

# City of Mississauga Department Comments

Date Finalized: 2023-02-01	File(s): A718.22 Ward: 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-02-09 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure the accuracy of the requested variances and ensure additional variances are not required.

## Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a new dwelling proposing:

1. A driveway width of 6.77m (approx. 22.21ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance, and,
2. An interior side yard setback to the second floor balcony of 0.82m (approx. 2.69ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 1.81m (approx. 5.94ft) in this instance.

## Background

**Property Address:** 2440 Cliff Rd

### Mississauga Official Plan

Character Area: Cooksville Neighbourhood  
Designation: Residential Low Density I

### Zoning By-law 0225-2007

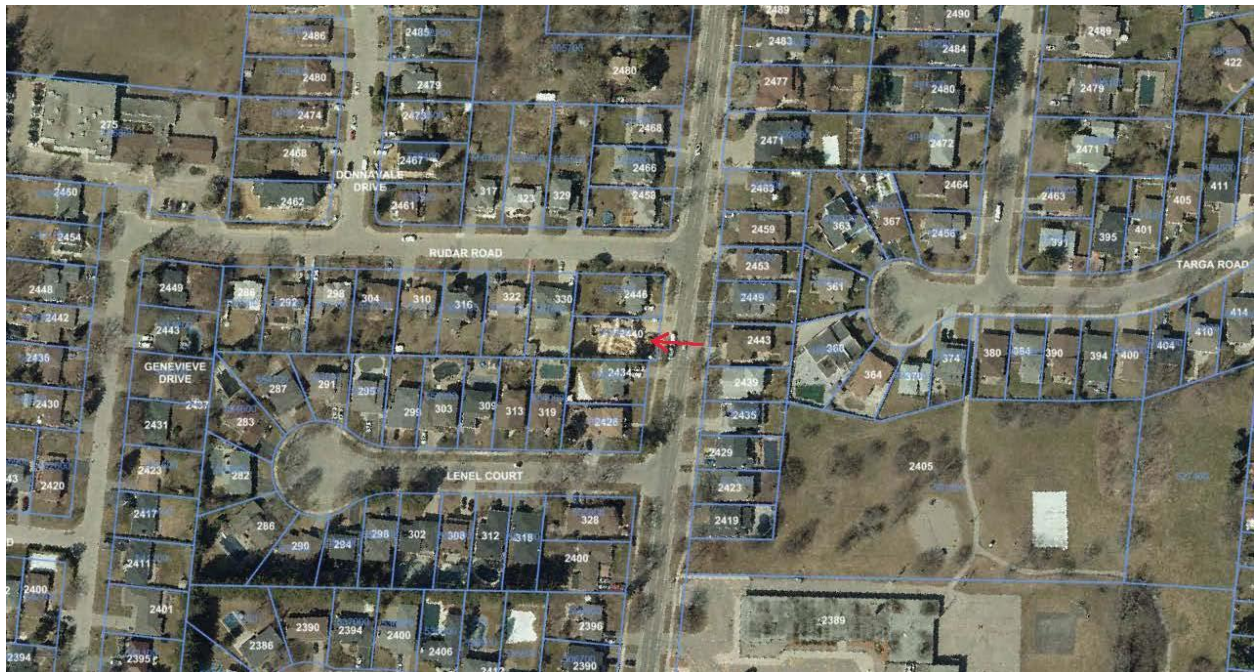
**Zoning:** R3 - Residential

**Other Applications:** BP 9ALT 22-4978

## Site and Area Context

The subject property is located on the west side of Cliff Road, south of the King Street East intersection. It currently contains a two-storey detached dwelling. The property has a lot frontage of 19.05m (62.5ft), characteristic of lots in the surrounding area. Limited vegetative and landscaping elements are currently present on the subject property. The surrounding area is predominantly residential, consisting of detached dwellings on generally uniformly sized lots.

The applicant is proposing modifications to the dwelling and driveway requiring variances for driveway width, soft landscaped area, and setback to a balcony.



## 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 Streetsville 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 in this instance. 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 modifications to a previously approved detached dwelling, which is a permitted built form for the property. Staff are satisfied that the proposed changes will not impact the character of the larger area and 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 requests an increased driveway width. Staff have worked with the applicant to revise the driveway proposal, and on January 19, 2023, drawings were resubmitted to staff reflecting a reduced driveway width of 6.77m (22.21ft). The intent of the driveway width regulations in the by-law is to allow a driveway that can accommodate two vehicles parked side by side, with the remainder of the front yard being soft landscaped area. Planning staff are satisfied that the revised driveway is appropriately sized and will not accommodate the parking of three vehicles across. Furthermore the revisions have eliminated the need for the former variance 2, and the property will provide the required soft landscaped area in the front yard.

The revised variance 2 requests a reduced setback to a second floor balcony. The intent of the zoning regulation is to ensure balconies do not present any privacy or overlook related concerns. Planning staff note that the balcony is located in the side yard of the dwelling and is not excessively sized. Planning staff are of the opinion that the balcony is not appropriately sized or located to be a major entertaining space and that the additional impacts on privacy to the abutting property are minimal when compared to an as-of-right condition.

Given the above, Planning staff are satisfied that the revised proposal 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 satisfied that the impacts of the requested variances will be minor in nature. Furthermore staff are satisfied that the proposal represents appropriate development of the subject property for a permitted use and built form.

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.







Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

## **Appendix 2 – Zoning Comments**

The Building Department is currently processing a Building Permit under file BP 9ALT 22-4978. Based on review of the information currently available in this permit application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

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: Maria Fernandez, Zoning Examiner

**Appendix 3 – Region of Peel**

We have no comments or objections.

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