

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-09-01	File(s): A360.21 Ward 6
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-09-09 1:00:00 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 the construction of a widened driveway proposing a driveway width of 8.77m (approx. 28.77ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.68ft) in this instance.

Amendments

While Planning Staff are not in a position to interpret the Zoning By-law, it appears an additional variance may be required:

- A side yard setback to a driveway of 0.00m whereas By-law 0225-2007, as amended, requires a minimum side yard setback to a driveway of 0.60m in this instance.

Background

Property Address: 1617 Bristol Road West

Mississauga Official Plan

Character Area: East Credit Neighbourhood

Designation: Residential Low Density II

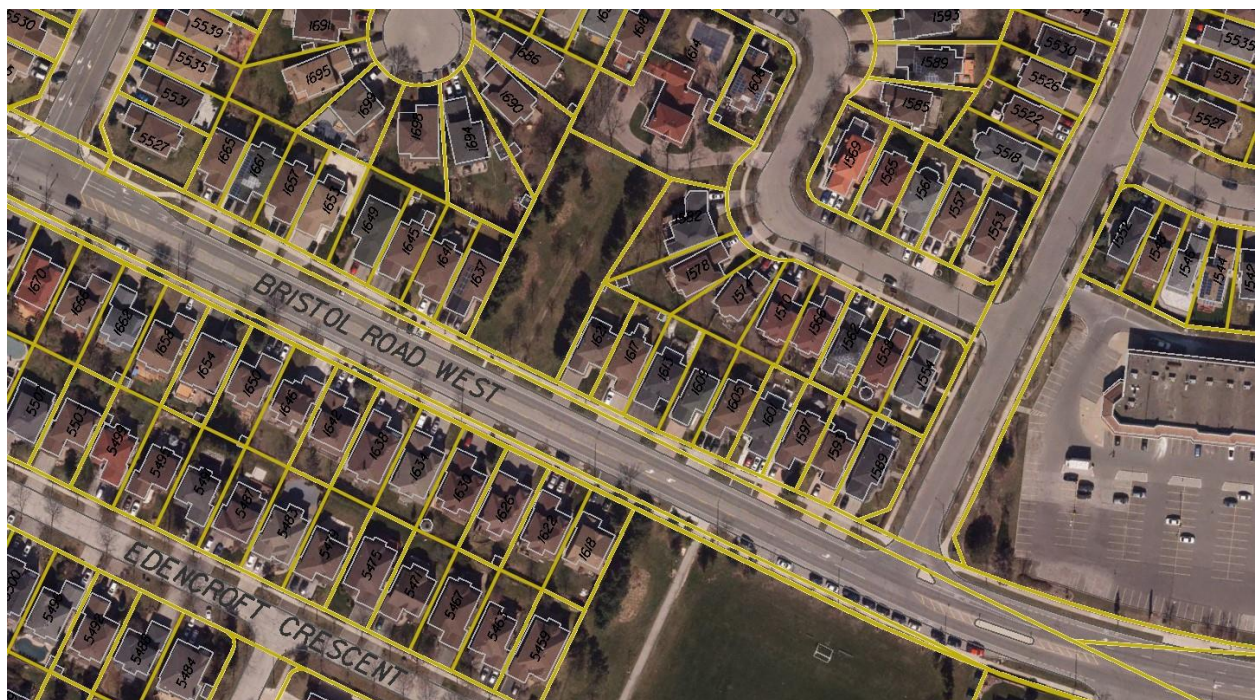
Zoning By-law 0225-2007

Zoning: R4-20 - Residential

Other Applications: None

Site and Area Context

The subject property is located north-east of the Bristol Road West and River Grove Avenue intersection in the East Credit Neighbourhood. The property contains a two storey detached dwelling with an attached garage and has a lot frontage of +/- 12.2m. The surrounding area is comprised of detached residential dwellings as well as a commercial plaza at the Bristol Road West and Creditview Road intersection. A typical front yard along this stretch of Bristol Road West contains minimal vegetation.



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 within the East Credit Neighbourhood Character Area and is designated Residential Low Density II. This designation permits detached, semi-detached, duplex and triplex dwellings, as well as street townhomes. 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. The planned character of the area is dwellings accessed by appropriately sized driveways. While some widened driveways do exist along Bristol Road West, the subject property represents one of the largest driveways in the area and would not be compatible with the existing or planned character of the area. Staff are of the opinion that the general intent and purpose of the Official Plan are not maintained in this instance.

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

The proposed variance is to permit a widened driveway on the subject property. The intent of the by-law, with regard to driveway widths, is to permit a driveway large enough to suitably accommodate two vehicles parked side by side, with the remainder of the front yard being soft landscaping. The driveway, as proposed, represents over 70% of the frontage of the property, creating a significant amount of hardscaping in the front yard which dominates the perception of the property from the street. The subject property does not possess the frontage that would support a driveway of the proposed size. As a result, the variance as proposed does not meet the general intent and purpose of the by-law.

Additionally, staff note that based on the submitted cover letter it appears a variance for driveway setback will be required. Driveway setbacks are required to allow for appropriate drainage, as well as provide a visual buffer between properties. The proposed driveway would be attached to the driveway on the abutting property to the east, providing no opportunities for drainage and no visual separation of properties beyond the differing materials. Staff are not supportive of a 0m driveway setback as it 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?

Recognizing the impact that the proposed driveway would have on the subject property regarding its excessive hard surfacing, the property would be out of character and not compatible with the rest of the neighbourhood. As a result of the broader impacts, the variances being sought are not considered to be minor in nature or desirable.

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.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is not in receipt of any permit applications at this time and the applicant is advised that a zoning review has not been completed. We are unable to confirm the accuracy of the requested variance(s) or determine whether additional variance(s) may be required.

The applicant is advised that a completed zoning review may identify additional instances of zoning non-compliance. The applicant may consider applying for a preliminary zoning review application and submit working drawings for a detailed zoning review to be completed. A minimum of 6-8 weeks will be required to process a preliminary zoning review application depending on the complexity of the proposal and the detail of the information submitted.

Comments Prepared by: Brandon Eidner, Zoning Examiner