

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-07-08	File(s): A123/20 Ward: 10
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-07-16

Consolidated Recommendation

The City has no objection to the variances, as requested.

Application Details

The Applicants request the Committee to approve a minor variance to permit a larger driveway, proposing:

1. A driveway width of 8.22m (approx. 26.97ft); whereas, By-law 0225-2007, as amended, permits a maximum driveway width of 6.10m (approx. 20.01ft) in this instance;
2. A walkway attachment of 3.36m (approx. 11.02ft); whereas, By-law 0225-2007, as amended, permits a maximum walkway attachment of 1.50m (approx. 4.92ft), in this instance; and,
3. A driveway setback of 0.47m (approx. 1.54ft); whereas, By-law 0225-2007, as amended, requires a minimum driveway setback of 0.60m (approx. 1.96ft), in this instance.

Background

Property Address: 5243 Misty Pine Crescent

Mississauga Official Plan

Character Area: Churchill Meadows Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R6-1 (Residential)

Other Applications:

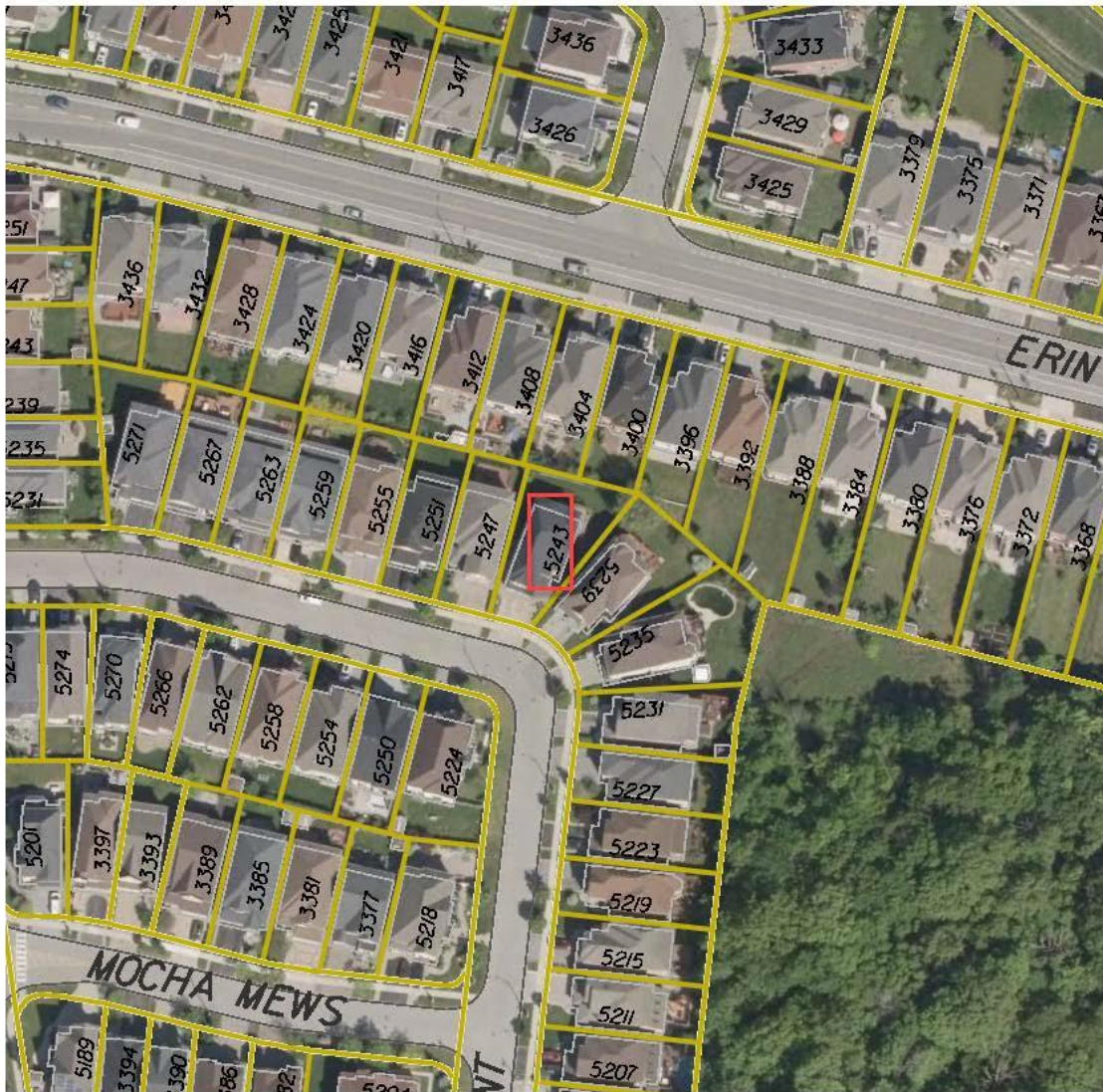
Pre-Zoning: 20-404

Site and Area Context

The subject property is located north-west of the Eglinton Avenue West Parkway and Ninth Line intersection, and currently houses a two-storey detached dwelling with an attached double-car garage. The immediate neighbourhood is exclusively detached dwellings. Architecturally, the area is comprised mainly of two-storey detached dwellings that reflect a typical 1990's subdivision design. The properties within the immediate area possess a lot frontage of +/- 11.8m, with minimal mature vegetative elements in the front yards.

The subject property is a pie-shaped, interior parcel located on the elbow of a street, with a lot area of approximately 555m² and a frontage of 12.3m.

Planning Staff note, the proposal represents a deviation from current on-site conditions, with the Applicant choosing to square off the western walkway attachment; thereby removing a portion of hardscaping in this area.



Comments

Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment the authority to grant relief from requirements of the municipal Zoning By-law; provided such applications meet the requirements set out under Section 45(1) and/or 45(2) (a) or (b) of 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 site is situated within the Churchill Meadows Neighbourhood Character Area, and designated Residential Low Density II by the Mississauga Official Plan (MOP). The Residential Low Density II designation permits detached dwellings; semi-detached dwellings; duplex dwellings; and, triplexes, street townhouses, and other forms of low-rise dwellings with individual frontages. As per Section 9.1 (Introduction), driveway widths should respect the identity and character of the surrounding context. From a streetscape perspective, the proposed larger driveway, as identified in the drawings, will be undecipherable from complying lots and will remain in context with the existing neighbourhood. The application is in line with both the general intent and purpose of the Official Plan.

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

As per Zoning By-law 0225-2007, the subject property is zoned R6-1 (Residential). Pursuant to Table 4.3.2.1 (R6 Exception Zones), the maximum driveway width for a detached dwelling is 6.1m; whereas, the Applicant is proposing 8.2m. The intent of the Zoning By-law is to permit a driveway large enough to provide the necessary space for two vehicles parked side-by-side, with the remainder of lands being soft landscaping (front yard). Planning Staff note, the 8.2m requested includes a hardscaped area which, due to its associative size and configuration, is unsuitable for parking. Based upon the drawings provided (A.02, Memar Consulting, Feb/2020), the proposed driveway configuration does not appear to permit the ability to park three vehicles side-by-side. It is the opinion of Planning Staff that the requested variance is more a result of the technical manner in which the Zoning Department measures or regulates driveway width, than in purposely trying to circumvent the Zoning By-law.

Pursuant to Section 4.1.9.2.1 (Driveways and Parking), the Zoning By-law permits a 1.5m walkway attachment on each side of a driveway. The intent of this portion of the By-law is to allow a hard-surfaced pathway from the driveway to the front entrance and/or the rear yard, while ensuring that such an area cannot be utilized for parking purposes. While the 3.36m requested is larger than what the Zoning By-law currently contemplates, Planning Staff notes, the existing walkway attachment is in fact stepped-up, thereby prohibiting vehicular access. Variance 2, as requested, meets the general intent and purpose of the Zoning By-law.

Pursuant to Table 4.1.9(4) (Driveways and Parking), the minimum required setback for a driveway to any lot line is 0.6m; whereas, the applicant is proposing 0.47m. The intent of this portion of the By-law is to ensure that an adequate buffer exists between two neighbouring properties, and it is large enough to mitigate any potential drainage concerns. While the Applicant is proposing a reduced setback in this regard; 0.47m still provides some manner of visual distinction between the two properties and remains large enough to accommodate the utilization of a swale to minimize sheet drainage, should such measures be required in the future. Further, Planning Staff note such relief occurs at a pinch-point. Variance 3, as requested, meets 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?

While the relief sought represents a deviation from what is contemplated through the Zoning By-law; Staff notes, it is the pie-shaped nature of the property, rather than any excessive hardscaping which inherently contributes to the nature of the requested variances. Staff further notes, the Applicant is removing a portion of the drive/walkway attachment on the western side and will be reinstating soft-landscaping in this area. It is the opinion of Planning Staff that no additional undue impact is created as a result of the requested variances and that the application results in both the orderly development of the lands, and whose impacts are minor in nature.

Conclusion

Based upon the preceding information, it is the opinion of Staff that the variances, as requested, meet the general intent and purpose of both the MOP and Zoning By-law; are minor in nature; and, are desirable for the orderly development of the lands. To this end, the Planning and Building Department has no objection to the variances, as requested.

Comments Prepared by: Roberto Vertolli, 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 note that some modifications may be required within this area (reinstatement of topsoil and sod) depending on the driveway width which can be supported by the Committee.

Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit application under file 20-404. Based upon review of this application, this Department notes that the variances, as requested, are correct.

Comments Prepared by: Adam McCormack, Zoning Examiner

Appendix 3 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the April 2nd, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Applications: DEF-A-011/20

Minor Variance Applications: A-118/20, A-119/20, A-121/20, A-122/20, A-123/20, A-124/20, A-125/20, A-126/20, A-127/20, A-128/20, A-129/20

Comments Prepared by: Tracy Tang, Junior Planner