

City of Mississauga Department Comments

Date Finalized: 2023-01-18	File(s): A177.22
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-01-26 1:00:00 PM

Consolidated Recommendation

The City recommends refusal of Variance #1 and has no concerns with Variance #2.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a widened driveway proposing:

1. A driveway width of 9.15m (approx. 30.02ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.0m (approx. 19.69ft) in this instance; and,
2. A setback of 0.21m (approx. 0.69ft) to the driveway whereas By-law 0225-2007, as amended, requires a minimum setback of 0.60m (approx. 1.98ft) to a driveway in this instance.

Background

Property Address: 982 South Service Rd

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

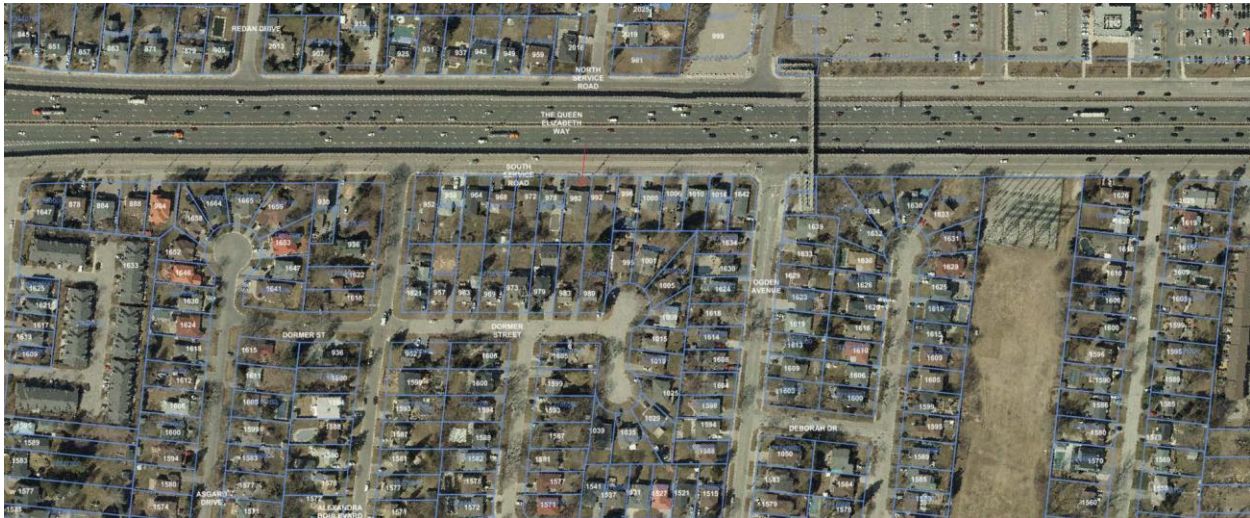
Zoning: R3-75 - Residential

Other Applications: None

Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, southwest of Ogden Avenue and the South Service Road. The immediate neighbourhood is primarily residential, consisting of a mix of one and two storey-detached dwellings with limited mature vegetation in the front yards. The subject property contains an existing one-storey detached dwelling with minimal vegetation in the front yard.

The applicant is proposing a widened driveway requiring variances related to driveway width, and side yard setback.



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*.

The Committee previously deferred the application on April 7, 2022. Staff noted concerns with the proposed driveway width and side yard setback. The applicant has placed an extended down spout at the front of the dwelling to satisfy Transportation and Works staff's drainage concerns. The applicant has also revised their proposal by reducing the driveway width from 9.25m (30.35ft) to 9.15m (30.02m²) and increasing the setback to the driveway from 0.11m (0.36ft) to 0.21m (0.69ft).

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 Lakeview Neighbourhood Character Area and is designated Residential Low Density II 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 existing dwelling conforms to the designation, however staff are concerned that the proposed widened driveway is not compatible with the surrounding context and the character area.

As such, it is staff's opinion that the proposed driveway width does not maintain the general intent and purpose of the official plan.

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

Variance #1 relates to driveway width. The intent of this portion of the by-law is to permit a driveway large enough to suitably accommodate the required number of parking spaces for a dwelling, with the remainder of lands being soft landscaping. Staff note that the required number of parking spaces for a detached dwelling is 2 and the proposed driveway width can accommodate 3.5 parking spaces placed side by side.

Given the above staff are of the opinion that the variance does not maintain the general intent and purpose of the zoning by-law.

Variance #2 relates to a side yard setback to the proposed driveway. 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. As described above, this variance is no longer a concern to staff as the applicant has installed a downspout to mitigate all drainage concerns. Since the first submission, the setback has also increased to 0.21m (approx. 0.69ft), to add to the visual buffer between the subject property and the neighbouring lot to the west. As such, staff are of the opinion that the variance maintains 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?

Planning staff are concerned that Variance #1 will create a significant impact on the existing streetscape therefore they cannot be considered minor in nature. Furthermore, the proposal represents an overdevelopment of hardscaping in the front yard, which does not represent the area and is not considered to be appropriate development of the subject lands.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Since our last site visit, the applicant has now placed and extended a down spout at the front of the dwelling so that the roof drainage does not have an impact on this lot or the adjacent lot. We advise the applicant that the down spout extension must remain intact after the construction of the updated driveway. This department has no further concerns with the request.



Comments Prepared by: John Salvino, 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