

# City of Mississauga Department Comments

Date Finalized: 2023-04-12	File(s): A80.23 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-04-20 3:30:00 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 an existing driveway and landscaped material proposing:

1. A driveway width of 7.315m (approx. 24.00ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance; and,
2. A rear yard setback from landscaped material of 0.00m whereas By-law 0225-2007, as amended, requires a minimum setback of 0.61m (approx. 2.00ft) in this instance.

## Amendments

Planning staff are not in a position to provide an interpretation of the zoning by-law, however, staff are of the opinion that variance #2 is incorrect and should be amended as follows:

2. A side yard setback from landscaped material of 0.00m whereas By-law 0225-2007, as amended, requires a minimum setback of 0.61m (approx. 2.00ft) in this instance.

## Background

**Property Address:** 1525 Kenmuir Ave

### Mississauga Official Plan

Character Area: Mineola Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

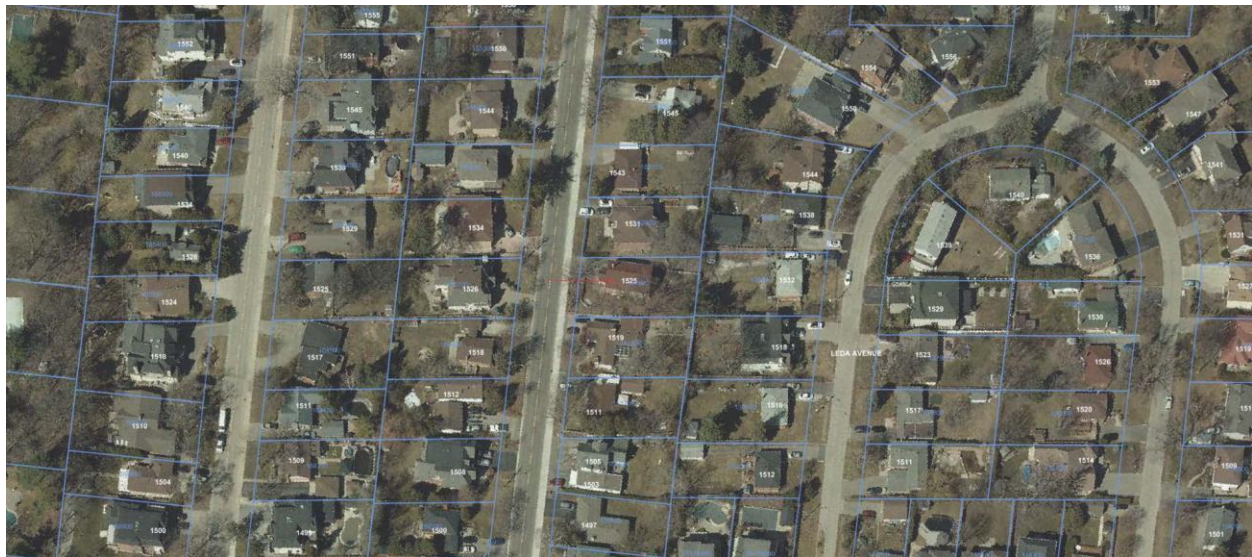
**Zoning:** R3-1 - Residential

**Other Applications:** none

### Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, south of the South Service Road and Kenmuir Avenue intersection. The immediate neighbourhood is primarily residential, consisting of a mix of one and two storey single detached dwellings with limited mature vegetation in the front yards. The subject property contains an existing two-storey single detached dwelling and a widened driveway with mature vegetation in the front yard.

The applicant is approval of an existing 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*.

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 Mineola 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. While the existing dwelling currently conforms to the designation, staff are concerned that the existing 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 maintained as soft landscaping. Staff note that the required number of parking spaces for a detached dwelling is 2. Staff attended the site and noted that the proposed driveway is existing and are of the opinion that the driveway can accommodate 3 cars parked side by side. Staff are also concerned that the variances being sought are incorrect.

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 existing interlock patio. 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. Transportation and Works staff have reviewed the applicant's proposal and have no concerns regarding the applicant's request. Furthermore, based on images provided by Transportation and Works staff, Planning staff are of the opinion that the portion of the interlock requiring the variance is small and will pose negligible impacts to abutting properties.

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 and is therefore not considered to be 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. Planning staff has no concerns with variance #2 and are of the opinion that is minor and appropriate.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

Enclosed for Committees easy reference are photos of the existing driveway and patio area. We ask that the existing paved driveway area on the right side of the lot within the Municipal boulevard area be reinstated to be topsoil and sod so that the vehicles are not jumping the full curb and sidewalk.











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: Brooke Herczeg, Zoning Examiner

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**Appendix 3 – Region of Peel Comments****Minor Variance Application: A-80/23 – 1525 Kenmuir Ave**Development Engineering: Camila Marczuk (905) 791-7800 x8230**Comments:**

- Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. All works associated with the servicing of this site will be at the applicant's expense. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca).
- Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Site Servicing approvals are required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca).

Comments Prepared by: Patrycia Menko, Junior Planner