

City of Mississauga Department Comments

Date Finalized: 2023-05-24	File(s): A527.22 Ward: 9
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-06-01 3:30:00 PM

Consolidated Recommendation

The City has no objections to variances 2 & 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 an existing driveway width proposing:

1. A driveway width of 7.62m (approx. 25ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.0m (approx. 19.68ft) in this instance;
2. A minimum setback of 0.48m (approx. 1.57ft) from a driveway to a lot line whereas By-law 0225-2007, as amended, requires a minimum setback of 0.60m (approx. 1.96ft) from a driveway to a lot line in this instance; and,
3. A walkway width of 1.8m (approx. 5.90ft) attached to a driveway whereas By-law 0225-2007, as amended, permits a walkway width of 1.5m (approx. 4.92ft) attached to a driveway in this instance.

Background

Property Address: 2530 Brasilia Circle

Mississauga Official Plan

Character Area: Meadowvale Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

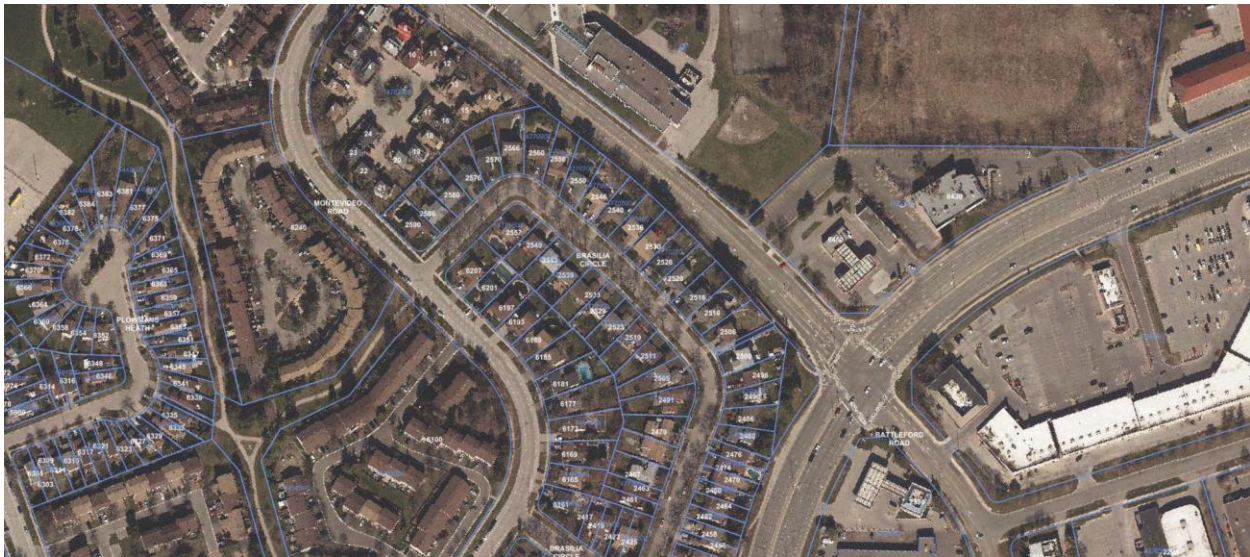
Zoning: R3-Residential

Other Applications: None

Site and Area Context

The subject property is located south-west of the Erin Mills Parkway and Battleford Road intersection in the Meadowvale neighbourhood. It is an interior lot containing a detached dwelling with an attached garage. Some landscaping/vegetative elements are present in the front yard. The property has an approximate lot frontage of 15.2m (49.9ft), which is characteristic of lots containing detached dwellings in the area. The surrounding context is predominantly residential, consisting of a mix of detached, semi-detached and townhouse dwellings on lots of varying sizes.

The applicant is proposing a widened driveway requiring variances for driveway width, driveway setback, and walkway attachment.



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 Central Erin Mills 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. While some modified driveways are present in the surrounding context Planning staff are of the opinion that the proposed width is uncharacteristic of the area. Staff are therefore of the opinion that while variances 2 & 3 maintain the general intent and purpose of the official plan, variance 1 does not.

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

Variance 1 requests an increase in driveway width. The intent of the driveway width regulations in the by-law is to allow a driveway that can accommodate the parking of two vehicles side-by-side, with the remainder of the front yard being soft landscaped area. The proposed increase represents excessive hard surface for the parking of two vehicles across, contrary to the intent of the zoning by-law.

Variance 2 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. The proposed reduction is minor in nature and would maintain a visual separation between properties. Furthermore Transportation and Works staff have not raised any drainage related concerns.

Variance 3 requests an increased walkway attachment. The intent of the walkway attachment regulations are to provide a convenient and dedicated pathway to accommodate pedestrians as well as define an entryway to the dwelling, while ensuring the walkway cannot be utilized for parking purposes. Staff are satisfied that the walkway is appropriately sized and will not be able to facilitate the movement or parking of vehicles.

Given the above Planning staff are satisfied that variances 2 & 3 maintain the general intent and purpose of the zoning by-law, however variance 1 does not.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

Planning staff are of the opinion that variances 2 & 3 represent appropriate development of the subject property. Variances 2 & 3 are minor in nature and will not have significant impacts to the streetscape. Staff are of the opinion, however, that variance 1 is not minor in nature and does not represent appropriate development of the subject property.

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.

From the enclosed photos we note that the driveway width in the area of the municipal curb reflects a driveway width which is compatible with the existing curb cut. We do however note that there is an existing streetlight pole in very close proximity to the existing driveway width and are uncertain as to why the streetlight was initially installed at its current location, perhaps a smaller garage width was planned for this lot. In view of the above, and only in this unique instance we are not advising the applicant that a minimum of 1.5M setback is required to the streetlight pole is required.

We have also re-attached some recent photos for Committee's reference.







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: Brooke Herczeg, Zoning Examiner

Appendix 3 –Region of Peel

Please apply previous comments.

Comments Prepared by: Patrycia Menko, Junior Planner