

City of Mississauga Department Comments

Date Finalized: 2023-01-25	File(s): A725.22 Ward: 10
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-02-02 3:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

The applicant requests the Committee to approve minor variances to allow a wider driveway and walkway proposing:

1. A driveway setback of 0m whereas By-law 0225-2007, as amended, requires a driveway setback of 0.60m (approx. 1.96ft) in this instance;
2. A side yard setback of 0.30m (approx. 0.98ft) to the hardscaping whereas By-law 0225-2007, as amended, requires a side yard setback of 0.60m (approx. 1.96ft) to the hardscaping in this instance;
3. A walkway width of 4.50m (approx. 14.76ft) whereas By-law 0225-2007, as amended, permits a walkway width of 1.50m (approx. 4.92ft) in this instance; and,
4. A driveway width of 16.30m (approx. 53.47ft) whereas By-law 0225-2007, as amended, permits a driveway width of 6.10m (approx. 20.01ft) in this instance.

Amendments

Based on review of the information currently available in the application, we advise that the variances should be amended as follows:

1. An easterly side setback to the driveway of 0.00m whereas By-law 0225-2007, as amended, requires a minimum setback to the driveway of 0.60m (approx. 1.96ft) in this instance;
2. An westerly side setback to the driveway of 0.30m (approx. 0.98ft) whereas By-law 0225-2007, as amended, requires a minimum setback to the driveway of 0.60m (approx. 1.96ft) in this instance;
3. A driveway walkway attachment width of 5.5m (approx. 18.04ft) whereas By-law 0225-2007, as amended, permits a maximum driveway walkway attachment width of 1.50m (approx. 4.92ft) in this instance; and,

4. A driveway width of 17.2m (approx. 56.43ft) whereas By-law 0225-2007, as amended, permits a driveway width of 6.10m (approx. 20.01ft) in this instance.

Background

Property Address: 3164 Countess Crescent

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R6-3-Residential

Other Applications: PREAPP 22-3097

Site and Area Context

The subject property is located north-east of the Tenth Line West and Erin Centre Boulevard intersection in the Churchill Meadows neighbourhood. It has a lot frontage of +/- 17.7m (58.1ft), which is slightly larger than other lots in the surrounding context as the property abuts Tenth Line West. The property also backs onto Jim Murray Park. No vegetative elements are present in the front yard. The surrounding area context is exclusively residential, consisting of detached dwellings on generally uniformly sized lots as well as townhouse dwellings.

The applicant is proposing a modified driveway requiring variances for driveway setbacks, walkway attachment, and 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 Churchill Meadows Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). Section 9.1 of the MOP states that driveway widths and associated setbacks should respect the identity and character of the surrounding context.

Planning staff are unable to support the driveway as requested as it represents a significant amount of hardscaping in the front yard, contrary to the intent of the zoning by-law, and in the opinion of staff is not minor in nature. Staff have been in communication with the applicant about revising the proposal, however at the time of this report Planning staff are not in receipt of a formal resubmission and are therefore unable to provide comments on the discussed revisions.

Planning staff therefore recommend that the application be deferred in order to allow the applicant to complete a formal resubmission of the revised drawings.

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.

We do note that the submitted Proposed Site Plan (DWG No A-002) is not acceptable to this Department and further modifications will be required.









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 22-3097. Based on review of the information currently available in the application, we advise that the variances should be amended as follows:

1. An easterly side setback to the driveway of 0.00m whereas By-law 0225-2007, as amended, requires a minimum setback to the driveway of 0.60m (approx. 1.96ft) in this instance;
2. An westerly side setback to the driveway of 0.30m (approx. 0.98ft) whereas By-law 0225-2007, as amended, requires a minimum setback to the driveway of 0.60m (approx. 1.96ft) in this instance;
3. A driveway walkway attachment width of 5.5m (approx. 18.04ft) whereas By-law 0225-2007, as amended, permits a maximum driveway walkway attachment width of 1.50m (approx. 4.92ft) in this instance; and,
4. A driveway width of 17.2m (approx. 56.43ft) whereas By-law 0225-2007, as amended, permits a driveway width of 6.10m (approx. 20.01ft) in this instance.

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: Andrea Patsalides, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has no objections to the above noted minor variance application and advises as follows:

Should the application be approved, Community Services provides the following notes:

The lands to the rear of the property are owned by the City of Mississauga, identified as Jim Murray Community Park (P-447) and zoned OS1 – Open Space – Community Park.

1. Construction access from the adjacent park/greenlands is not permitted.
2. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
3. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.

Should further information be required, please contact Nicholas Rocchetti, Park Planning Assistant, Community Services Department at 905-615-3200 ext. 4659 or via email Nicholas.Rocchetti@mississauga.ca.

Comments Prepared by: Nicholas Rocchetti, Park Planning Assistant

Appendix 4 – Region of Peel

We have no comments or objections.

Comments Prepared by: Patrycia Menko – Junior Planner, Planning and Development Services