

# City of Mississauga

## Memorandum:

## City Department Comments

Date Finalized: 2021-10-29	File(s): A196.21 Ward: 10
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-11-18 1:00 PM

## Consolidated Recommendation

The City has no objections to variance 1, however recommends that variance 2 be refused.

## Application Details

The applicants request the Committee to approve a minor variance to allow:

1. 2 parking spaces on the subject property whereas By-law 0225-2007, as amended, requires a minimum of 3 parking spaces in this instance;
2. A driveway with a width of 5.49m (approx. 18ft) whereas By-law 0225-2007, as amended, permits a driveway with a maximum width of 4.3m (approx. 14.12ft) in this instance; and,
3. A below grade entrance to a dwelling in a side yard whereas By-law 0225-2007, as amended, does not permit a below grade entrance in a side yard in this instance.

## Amendments

Variance 3 does not appear to be required.

## Background

**Property Address:** 5537 Fudge Terrace

### Mississauga Official Plan

Character Area: Churchill Meadows NHD  
Designation: Residential Medium Density

### Zoning By-law 0225-2007

**Zoning:** RM5-48 - Residential

**Other Applications:** SEC UNIT 20-2360**Site and Area Context**

The subject property is located south-west of the Thomas Street and Winston Churchill Boulevard intersection. The property is an interior parcel with a lot area of +/- 281.54m<sup>2</sup> (3,030.47ft<sup>2</sup>) and a lot frontage of +/- 8.55m (28.05ft). Currently, the property houses a two-storey, semi-detached dwelling with vegetation and landscape elements in both the front and rear yards. Contextually, the area is comprised exclusively of two-storey, semi-detached dwellings with vegetation and landscape elements in both the front and exterior side yards.

The applicant is proposing a second unit that requires a variances for parking, driveway width, and the location of the entrance.



## 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 East Credit Neighbourhood character area and is designated Residential Medium Density in Schedule 10 of the Mississauga Official Plan (MOP). The Residential Medium Density designation permits all forms of townhouse dwellings. The application is necessary to facilitate the parking configuration for a permitted secondary unit. Section 7.2 of the MOP indicates that Mississauga will provide opportunities for a variety of affordable dwelling types and encourage the development of new rental units. Secondary units play a vital role in today's housing market by representing an affordable option for housing for area residents as well as providing additional rental stock in the City. Section 9.5 of the MOP states that site design will be compatible with existing site conditions and the surrounding context. While staff are satisfied that variance 1 maintains the general intent and purpose of the Official Plan, staff have concerns regarding variance 2 and its compatibility with the existing site conditions, specifically the proximity of the widened driveway to the municipal street tree in front of the property.

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

Variance 1 requests a reduction in parking spaces on the subject property. The intent in quantifying the required number of parking spaces is to ensure that each structure is self-sufficient in providing adequate parking accommodations for its intended use. The property possesses a single car garage and, when including the municipal boulevard in the driveway length, the driveway would be long enough to facilitate two vehicles parked in tandem. CPS staff have reviewed the application and note as follows:

Generally, the City is supportive of second units given proposed policies in Bill 108 and the City's Housing Strategy, assuming the necessary parking requirements can be reasonably accommodated. In accordance with Council Resolution 160-91, while the Applicant cannot accommodate three parking spaces within their front yard "proper", the property possess both a single car garage, and a contiguous combined driveway and municipal boulevard length long enough to house two vehicles parked in tandem. This results in two spaces being provided on the property and a third space being provided partially on the property/municipal boulevard.

Staff note that the driveway on this property is long enough to accommodate 2 cars in tandem, in addition to the single car garage. In addition, there is 15 hour on-street parking located on Ozzie Drive, approximately 200 meters west of the subject property. Therefore, Staff can support the proposed variance.

Staff therefore have no objections to variance 1.

Variance 2 requests an increased driveway width. The intent of the by-law, with regard to driveway widths, is to permit a driveway large enough to suitably accommodate the required parking for the subject property, with the remainder of the front yard being soft landscaping. While the proposed driveway does leave some landscaped area, staff have concerns regarding the functionality of the parking space for different types of vehicles due to the 'step' adjacent to the garage as well as the impacts of the hardscaping on the street tree near the base of the driveway. Staff therefore object to variance 2, however should Committee see merit in variance 2 then variance 1 would not be required.

Given the above, staff are of the opinion that variance 1 maintains the general intent and purpose of the Zoning by-law, however variance 2 does not. Zoning staff have indicated that variance 3 is not required.

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

Staff are of the opinion that variance 1 is technical in nature, creates no impacts to surrounding properties and is appropriate for the subject lands. Variance 2, however, creates concerns surrounding the existing street tree and the existing condition calls into question the functionality of the additional parking space. Staff are therefore of the opinion that variance 2 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

We are enclosing for Committees information a recent photo depicting the driveway.



Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

### Appendix 2 – Zoning Comments

Comments for November 18:

The Building Department is currently processing preliminary zoning review application SEC UNIT 20-2360. From a review of the plans submitted with this application and from discussions with the applicant, it appears variances 1 and 3 may be deleted. With respect to variance 1; the proposed driveway width can accommodate 2 side-by-side parking spaces each with the necessary width of 2.6m. The third parking space will be located within the attached garage. With respect to variance 3; a basement entrance stairwell is a permitted use within an interior side yard provided it is setback 1.2m from the interior side lot line.

Our comments are based on the plans received by Zoning staff on 2020-09-01 for the above captioned application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the preliminary zoning review process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the preliminary zoning review process in order to receive updated comments.

Original Comments:

The Building Department is currently processing preliminary zoning review application SEC UNIT 20-2360. From a review of this application it appears that concrete paving has been installed running along the north side of the driveway. This paving is considered part of the driveway width as per:

Article 4.1.9.1

The calculation of driveway width shall include any continuous hard surface area that may be used for the parking of motor vehicles.

No approval documentation could be located for the additional noncompliance driveway width. Therefore an additional variance is required for the altered driveway:

A driveway width of 5.49m; whereas By-law 0225-2007, as amended, permits a maximum driveway width of 4.3m in this instance.

Our comments are based on the plans received by Zoning staff on 2020-09-01 for the above captioned application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the preliminary zoning review process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the preliminary zoning review process in order to receive updated comments.

Comments Prepared by: Brian Bonner, Supervisor