

# City of Mississauga Department Comments

Date Finalized: 2023-01-25	File(s): A735.22
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2023-02-02 3:00:00 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 and landscaping proposing:

1. A driveway width of 15.00m (approx. 49.21ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance and,
2. A landscaped area of less than 40% whereas By-law 0225-2007, as amended, requires a minimum landscaped area of 40% in this instance.

## Background

**Property Address:** 356 Nahani Way

### Mississauga Official Plan

Character Area: Hurontario Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

**Zoning:** R4-17 - Residential

**Other Applications:** None

### Site and Area Context

The subject property is located north-west of the Eglinton Avenue East and Kennedy Road intersection in the Hurontario neighbourhood. It currently contains a two-storey detached dwelling with limited landscaping and vegetative elements in both the front and exterior side yards. The property is a corner lot and has a slightly larger frontage than surrounding interior lots. The surrounding area context is predominantly residential, consisting of detached dwellings on lots of generally uniform sizes.

The applicant is proposing to legalize the existing driveway, requiring a variance for driveway width 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 property is located within the Hurontario Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). As per Section 9.1 (Introduction), driveway widths should respect the identity and character of the surrounding context.

Variance 1 relates to the driveway width, and variance 2 requests a reduction in soft landscaped area in the front yard. The intent of these regulations in the by-law is to work together in managing the streetscape and neighbourhood character. The regulations permit a driveway that can accommodate the required parking, with the remainder of the front yard being soft landscaped area. The subject property's driveway represents a significant amount of hardscaping, which presents a significant impact to the streetscape and is out of character with the surrounding context. Furthermore staff note that artificial turf is considered hardscaping by Zoning, and therefore the applicant is providing no soft landscaping within the front yard of the subject property.

Staff are of the opinion that, as currently proposed, the driveway does not meet the general intent or purpose of the official plan or zoning by-law 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

From the enclosed photos and as described in the letter which the applicant submitted with the application, a significant area of artificial grass has been installed on this property, more problematic, a large amount located within the boulevard area which is the City's property. For the record, this department is not currently prepared to accept the turfed boulevard (artificial grass) without various other City Sections input.

It's our understanding that artificial grass is not listed or defined by the current Zoning By-law which we would interpret as simply not being permitted. Artificial turf is still considered hard landscaping as it does not promote the growth of vegetation.

In view of the above we cannot support the request and recommend that any artificial grass be removed from the City's municipal boulevard. At the same time the applicant should revise the proposal to reflect a driveway width which could be supported by staff.













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 Permit, 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, Planning and Development Services