

City of Mississauga Department Comments

Date Finalized: 2022-08-10	File(s): A194.21
To: Committee of Adjustment	Ward: 4
From: Committee of Adjustment Coordinator	Meeting date:2022-08-18 3:00:00 PM

Consolidated Recommendation

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

Application Details

The applicant requests the Committee to approve a minor variance to allow a widened driveway and landscaping proposing:

1. A setback to decorative paving in the rear yard of 0.00m whereas By-law 0225-2007, as amended, requires a minimum setback of 0.61m (approx. 2.00ft) in this instance;
2. A driveway width of 8.51m (approx. 27.92ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance; and
3. A soft landscaped area in the front yard of 36.96% whereas By-law 0225-2007, as amended, permits a soft landscaped area in the front yard of 40.00%.

Background

Property Address: 580 Rideau Gate

Mississauga Official Plan

Character Area: Creditview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: RM1-3 - Residential

Other Applications: PREAPP 20-3587

Site and Area Context

The subject property is located north-east of the Burnhamthorpe Road and Mavis Road intersection. It is a corner property that faces onto Rideau Gate and Tea Garden Circle, with an area of +/- 418.20m² (4,501.46ft²) and a frontage of +/- 13.71m (44.98ft). The property houses a two-storey detached dwelling with some landscape elements in both the front and rear yards. The surrounding area is comprised of detached dwellings on varying sized lots with a mix of single, oversized single, and double car garages.

The applicant is proposing a widened driveway and rear landscaping with variances required for driveway width, soft landscaped area, and setbacks to hard landscaping in the rear.



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 Creditview Neighbourhood Character Area and is designated Residential Low Density II. This designation permits detached, semi-detached, and duplex dwellings. 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.

Variance 1 relates to hardscaping in the rear yard. The intent of this regulation is to ensure appropriate drainage patterns can be maintained. Transportation and Works staff have noted that the drainage would be directed away from the abutting property.

Variances 2 & 3 are to allow a widened driveway on the subject property, which triggers a deficiency in soft landscaped area. The intent of the by-law regarding driveway widths is to permit a driveway large enough to suitably accommodate two vehicles parked side by side, with the remainder of the yard being soft landscaping. The proposed driveway would be able to facilitate the parking of three cars across, which does not maintain the intent of the zoning by-law. Furthermore the proposed driveway represents a significant increase over the permitted driveway width and is not minor in nature.

Given the above, Planning staff have no objections to variance 1, however recommend that variances 2 & 3 be refused.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

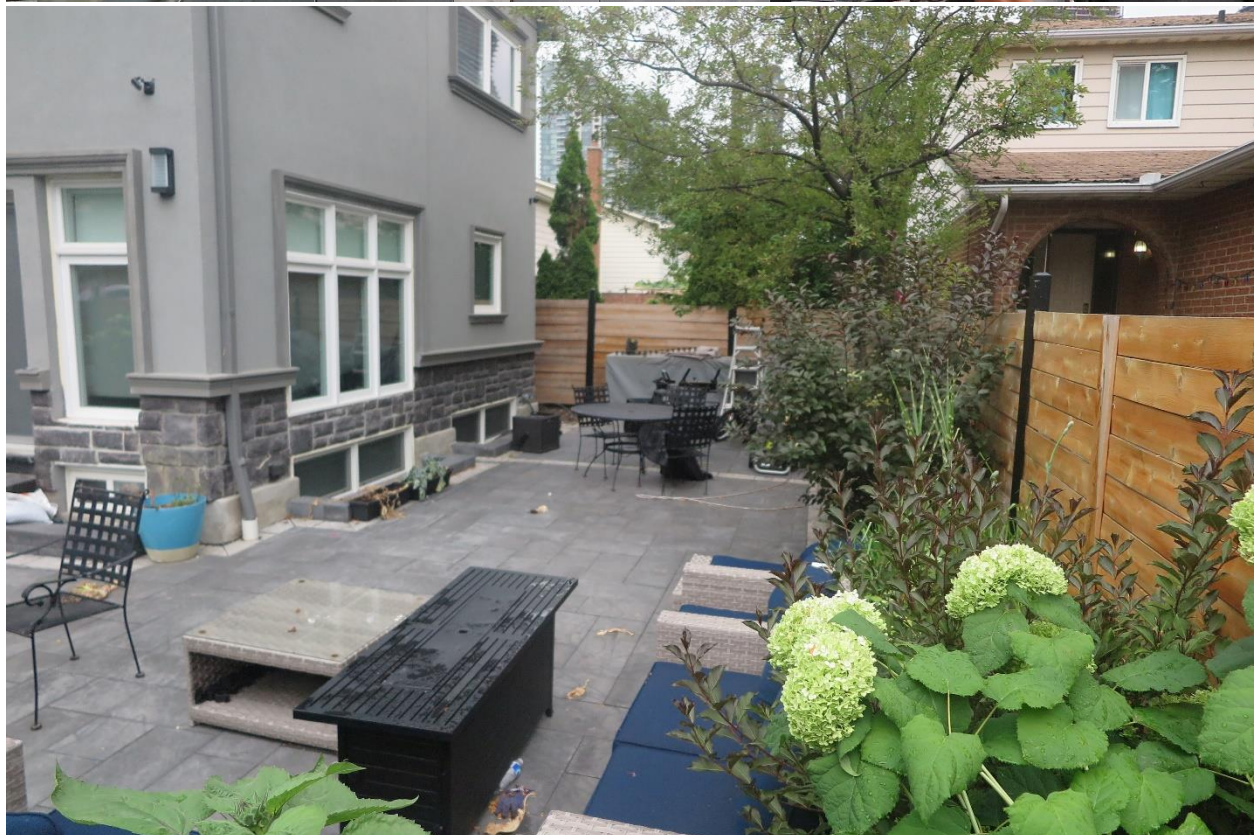
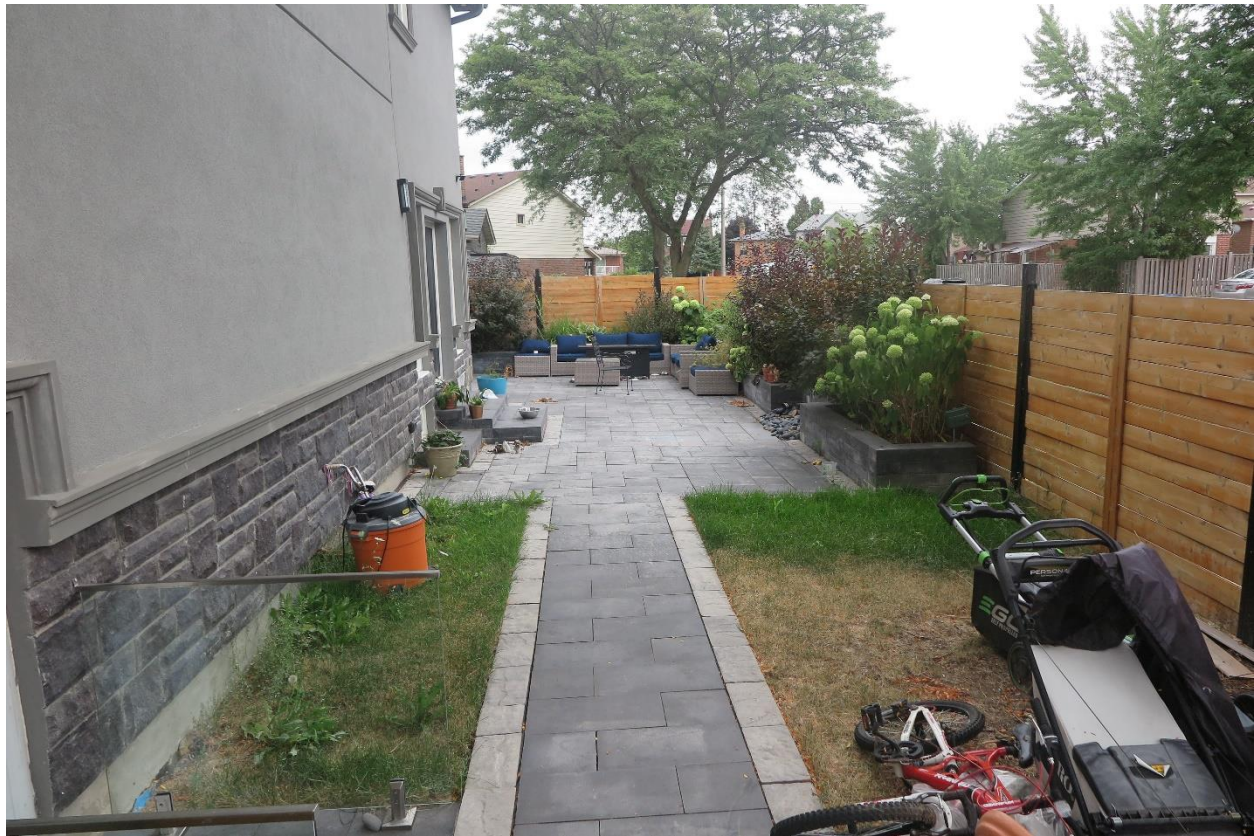
We have recently revisited the property on August 4, 2022 and are providing recent photos which are similar to the previous photos provided.

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 the setback to the decorative paving in the rear yard we note that this is a corner lot and the drainage from the rear yard is directed towards the roadway (Tea Garden Circle). We also observed from our site inspection that if there was any drainage being directed to the abutting property, this drainage is redirected to Tea Garden Circle as the abutting neighbour has widened their driveway to the common property line. A photo depicting the neighbour's driveway has also been provided.

The file also contains a letter from 571 Rideau Gate indicating concerns with the water pooling on the sidewalk on Tea Garden Circle. We have also attached a photo of the sidewalk which may be in question and do note that it is broken and been marked with yellow spray paint. We are not sure if a request has been made to re-instate the broken sidewalk, however, if anyone did have a concern with this they should call 311 and register their concerns with the City to address the issue.









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 20-3587. Based on review of the information currently available in this permit application, variance # 1, as requested is correct.

Furthermore, we advise that more information is required to determine the accuracy of the remaining variances.

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