

City of Mississauga Department Comments

Date Finalized: 2021-11-24	File(s): A539.21 Ward 6
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-12-02 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 an existing widened driveway with:

1. A driveway width of 9.35m (approx. 30.7ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.7ft) in this instance; and,
2. A distance of 0.0m from the driveway to the side lot line whereas By-law 0225-2007, as amended, requires a minimum distance of 0.6m (approx. 2.0ft) from a driveway to a side lot line in this instance.

Background

Property Address: 5711 Riverdale Creacent

Mississauga Official Plan

Character Area: East Credit Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

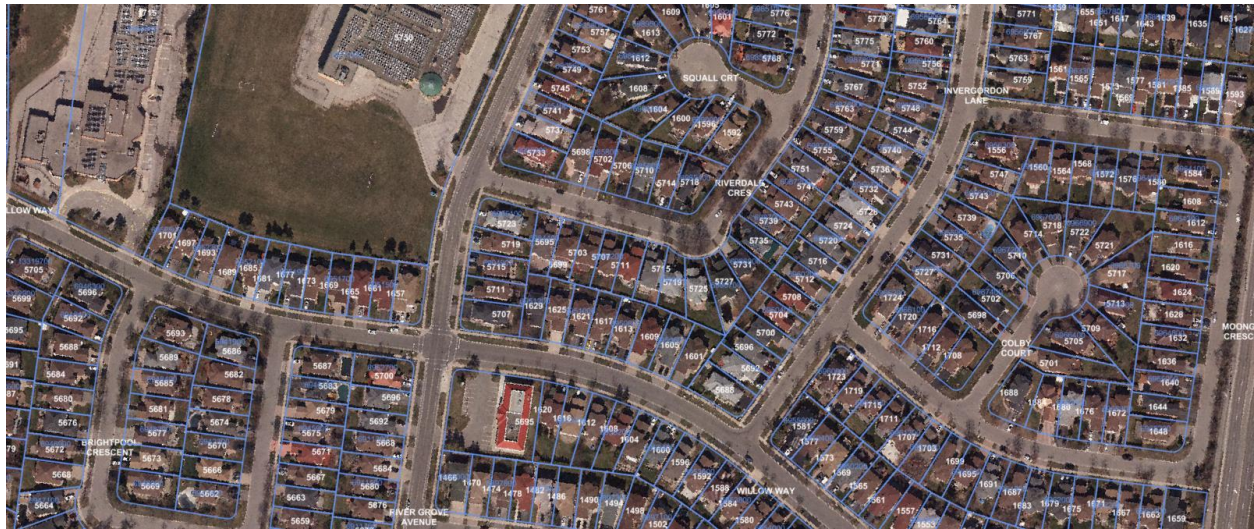
Zoning: R4-20 - Residential

Other Applications: None

Site and Area Context

The subject property is located north-east of the River Grove Avenue and Willow Way intersection in the East Credit neighbourhood. It contains a detached dwelling with an attached garage and a lot frontage of +/-12.20m (40.03ft). There are limited landscaping/vegetation elements in both the front and rear yards. The surrounding context consists exclusively of detached dwellings on lots of similar frontages.

The applicant is proposing to legalize a widened driveway on the subject property requiring variances for driveway width and setback.



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:

The subject property is located within the East Credit Neighbourhood Character Area and is designated Residential Low Density II. Section 9 of MOP promotes development (including its features such as driveways) 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 existing hardscaping represents over 75% of the frontage of the subject property, which is not appropriate for the subject property and is not compatible with the surrounding context.

The planned character of the area is that of dwellings serviced by appropriately sized driveways that can accommodate the parking required by the Zoning By-law for each property. The intent of the driveway width regulations in the by-law is to allow a driveway that can accommodate two vehicles parked side by side, with the remainder of the front yard being soft landscaped area. The existing driveway is able to facilitate the parking of 3 cars across, which is not the intent of the Zoning By-law. Furthermore the Zoning By-law contains regulations requiring a setback of the driveway from the lot line. The intent of these regulations are to ensure a visual buffer between properties and allow appropriate soft landscaping for drainage and water runoff. A 0 metre driveway setback, which is currently present, is unable to accommodate these goals.

In addition to the above, staff note some discrepancies with the application. The application form requests a driveway width of 9.35m (30.68ft), whereas the submitted drawing appears to indicate a driveway width of 9.95m (32.64ft). Furthermore a variance for reduced soft landscape area in the front yard may be required.

Staff are of the opinion that the driveway does not meet the general intent or purpose of the Zoning By-law or Official Plan, does not represent appropriate development of the subject property, and the request is not minor in nature. Staff therefore recommend that the application be refused.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committee's information are some photos of the existing driveway. 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.

With regards to variance #2 requesting a 0.0m setback to the lot line, when reviewing these types of variances for increased hard surfaces being proposed where grassy permeable surfaces exist or existed, we are concerned with the additional hard surface treatment as this essentially increases the flow of water into the municipal storm sewer system. Incremental increases across the neighbourhood and the city essentially can have increased pressure on the City's storm sewer system. Lots are designed to typically retain some rain water through infiltration of water into the permeable surfaces such as grass. The by-law requirement of a 0.60m setback to the driveway maintains a permeable grassed swale that will allow infiltration of water as it runs towards the street.

In view of the above we cannot support the request to have a reduced 0.0m setback to the lot line.





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