

City of Mississauga Department Comments

Date Finalized: 2021-10-27	File(s): A440.21 Ward 10
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-11-04 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 driveway with a driveway width of 10.36m (approx. 33.99ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance.

Background

Property Address: 7330 Tenth Line West

Mississauga Official Plan

Character Area: Lisgar Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R5-32 - Residential

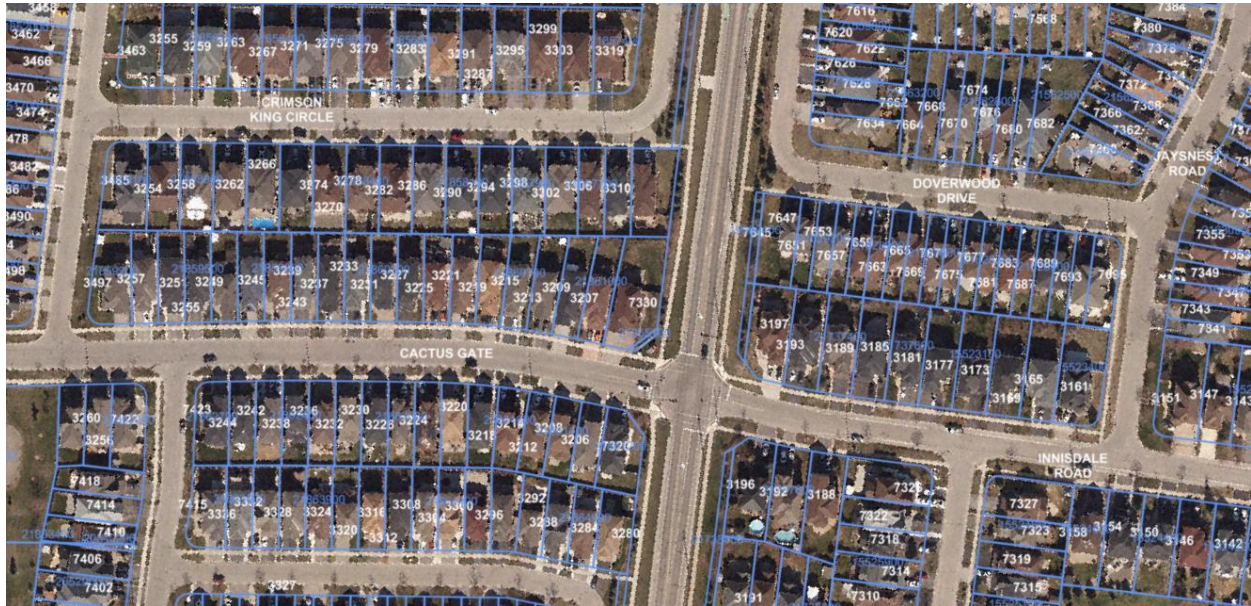
Other Applications: None

Site and Area Context

The subject property is located on the north-west corner of Tenth Line West and Cactus Gate in the Lisgar Neighbourhood. It has a frontage of +/- 16.36m (53.67ft) and currently contains a detached dwelling with an attached garage. There is limited landscaping and vegetation in both the front and rear yards. This section of Cactus Gate contains exclusively detached dwellings,

however semi-detached dwellings are also present in the surrounding context. As the subject property is a corner property it has one of the larger frontages in the surrounding area.

The applicant is proposing a widened driveway requiring a variance for driveway 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 within the Lisgar 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 Cactus Gate, 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 60% 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 drawings it appears a variance for landscaped area in the front yard may be required. Staff are unable to determine if a variance for landscaped area would meet the four tests at this time as further information is required. Therefore, should Committee see merit in the driveway width request, the application should be deferred in order to ensure all variances have been properly identified and reviewed.

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.

It should also be noted that there is an existing fire hydrant within the boulevard area and the driveway must be a minimum of 1.5M away to avoid any conflicts.





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