

City of Mississauga Department Comments

Date Finalized: 2022-02-09	File(s): A90.22 Ward: 8
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-02-17 3:00:00 PM

Consolidated Recommendation

The City has no objection to variance #1, however, recommends that the application be deferred to permit the Applicant the opportunity to redesign the driveway.

Application Details

The applicant requests the Committee to approve a minor variance to allow an existing driveway and pedestrian entrance with:

1. A driveway width of 6.49m (approx. 21.29ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance; and,
2. A pedestrian entrance facing a street to facilitate a second unit whereas By-law 0225-2007, as amended, does not permit a pedestrian entrance facing a street to facilitate a second unit in this instance.

Background

Property Address: 4056 Barbican Drive

Mississauga Official Plan

Character Area: Erin Mills Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R4 - Residential

Other Applications: Building permit application SEC UNIT 21-8453.

Site and Area Context

The subject property is located within the Erin Mills Neighbourhood Character Area, northwest of Burnhamthorpe Road West and Glen Erin Drive. North of the subject property is Pheasant Run Park. The neighbourhood is entirely residential consisting of one and two storey detached dwellings and semi-detached dwellings, on lots with mature vegetation in the front and side yards. The subject property contains a two-storey detached dwelling with vegetation in the front yard.

The applicant is requesting to allow an existing driveway and pedestrian 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 Low Density I designation permits detached dwellings. Section 9 of MOP promotes development 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 proposed secondary unit is permitted in this designation. Staff are of the opinion that the general intent and purpose of the official plan is maintained.

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

Variance #1 pertains to a pedestrian entrance facing a street. The intent of the by-law in prohibiting a below grade entrance in the front/exterior yard and facing a street is to prevent a negative visual impact to the overall streetscape. While the proposed entrance faces the street, the proposed entrance is located behind a retaining wall and large hedge, which negates the impact of the entranceway. Additionally, the below grade entrance can be visually perceived as the primary entrance to the dwelling, as the actual primary entrance is located in the side yard and cannot be viewed when standing perpendicular to the dwelling's façade.

Staff is supportive of Variances #1 is of the opinion that it meets the general intent and purpose of the zoning by-law.

Variance #2 pertains to driveway width. Upon review of the photos provided by T&W, Planning staff note that additional variances may be required for the existing widened driveway. Staff do not support these additional variances and recommend the application be deferred to permit the applicant the opportunity to redesign the driveway.

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

The proposed secondary unit entrance is sufficiently screened and will not impact the streetscape. However, staff recommend deferral of the application to allow the applicant an opportunity to redesign the driveway.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committee's information are photos depicting the existing widened gravel driveway to the left of the original asphalt driveway.





Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing building permit application SEC UNIT 21-8453. From the information submitted with this application the two variances requested are correct; however, more information has been requested from the applicant to determine whether additional variance(s) will be required. Our office has spoken to the applicant via email explaining what information is required to ensure all variances have been captured in our review. We have not received a resubmission with the requested information at this time.

Please note that comments reflect those provided through the above permit application and should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the application file noted above, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments.

Comments Prepared by: Maria Fernandez, Zoning Examiner