

City of Mississauga Department Comments

Date Finalized: 2021-09-08 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): A319.21 Ward 11
	Meeting date:2021-09-16 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 a widened driveway on the subject property proposing:

1. A driveway width of 11.86m (approx. 38.91ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 10.50m (approx. 34.45ft) in this instance;
2. A walkway attachment width of 8.26m (approx. 27.10ft) whereas By-law 0225-2007, as amended, permits a maximum walkway attachment width of 1.50m (approx. 4.92ft) in this instance;
3. A side yard of 0.00m whereas By-law 0225-2007, as amended, requires a minimum side yard 0.60m (approx. 1.96ft) in this instance; and
4. A front yard soft landscape area of 34.10% whereas By-law 0225-2007, as amended, requires a minimum front yard soft landscape area of 50.00% in this instance.

Background

Property Address: 5211 Mississauga Road

Mississauga Official Plan

Character Area: Central Erin Mills Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

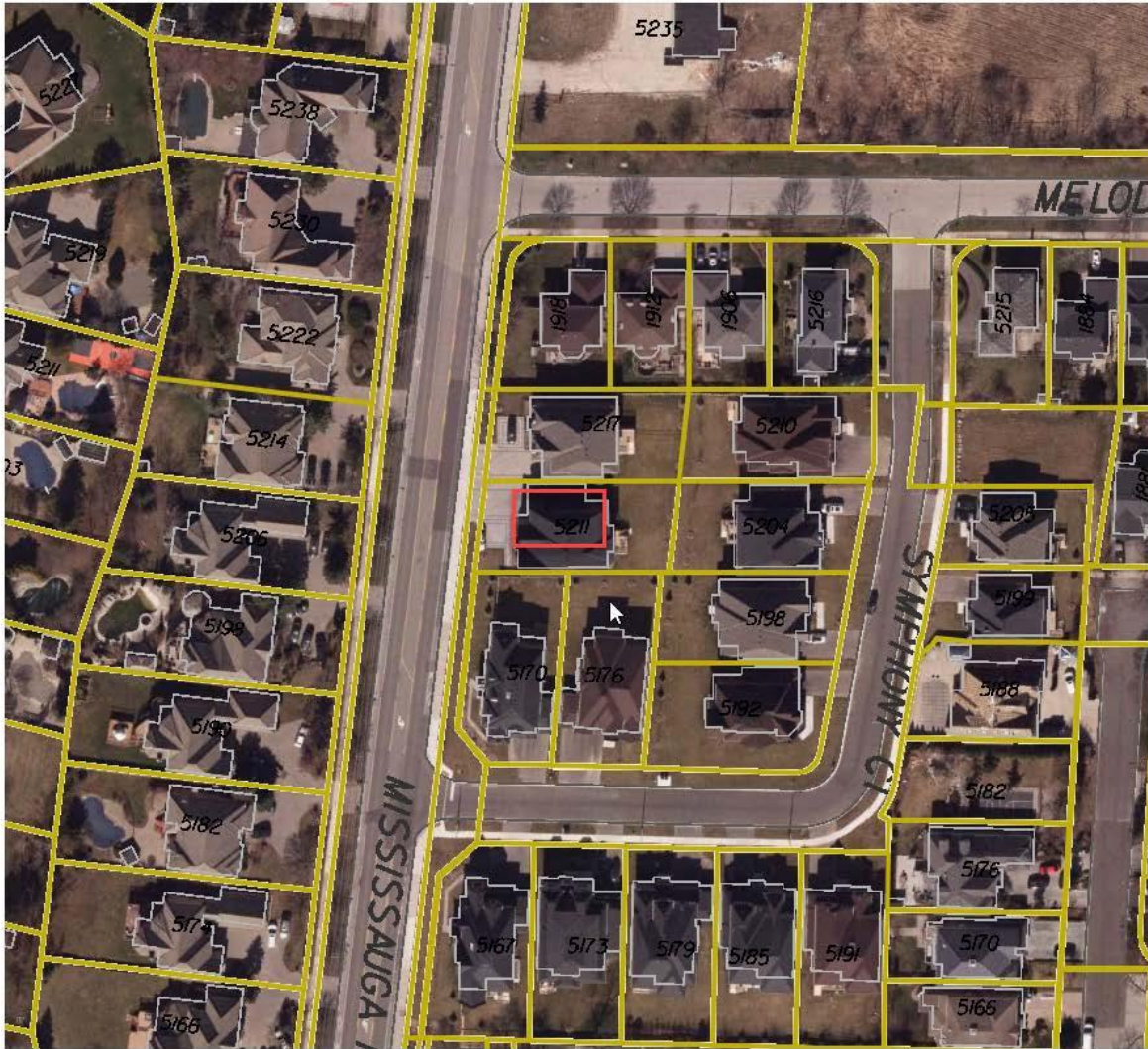
Zoning: R3 - Residential

Other Applications: PREAPP 21-6176

Site and Area Context

The subject property is located northeast of the Mississauga Road and Barbertown Road intersection in the Central Erin Mills Neighbourhood. The property contains a two storey detached dwelling with an existing garage and has a lot frontage of +/- 19.81m. There is minimal vegetation on the subject property, which is consistent with the more recently constructed properties on the east side of Mississauga Road. Older surrounding properties do contain more mature vegetation in both the front and rear yards.

The applicant is proposing to legalize the existing driveway and hardscaping in the front yard, requiring variances for driveway width, walkway attachment, side yard, and soft landscaped area.



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 Central Erin Mills Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). The Residential Low Density I designation permits detached dwellings, semi-detached dwellings and duplex dwellings. As per Section 9.1 (Introduction), driveway widths should respect the identity and character of the surrounding context. The driveway, as existing, represents significant hardscaping when compared to driveways in the surrounding area. While staff note that the driveways fronting onto the west side of Mississauga Road are shared and significant in width, staff note that the shared driveways reduce to an appropriate width at the street line and the wider portions are screened by soft landscaping abutting the street line. Staff also note that those properties are larger than the subject property and are therefore able to accommodate increased hardscaping. It is the opinion of Staff that the proposal does not maintain 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 relates to the driveway width. Under the Zoning By-law a driveway width, on a property of this size, is permitted to be 10.5 metres (34.45 ft.) within 6 metres (19.69 ft.) of the garage face if it provides direct access to the garage and 8.5 metres (27.89 ft.) beyond 6 metres (19.69 ft.) of the garage face. The intent of this provision is to facilitate the entrance into a 3 car garage, while also limiting the width closer to the street in order to mitigate impacts to the streetscape. The subject property's driveway width represents a significant amount of hardscaping, much of which does not directly service a garage. Furthermore it is the opinion of staff that the hardscaping presents a significant impact to the streetscape.

Variance 2 requests an increased walkway attachment. The intent of the walkway attachment provision is to help define the entryway and permit the safe movement of pedestrians while prohibiting vehicle movements. The requested walkway attachment is significant enough to not only allow for pedestrian movements, but also allow vehicular movements and parking for multiple vehicles. Imagery of the property appears to show the described walkway being used for parking and could additionally function as a hammerhead.

Variance 3 requests a 0 metre setback from the driveway to the property line. The intent of this provision is to provide a visual buffer between driveways and properties and to allow for appropriate drainage. The proposed reduction creates a significant expanse of hardscaping that provides no visual buffer between properties and creates concerns around drainage.

Variance 4 proposes a reduced soft landscaped area in the front yard. The intent of this provision is to ensure that hardscaping does not dominate the lot frontage and that the character of the area is maintained. In this instance the hardscaping represents well over the majority of the front yard which is detrimental to the existing streetscape and is out of character with the surrounding area. While staff note that wide shared driveways are present across Mississauga Road, the driveways on the west side of the street are appropriately screened by landscaping and reduce to a smaller width at the street line, creating a form of courtyard for the properties.

Given the above Staff are of the opinion that the variances do 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?

It is the opinion of Staff that the variances, both individually and cumulatively, create significant impacts on the streetscape that cannot be considered minor in nature. The proposal represents an overdevelopment of hardscaping in the front yard and therefore does not represent appropriate development of the subject lands.

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.

With regards to Variance #3, we do not see the rationale in approving the requested 0.0M side yard setback. When reviewing requests for an increased hard surface area where a grassy permeable surface should be provided, we are concerned with the additional hard surface treatment as it essentially increases the flow of water into the municipal storm sewer system. Lots are designed to typically retain some rain water through infiltration of water into permeable surfaces such as grass. The bylaw requirement of 0.60M (1.97 ft.) setback to the driveway maintains a permeable grassed swale that will allow for some infiltration of water as it runs towards the street.





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