City of Mississauga Department Comments

Date Finalized: 2022-03-30 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): A128.22 Ward 11 Meeting date:2022-04-07 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 a driveway proposing:
1. A driveway width of 11.86m (approx. 39.91ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 10.5m (approx. 34.4ft) in this instance; and,
2. The driveway to cover 67% of the area of the front yard whereas By-law 0225-2007, as amended, permits a driveway to cover a maximum of 50% of the front yard in this instance.

Background

Property Address: 5211 Mississauga Rd

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: **R3 - Residential**

Other Applications: PREAPP 21-6176

Site and Area Context

The subject property is located northeast of the Mississauga Road and Barbertown Road intersection in the Central Erin Mills Neighbourhood. The property contains a two-storey detached dwelling with an existing garage and has a lot frontage of +/- 19.81m (65ft). There is minimal vegetation on the subject property, which is consistent with the more recently constructed properties on the east side of Mississauga Road. Older surrounding properties do contain more mature vegetation in both the front and rear yards.

The applicant is proposing a widened driveway requiring variances for driveway width and driveway coverage area.

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 property is located within the Central Erin Mills Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). The Residential Low Density I designation permits detached dwellings, semi-detached dwellings and duplex dwellings. As per Section 9.1 (Introduction), driveway widths should respect the identity and character of the surrounding context. The driveway, as existing, represents

significant hardscaping when compared to driveways in the surrounding area. While staff note that the driveways fronting onto the west side of Mississauga Road are shared and significant in width, staff note that the shared driveways reduce to an appropriate width at the street line and the wider portions are screened by soft landscaping abutting the street line. Staff also note that those properties are larger than the subject property and are therefore able to accommodate increased hardscaping. It is the opinion of Staff that the proposal does not maintain the general intent and purpose of the official plan.

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

Variance 1 relates to the driveway width. Under the zoning by-law a driveway width, on a property of this size, is permitted to be 10.5 metres (34.45 ft.) within 6 metres (19.69 ft.) of the garage face if it provides direct access to the garage and 8.5 metres (27.89 ft.) beyond 6 metres (19.69 ft.) of the garage face. The intent of this provision is to facilitate the entrance into a 3 car garage, while also limiting the width closer to the street in order to mitigate impacts to the streetscape. The subject property's driveway width represents a significant amount of hardscaping, much of which does not directly service a garage. Furthermore it is the opinion of staff that the hardscaping presents a significant impact to the streetscape.

Variance 2 proposes an increased percentage of the front yard to be driveway. The intent of this provision is to ensure that hardscaping does not dominate the lot frontage and that the character of the area is maintained. In this instance the hardscaping represents well over the majority of the front yard which is detrimental to the existing streetscape and is out of character with the surrounding area. While staff note that wide shared driveways are present across Mississauga Road, the driveways on the west side of the street are appropriately screened by landscaping and reduce to a smaller width at the street line, creating a form of courtyard for the properties.

Given the above staff are of the opinion that the variances do not maintain the general intent and purpose of the zoning by-law.

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

It is the opinion of staff that the variances, both individually and cumulatively, create significant impacts on the streetscape that cannot be considered minor in nature. The proposal represents an overdevelopment of hardscaping in the front yard and therefore 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

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.


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Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Preliminary Zoning Review application under file PREAPP 21-6176. Based on review of the information currently available in this permit application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

The plans submitted with the Minor Variance application are different from the plans reviewed within the Preliminary Zoning Review. It appears that some of the zoning regulations noted by the applicant may not be accurate. Insufficient information as provided within the Preliminary Zoning Review to for Zoning staff to confirm.

Please note that comments reflect those provided through the above 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: Brian Bonner, Supervisor