

# City of Mississauga Department Comments

Date Finalized: 2022-11-30	File(s): A531.22
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2022-12-08 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application.

## Application Details

The applicant requests the Committee to approve minor variances to maintain the existing the driveway proposing:

1. A walkway connection of 5.20m (approx. 17.06ft) whereas by-law 0225-2007, as amended, permits a maximum walkway connection of 1.50m (approx. 4.92ft) in this instance;
2. A driveway setback of 0m whereas by-law 0225-2007, as amended, requires a minimum driveway setback of 0.6m (approx. 1.96ft) in this instance;
3. A combined driveway width of 8.83m (approx. 28.96ft) for driveway access whereas by-law 0225-2007, as amended, permits a maximum combined driveway width of 8.5m (approx. 27.88ft) for driveway access in this instance; and,
4. A driveway width of 11.30m (approx. 37.07ft) for the portion of the driveway that is within 6.0m(approx. 19.68ft) of the garage face, whereas by-law 0225-2007, as amended, permits a maximum driveway width of 10.50m (approx. 34.44ft) is permitted for the for the portion of the driveway within 6.0m (approx. 19.68ft) of the garage face in this instance.

## Background

**Property Address:** 1157 Garden Road

### Mississauga Official Plan

Character Area: Clarkson-Lorne Park Neighbourhood  
Designation: Residential Low Density I

### Zoning By-law 0225-2007

**Zoning:** R2-4-Residential

**Other Applications:** PREAPP 22-1159

### Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood, northwest of the Lakeshore Road West and Lorne Park Road intersection. The immediate neighbourhood consists of a place of religious assembly, general retail commercial and detached dwelling uses. Detached dwellings are present in the immediate area and are limited to one to two-storeys in height with mature vegetation in the front yards. The subject property has a two-storey detached dwelling with mature vegetation in the front yard.

The applicant is proposing to legalize an existing driveway requiring variances for walkway connection, driveway setback and 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:

**Does the proposal maintain the general intent and purpose of the Official Plan?**

The subject property is located in the Clarkson-Lorne Park Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached and duplex dwellings. 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 proposal conforms to the designation and staff are of the opinion that the proposed built form is compatible with detached dwellings in the immediate area. Staff are satisfied that the general intent and purpose of the official plan are maintained.

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

Variance #1 pertains to walkway attachment width. 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. The walkway is oriented at an angle from the driveway preventing vehicle access and is not large enough to accommodate a vehicle. Staff is of the opinion that the walkway attachment will be used strictly for pedestrian travel and has no concerns.

Variance #2 pertains to driveway setback. 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. The requested reduction is for a single point for the driveway. The remaining portion of the driveway moves away from this point, ultimately providing the required side yard setback. Further Transportation and Works staff have indicated no concerns from a drainage perspective for the proposal.

Variances #3 and #4 pertain to driveway widths. 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 within the front yard. Both the combined driveway/walkway width and driveway width increases represent minimal increases from the zoning by-law requirements. Further, the subject property meets the intent of both the soft landscaping and driveway width requirements. Therefore staff are of the opinion that the requested driveway width variances do not pose negative impacts as a result.

It is staff's opinion that the proposal 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?**

Upon review of the application, staff are satisfied that the proposal represents appropriate development of the subject lands. The variances, both individually and cumulatively, are minor in nature, represent existing conditions for the lands, and will not create any undue impacts to adjoining properties or the planned or existing character of the area.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

Enclosed for Committees easy reference are pictures of the existing driveway. We have no drainage related concerns with the proposed request.











Comments Prepared by: John Salvino, Development Engineering Technologist

## **Appendix 2 – Zoning Comments**

The Building Department is currently processing a building permit application under file PREAPP 22-1159. Based on review of the information currently available for this building permit, the variances, as requested are correct.

Our comments are based on the plans received by Zoning staff on 07/07/2022 for the above captioned building permit application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: A. McCormack

## **Appendix 3 – Region of Peel**

We have no comments or objections.

Comments Prepared by: Patrycia Menko, Junior Planner

## **Appendix 4- Metrolinx**

Metrolinx is in receipt of the minor variance application for 1157 Garden Rd to maintain the existing driveway. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300 meters of Metrolinx's Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.
- **Warning:** The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

Comments Prepared by: Farah Faroque, Intern, Third Party Projects Review