

City of Mississauga Department Comments

Date Finalized: 2021-10-26	File(s): A430.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-11-04 1:00:00 AM

Consolidated Recommendation

The City has no objection to the variances, as requested. 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 the construction of a driveway proposing:

1. A driveway width of 7.00m (approx. 22.97ft) whereas By-law 0225-2007, as amended, requires a maximum driveway width of 6.00m (approx. 19.69ft) in this instance; and
2. A walkway attached to the driveway with an attachment of 2.40m (approx. 7.87ft) whereas By-law 0225-2007, as amended, requires a walkway attached to a driveway with a maximum attachment of 1.50m (approx. 4.92ft) in this instance.

Background

Property Address: 1468 Kenmuir Avenue

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

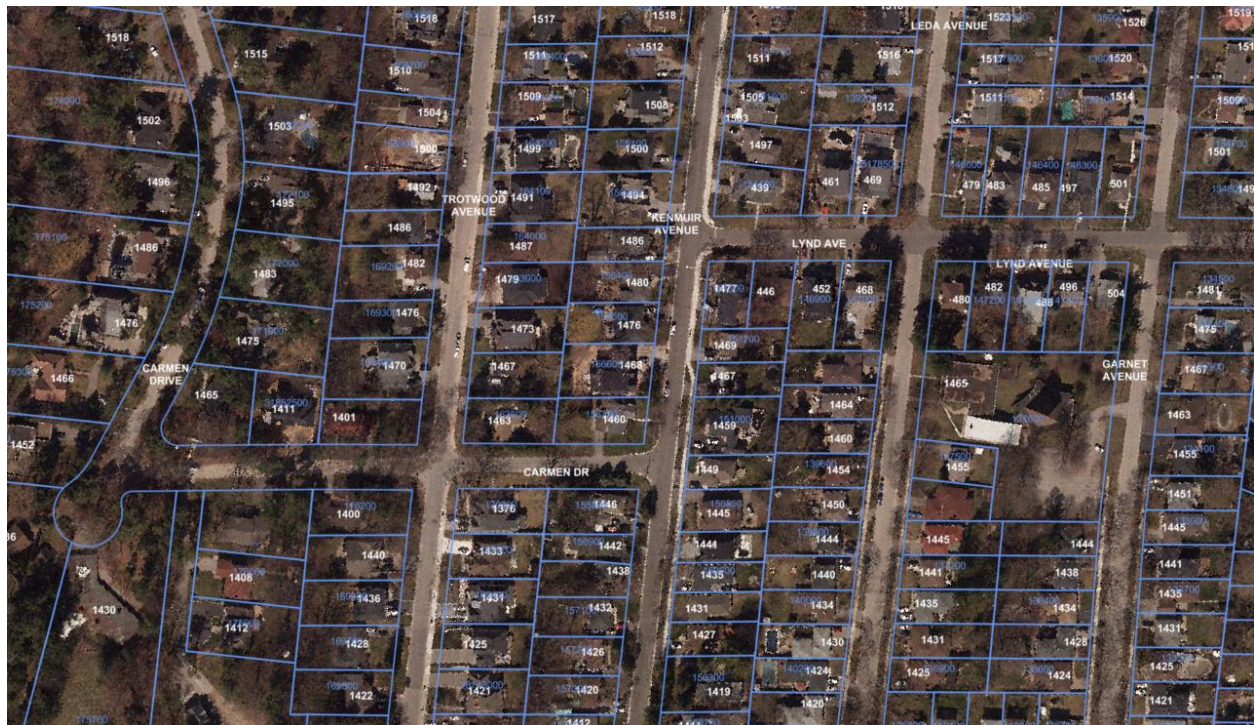
Zoning: R3-1 - Residential

Other Applications: Site Plan Infill – SPI 18 43, Building Permit BP 9NEW 18 3725, Minor Variance – A314/18

Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, west of Cawthra Road and South Service Road. The neighbourhood is primarily residential, consisting of an eclectic mix of older and newer one and two storey-detached dwellings with significant mature vegetation in the front, rear and side yards. The subject property contains a two storey single detached dwelling with mature vegetation in the front yard.

The application proposes a new driveway requiring variances related to 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 subject property is located within the Mineola Neighbourhood 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 a mix of dwellings accessed by appropriately sized and widened driveways. The proposed driveway would be compatible with the existing and planned character of the area. Staff are of the opinion that the general intent and purpose of the Official Plan is maintained in this instance.

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

Variance #1 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 soft landscaping (front yard). A driveway width of 7m (approx. 22.97ft) is proposed, where a maximum driveway width of 6.00m (approx. 19.69ft) is permitted. Staff have no concerns with this variance, as a 7m (approx. 22.97ft) wide driveway can only accommodate 2 cars parked side by side, which is the required number of spaces for a detached dwelling. Furthermore, the subject property has a 24.04m frontage, which ensures a large amount of soft landscaping will be maintained in the front yard.

Variance #2 pertains to a walkway attachment. The applicant is proposing a walkway attachment of 2.4m (approx. 7.87ft), when a maximum walkway attachment of 1.5m (approx. 4.92ft) is permitted. The intent of this portion of the bylaw is to provide a convenient surface for pedestrians (not vehicles) and assists in defining an entryway to a dwelling. While the walkway attachment appears to be excessive, the attachment is not able to accommodate a vehicle as the minimum width of a parking space is 2.6m (approx. 8.53 ft).

As such, staff is of the opinion that Variances #1 and 2 meet the purpose and general intent of the Zoning By-law.

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

The requested variances represent appropriate development of the lands and modest intensification. The request is minor and is reflective of the surrounding context, where widened driveways are a regular occurrence. Furthermore, the proposed walkway is unable to accommodate vehicular traffic. Staff are of the opinion that the impacts of the requested variances are minor and will not cause undue impacts on adjacent properties.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This Department has no objections, comments or requirements with respect to C.A. 'A' 430/21.

Comments Prepared by: John Salvino, 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