

# City of Mississauga Department Comments

Date Finalized: 2022-10-26	File(s): A465.22
To: Committee of Adjustment	Ward: 6
From: Committee of Adjustment Coordinator	Meeting date:2022-11-03 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 an existing driveway proposing:

1. A walkway width of 4.04m (approx. 13.25ft) whereas By-law 0225-2007, as amended, permits a maximum walkway width of 1.5m (approx. 4.92ft) in this instance;
2. A driveway width of 13.98m (approx. 45.87ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.0m (approx. 19.69ft) in this instance;
3. A curved driveway width of 6.09m (approx. 19.98ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.0m (approx. 19.69ft) in this instance; and,
4. A front landscaped area of 40.78% whereas By-law 0225-2007, as amended, permits a maximum front landscaped area of 40% in this instance.

## Background

**Property Address:** 4463 Grassland Cres

### Mississauga Official Plan

Character Area: East Credit Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

**Zoning:** R4-Residential

**Other Applications:** None

## Site and Area Context

The subject property is located north-west of the Mavis Road and Highway 403 interchange in the East Credit neighbourhood. It currently contains a two-storey detached dwelling with an attached garage. Limited vegetation is present on the subject property, however significant hardscaping is present in both the front and exterior side yards. The surrounding area is exclusively residential, consisting of detached dwellings on lots of similar sizes.

The applicant is proposing to legalize the existing hardscaping and driveway requiring variances for driveway width, walkway attachment, 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:

The subject property is located in the East Credit Neighbourhood Character Area and is designated Residential Low Density II 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 13.98m (45.87ft) and a significant walkway attachment of 4.04m (13.25ft). The planned character of the area is that of residential dwellings serviced by appropriately sized driveways that can accommodate the required parking for each property. The intent of the driveway width regulations in the by-law is to permit a driveway wide enough to accommodate two vehicles parked side by side, with the remainder of the front yard being soft landscaped area. The intent of the walkway attachment regulations is to provide a convenient and dedicated pathway for pedestrians as well as define an entryway to the principle dwelling, while ensuring the walkway cannot be utilized for parking purposes.

While the driveway immediately in front of the garage is appropriately sized, the addition and size of the walkway attachment will allow for vehicles to travel along the walkway and park perpendicular to vehicles on the driveway, or even continue along and park adjacent to the dwelling in the exterior side yard. This is contrary to the intent of the zoning by-law and is out of character for the surrounding area. Furthermore, while the applicant's variance for soft landscaped area appears to show that the property complies, the drawings appear to have included the area for the exterior side yard in the calculation. While Planning staff are not in a position to interpret the by-law, the provision indicates that it is to be the percentage of the yard containing the driveway, which according to the applicant, is only the front yard based on the drawing provided. Should the entirety of the hardscaping be considered driveway, additional variances to sections 4.1.9.9, 4.1.9.10, and 4.1.9.12 of the by-law may be required as they relate to circular driveways.

Staff are of the opinion that, as currently proposed, the driveway does not meet the general intent or purpose of the zoning by-law or official plan and is not minor in nature. Staff therefore recommend that the application be refused.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

The Transportation and Works Department cannot support variance # 1 requesting a walkway width of 4.04m. From the enclosed photos it is evident that a vehicle could easily access the widened walkway as 4.04m would be an adequate width for a vehicle to fit. We have searched Google maps and note that the November 2020 photo which comes up depicts pieces of wood and bricks put against the municipal curb which we assume were utilized to access this widened walkway with a vehicle.

It should also be noted, and clearly evident from the photos attached that the owner has attempted to provide a curb cut obviously not approved by the municipality and has damaged the curb with saw cuts and drilled holes in the concrete which now must be replaced with a new municipal curb.

In view of the above we would request that none of the requested variances be approved until such time that the applicant has made satisfactory arrangements with the Transportation and Works Department with regards to first reducing the walkway width and secondly making an application and payment to re-instate the damaged curb.













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

## **Appendix 3 - Region of Peel**

We have no comments or objections.

Comments Prepared by: Patrycia Menko, Junior Planner