

# City of Mississauga Department Comments

Date Finalized: 2022-10-19	File(s): A388.22
To: Committee of Adjustment	Ward: 3
From: Committee of Adjustment Coordinator	Meeting date:2022-10-27 1:00:00 PM

## Consolidated Recommendation

The City recommends that the application be deferred.

## Application Details

The applicant requests the Committee to approve a minor variance to allow a new driveway width of 6.6m (approx. 21.7ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 5.2m (approx. 17.1ft) in this instance.

## Background

**Property Address:** 4358 Shelby Crescent

### Mississauga Official Plan

Character Area: Rathwood Neighbourhood  
Designation: Residential Low Density I

### Zoning By-law 0225-2007

**Zoning:** RM1- Residential

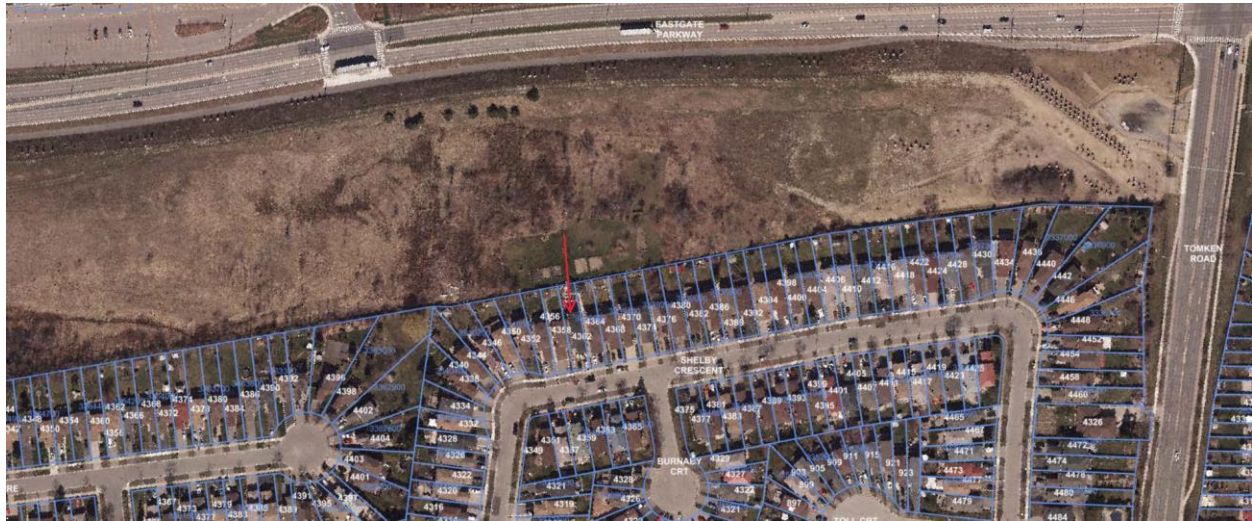
**Other Applications:** None

### Site and Area Context

The subject property is located south-west of the Eastgate Parkway and Tomken Road intersection in the Rathwood neighbourhood. It is an interior lot containing a two-storey detached dwelling with an attached garage. Limited landscaping/vegetative elements are present in the front yard. The property has an approximate lot frontage of 9.15m (30.02ft), which

is characteristic of lots in the area. The surrounding context is exclusively residential, consisting of two-storey detached dwellings with attached garages on similarly sized lots.

The applicant is proposing a modified driveway requiring a variance for driveway width.



## 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 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 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 applicant is proposing a driveway width of 6.6m (21.7ft). The planned character of the area is that of residential dwellings serviced by appropriately sized driveways that can accommodate the parking required by the zoning by-law for each property. The intent of the driveway width regulations in the by-law is to allow a driveway that can accommodate the required parking for the subject property, with the remainder of the front yard being soft landscaped area. The proposed driveway represents excessive hardscaping to facilitate the accommodation of the required parking spaces and would represent over 70% of the front yard area, which in the opinion of staff does not maintain the general intent of the zoning by-law.

Staff are of the opinion that, as currently proposed, the driveway does not meet the general intent or purpose of the zoning by-law and is not minor in nature. Staff recommend that the application be deferred to allow the applicant to reduce the size of the driveway.

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**

In the absence of a Development application we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed. The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

For scope of work that does not require Site Plan Approval/Building Permit/Zoning Certificate of Occupancy application, the applicant may consider applying for a Preliminary Zoning Review application. A detailed site plan drawing and architectural plans are required for a detailed zoning review to be completed. A minimum of 6-8 weeks is required depending on the complexity of the proposal and the quality of information submitted.

Comments Prepared by: Amy Campbell, Planner-in-Training