

City of Mississauga Department Comments

Date Finalized: 2022-04-27	File(s): A221.22
To: Committee of Adjustment	Ward: 3
From: Committee of Adjustment Coordinator	Meeting date:2022-05-05 1:00:00 PM

Consolidated Recommendation

The City has no objections to variance #4, however recommends that variances #1, 2, 3 & 5 be refused.

Application Details

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

1. A driveway width of 8.1m (approx. 26.6ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.0m (approx. 19.7ft) in this instance;
2. A side yard setback (westerly) of 0.15m (approx. 0.49ft) to the driveway whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 0.60m (approx. 1.97ft) in this instance;
3. A side yard setback (easterly) of 0.30m (approx. 0.98ft) to the driveway whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 0.60m (approx. 1.97ft) in this instance;
4. A walkway width attachment of 1.6m (approx. 5.2ft) whereas By-law 0225-2007, as amended, permits a maximum walkway width attachment of 1.5m (approx. 4.9ft) in this instance; and
5. A landscaped soft area of 9.1% in the front yard whereas By-law 0225-2007, as amended, permits a minimum landscaped soft area of 40% in a front yard in this instance.

Background

Property Address: 1105 Highgate Pl

Mississauga Official Plan

Character Area: Rathwood Neighbourhood

Designation: Residential Low Density I

Zoning By-law 0225-2007

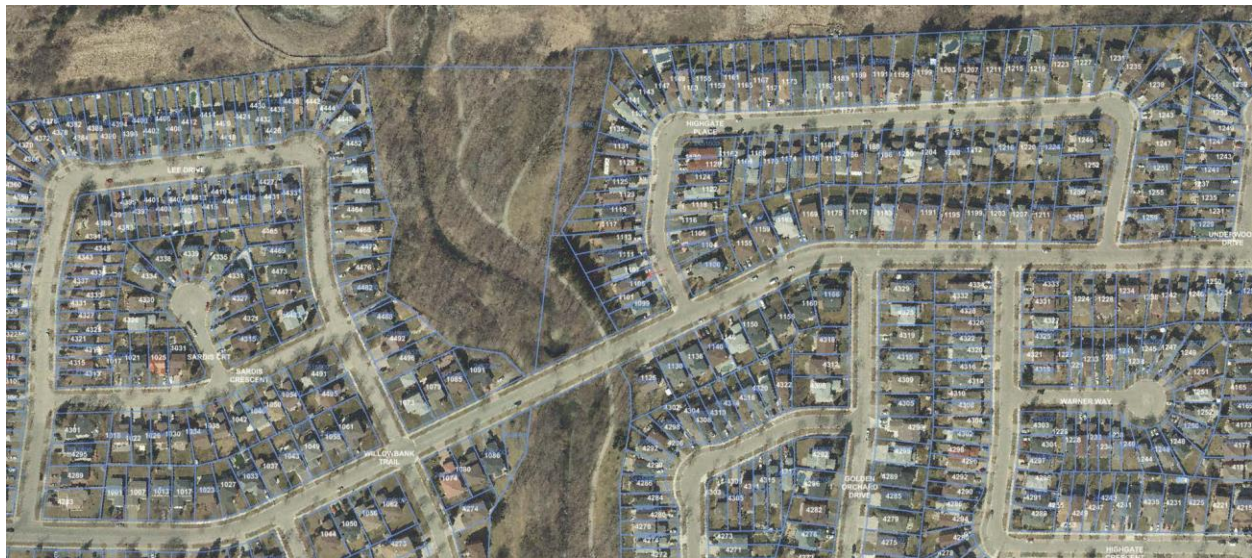
Zoning: RM1 - Residential

Other Applications: PREAPP 21-8161

Site and Area Context

The subject property is located south-east of Eastgate Parkway and Tomken Road intersection in the Rathwood neighbourhood. It has a frontage of +/- 8.67m (28.20ft) and currently contains a detached dwelling with an attached garage. There is limited landscaping and vegetation in both the front and rear yards. This section of Highgate Place contains exclusively detached dwellings on similarly sized lots, however semi-detached dwellings and detached dwellings on larger lots are also present in the surrounding context.

The applicant is proposing a widened driveway requiring variances for driveway width, walkway width, side yard setbacks, and soft landscaped 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 subject property is located in the Rathwood Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). 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. The planned character of the area is for low density residential dwellings accessed by appropriately sized driveways. While some widened driveways do exist along Highgate Place, the subject property represents one of the largest driveways in the area and would not be compatible with the existing or planned character of the area. Staff do not maintain this opinion regarding the proposed increased walkway attachment as it represents an appropriate attachment width. Staff are therefore of the opinion that variances #1, 2, 3 & 5 do not maintain the general intent and purpose of the official plan, however variance #4 does.

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

Variance #4 pertains to the walkway attachment width. The intent of this portion of the bylaw is to provide a convenient surface for pedestrians while limiting its size in order to prohibit its ability to accommodate vehicular parking. The proposed walkway increase is minor in nature and would not facilitate vehicular parking. Variance #4 therefore maintains the intent and purpose of the zoning by-law.

Variance #1 pertains to driveway width. The intent of this portion of the By-law is to permit a driveway large enough to suitably accommodate the required number parking spaces for a dwelling, with the remainder of lands being soft landscaping (front yard). The driveway, as proposed, represents over 90% 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 frontage that would support a driveway of the proposed size. As a result, the variance as proposed does not meet the general intent and purpose of the by-law.

Variances #2 and 3 pertain to side yard setbacks for driveways. The intent of this portion of the by-law is to ensure that an adequate visual buffer exists between properties and that it is large enough to mitigate any potential drainage concerns. In this instance, reduced setbacks are being requested on both sides of the driveway. As staff are unsupportive of the driveway width variance staff are therefore unable to support the request for a reduced setback on both sides.

Variance #5 pertains to soft landscaped area. The intent of a soft landscape area is to help establish the character and identity of a neighbourhood, as well as ensure hardscaping does not dominate the lot frontage. In this instance, the proposed driveway occupies over 90% of the area of the front portion of the lands. This creates significant hardscaping which is neither appropriate nor characteristic of the area. As a result, variance #5 does not maintain 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 be out of character and not compatible with the rest of the neighbourhood. As a result of the broader impacts, variances #1, 2, 3 & 5 are not considered to be minor in nature or desirable. Variance #4, however, represents a minor increase in attachment width and will not negatively impact the streetscape or abutting properties or the streetscape.

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.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department has processed a Preliminary Zoning Review application under file PREAPP 21-8161. Based on review of the information currently available in this permit application, the variances, as requested are correct.

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: Brandon Eidner, Zoning Examiner

Appendix 3 – Park, Forestry, & Environment Comments

The Park Planning Section of the Community Services Department has no objections to the above noted minor variance application and advises as follows:

1. The lands to the rear of the property are City owned lands, identified as Applewood Hills (P-049) and within Significant Natural Area, zoned G-1, that are also classified as a naturally significant area within the City's Natural Heritage System. Section 6.3.24 of the Mississauga Official Plan states that the Natural Heritage System will be protected, enhanced, restored and expanded through the following measures:
 - a) ensuring that development in or adjacent to the Natural Heritage System protects and maintains the natural heritage features and their ecological functions through such means as tree preservation, appropriate location of building envelopes, grading, landscaping...;
 - b) placing those areas identified for protection, enhancement, restoration and expansion in public ownership, where feasible.

Should the application be approved, Community Services provides the following notes:

1. Construction access from the adjacent park/greenlands is not permitted.
2. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.

Should further information be required, please contact Jim Greenfield, Park Planner, Community Services Department at 905-615-3200 ext. 8538 or via email jim.greenfield@mississauga.ca

Comments Prepared by: Jim Greenfield, Park Planner

Appendix 4 – Region of Peel

Comments: Please be advised that the subject property is located within the limits of the regulated area of the Toronto and Region Conservation Authority (TRCA).

The Region relies on the environmental expertise of the TRCA for the review of development applications located within or adjacent to this regulated area in Peel and their potential impacts on the natural environment. Regional Planning staff therefore, request that the Committee and city staff consider comments from the TRCA and incorporate their conditions of approval appropriately.

Comments Prepared by: Joseph Filice, Junior Planner