

City of Mississauga Department Comments

Date Finalized: 2021-11-10	File(s): A452.21 Ward 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-11-18 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 width of 6.7m (approx. 21.98ft) whereas By-law 0225-2007, as amended, requires a maximum driveway width of 5.2m (approx. 17.06ft) in this instance.

Background

Property Address: 7432 Magistrate Terr

Mississauga Official Plan

Character Area: Meadowvale Village Neighbourhood
Designation: Residential Medium Density

Zoning By-law 0225-2007

Zoning: RM5-27 - Residential

Other Applications: None

Site and Area Context

The subject property is located south-east of the Mavis Road and Highway 407 interchange in the Meadowvale Village neighbourhood. It contains a semi-detached dwelling with an attached garage and limited landscaping in the front yard. The subject property's driveway has a 0 metres setback to the driveway of the attached semi-detached dwelling, which is characteristic

of the area. The subject property has a large single car garage, while the attached dwelling has a regular sized single car garage. The surrounding context includes a mix of semi-detached and townhouse dwellings with a mix of single and double car garages and varying lot frontages. Detached dwellings are present in the larger area context.

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 Meadowvale Village Neighbourhood Character Area and is designated Residential Medium Density. This designation permits semi-detached and townhouse dwellings. 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. Staff note that the planned character of the neighbourhood permits generous driveway widths as of right through the Zoning By-law that are compatible with the existing site conditions and surrounding context. 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 nearly 80% 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 necessary frontage that would support the size of the driveway being proposed. As a result, the variance as proposed does not meet the general intent and purpose of the 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 not be compatible with the planned character 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.

From our site inspection and enclosed photos we note that there is an existing hydro transformer box, a cable box and a telephone utility within the boulevard area. The applicant has widened the driveway in such a manner that the concrete abuts (or in very close proximity) to the utilities mentioned. The driveway, including any concrete area must be a minimum of 1.5M away from any utilities and in this regard this area must be re-instated with topsoil and sod. There is also a tree planted within the widened concrete, we are not sure if this is a city tree but noting that this tree will also be impacted by the concrete.





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