

# City of Mississauga Department Comments

Date Finalized: 2023-04-05	File(s): A725.22 Ward: 10
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-04-13 1:00:00 PM

## Consolidated Recommendation

The City has no objections to variances 2 and 3, however recommends variance 1 be refused. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

## 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 0.30m (approx. 0.98ft) in this instance;
2. A hammerhead turning area of 3.0m x 4.0m (approx. 9.84ft x 13.12ft), as amended, whereas By-law 0225-2007, as amended, permits a hammerhead turning area of 2.6m x 3.0m (approx. 8.53ft x 9.84ft) in this instance; and,
3. A walkway/driveway width of 7.00m (approx. 22.96ft) whereas By-law 0225-2007, as amended, permits a walkway/driveway width of 7.30m (approx. 23.95ft) 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 and 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 setback, hammerhead size, 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 I 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.

Variance 1 proposes a reduced setback to the driveway. The intent of the driveway setback regulation is to ensure a visual separation between properties, and to allow for appropriate drainage patterns. Planning staff are of the opinion that a 0 metre setback will not provide sufficient visual separation between properties. Planning staff are therefore of the opinion that variance 1 does not maintain the general intent or purpose of the zoning by-law or official plan, is not minor in nature, and does not represent appropriate development of the subject property.

Variance 2 proposes an increased hammerhead size. The intent of hammerhead regulations is to ensure that an appropriate area can be provided for the turning of vehicles on site while not providing additional parking. Planning staff are satisfied that the proposal will not provide for additional parking in this instance and will not represent excessive hardscaping on the subject property.

Variance 3 proposes an increased driveway width. The applicant has proposed a driveway width of 7m (22.97ft), however the drawing submitted appears to show a driveway width of 7.3m (23.95ft). The intent of the driveway width regulations in the by-law is to allow a driveway that can accommodate the parking of two vehicles across, with the remainder of the front yard being soft landscaped area. While Planning staff have no objection to a driveway width of 7m (22.97ft) staff object to a driveway width of 7.3m (23.95ft) as it represents excessive hardscaping for the subject property and would be able to facilitate the parking of a third vehicle across, contrary to the intent of the zoning by-law.

Given the above Planning staff are satisfied that variance 2 and a driveway width of 7 metres (22.97 feet) maintain the general intent and purpose of both the official plan and zoning by-law, are minor in nature, and represent appropriate development of the subject property. Planning staff recommend that variance 1 be refused and do not support a driveway width of 7.3 metres (23.95 feet).

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

We note that in our previous comments we indicated that the submitted Proposed Site Plan (DWG No A-002) was not acceptable to this Department and that further modifications would be required. The applicant has submitted a revised Site Plan (November 20, 2022 revision date) which depicts a significant area to be re-instated to sod, both on private property and the city boulevard area. We are advising that we find the revised proposal acceptable provided that the required re-instatement is done in accordance with the revised drawing submitted.







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 this permit application, the amended variances, as requested are correct.

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](mailto:Nicholas.Rocchetti@mississauga.ca).

Comments Prepared by: Nicholas Rocchetti, Parks Planning Assistant

**Appendix 4- Region of Peel**

Please apply previous comments.

Comments Prepared by: Patrycia Menko, Junior Planner