

City of Mississauga Department Comments

Date Finalized: 2021-10-20	File(s): A399.21 Ward 4
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-10-28 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a widened driveway proposing:

1. A driveway width of 6.9m (approx. 22.64ft) whereas By-law 0225-2007, as amended, requires a maximum driveway width of 6.0m (approx. 19.69ft) in this instance;
2. A walkway width of 2.53m (approx. 8.30ft) whereas By-law 0225-2007, as amended, requires a maximum walkway width of 1.50m (approx. 4.92ft) in this instance; and
3. A hammerhead width of 4.1m (approx. 13.45ft) whereas By-law 0225-2007, as amended, requires a maximum hammerhead width of 3.0m (approx. 9.84ft) in this instance.

Recommended Amendments

While Planning staff are not in a position to interpret the Zoning By-law, it appears variance 3 should be amended as follows:

3. A hammerhead length of 4.1m (approx. 13.45ft) whereas By-law 0225-2007, as amended, permits a maximum hammerhead length of 3.0m (approx. 9.84ft) in this instance.

Background

Property Address: 440 Laurentian Avenue

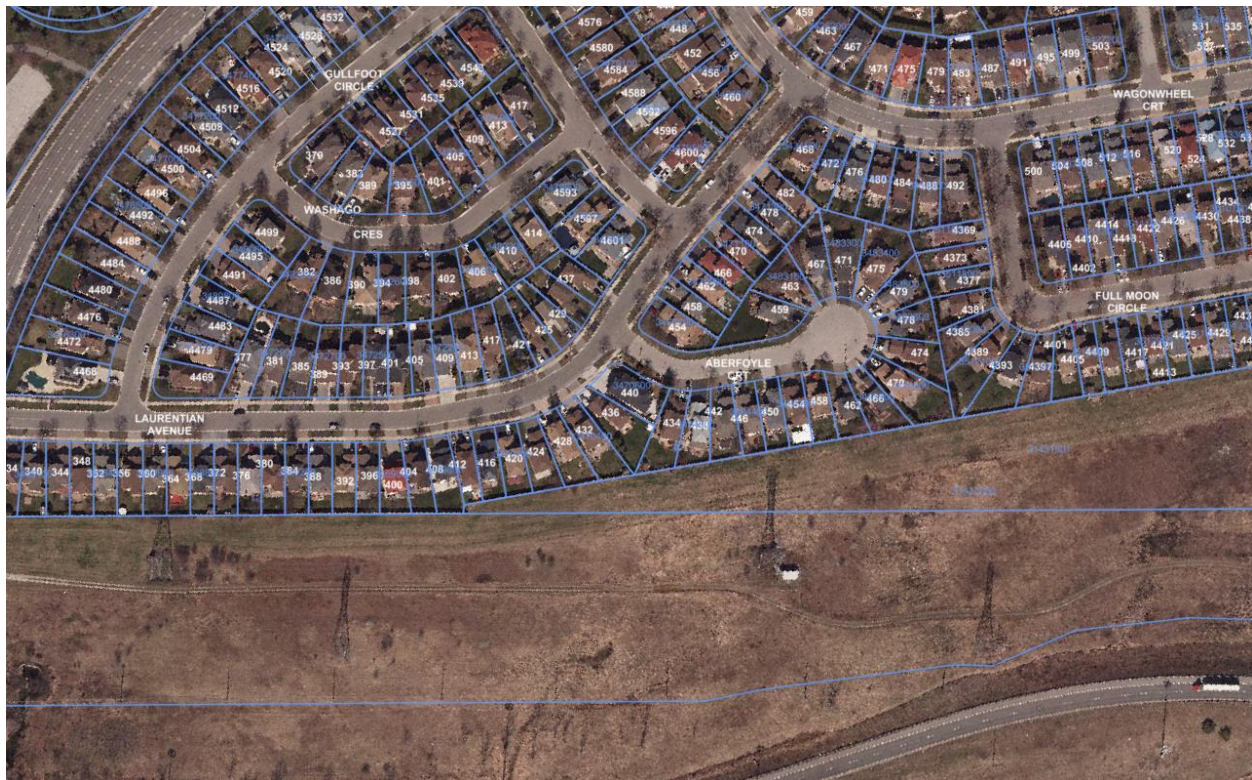
Mississauga Official Plan

Character Area: Hurontario Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007**Zoning: R5 - Residential****Other Applications: None****Site and Area Context**

The subject property is a corner property located on the corner of Laurentian Avenue and Aberfoyle Court in the Hurontario Neighbourhood. It has a frontage of +/- 16m (52.5ft) and contains a detached two storey dwelling with an attached double car garage. The surrounding consists exclusively of detached homes with a mix of single and double car attached garages. Limited landscaping and vegetation exists in both the front and rear yards.

The applicant is proposing modified hardscaping on the subject property requiring variances for driveway width, walkway attachment, and hammerhead 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 Hurontario Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached and duplex, triplex and other forms of low rise dwellings with individual frontages. Section 9.1 of the MOP states that driveway widths and associated setbacks should respect the identity and character of the surrounding context. Staff are satisfied that the driveway width is appropriate for both the subject property and surrounding context, and therefore that the general intent and purpose of the Official Plan are maintained.

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

Variance 1 relates to the driveway width. The intent of the driveway width regulations are to ensure that the driveway can suitably accommodate two vehicles parked side by side, with the remainder of the front yard being soft landscaping. Staff are satisfied that the proposed driveway width does not create excessive hardscaping on the subject property, nor does it facilitate the parking of additional vehicles across the driveway. Finally, staff are of the opinion that the driveway is appropriately sized for the property.

Variance 2 requests an increased width for a walkway attachment. The intent of the walkway attachment provision is to help define the entryway and to permit safe movement of pedestrians to the dwelling while prohibiting vehicle accommodation. The requested walkway is located in such a way that staff are satisfied that it will be unable to accommodate or facilitate vehicular movements.

Variance 3 requests an increased hammerhead length. Staff note that a hammerhead is permitted as of right on the subject property. The intent of the hammerhead provisions of the by-law are to ensure that the hammerhead can facilitate the turning movements of a vehicle while preventing the parking of a motor vehicle. Given the tapered shape of the proposed hammerhead due to the front property line, staff are satisfied that the hammerhead will be unable to facilitate the parking of a motor vehicle.

Given the above staff are satisfied that the application maintains 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 proposal increases the front yard softscaping which brings it more into line with the intent of the Zoning By-law, and the proposal is proportional to the size of the lot. Staff are satisfied that the proposal represents appropriate development of the subject lands, and that any impact to abutting properties and the streetscape are minor in nature.

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