ability to facilitate the parking of a motor vehicle and represents a significant deviation from the permissions of the by-law. Staff are therefore of the opinion that the general intent and purpose of the Zoning By-law is not maintained.

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

Planning staff are of the opinion that the request is not minor in nature due to its scale and its failure to meet the general intent of the Zoning By-law. The increased walkway attachment does not represent appropriate development of the subject lands.

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

The Site Plan DWG No: S-1 submitted with the application indicates that there will be no vehicles on the raised pathway and that the existing “Hardscaping” will be removed and re-sodded. Acknowledging the information provided with the application and the intention to have the municipal boulevard re-instated with sod, there will still be access to the raised walkway to be utilized for parking purposes.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing building permit application BP 9ALT 18-4474. From a review of the building permit application it appears the variance requested is incorrect. The Zoning office has indicated to the applicant that the hard surface running alongside the driveway is considered a part of the driveway. More information has been requested to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Our comments are based on the plans received by Zoning staff on 2021/01/18 for the above captioned application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the building permit process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the building permit process in order to receive updated comments.

Comments Prepared by: Brian Bonner, Acting Supervisor