

# City of Mississauga Department Comments

Date Finalized: 2023-07-05	File(s): A237.23 Ward: 10
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-07-13 3:30:00 PM

## Consolidated Recommendation

The City recommends that the application be deferred.

## Application Details

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

1. A driveway width of 7.67m (approx. 25.16ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.50m (approx. 21.33ft) in this instance; and,
2. A setback from the driveway to the lot line of 0.00m whereas By-law 0225-2007, as amended, requires a minimum setback of 0.60m (approx. 1.97ft) in this instance.

### Amendments

While Planning staff are not in a position to interpret the zoning by-law, staff note that the permissible driveway width in this instance would be 50% of the house frontage, or 6.35m, and not 6.5m.

## Background

**Property Address:** 3735 Pearlstone Drive

### Mississauga Official Plan

Character Area: **Churchill Meadows NHD**  
Designation: **Res Low Density II**

### Zoning By-law 0225-2007

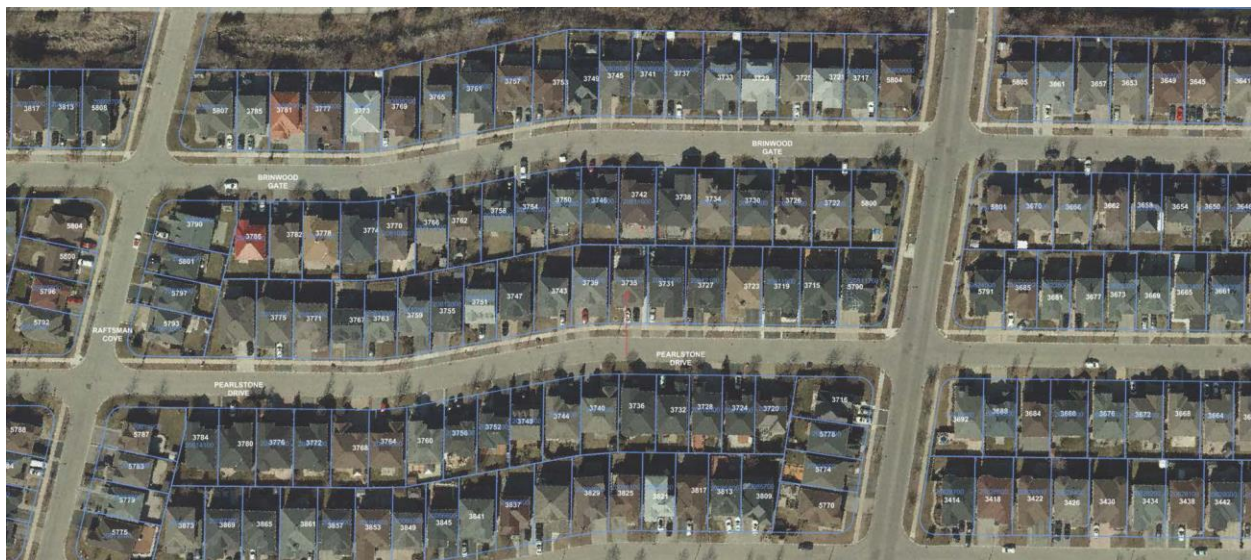
**Zoning:** **R7- Residential**

## Other Applications: None

## Site and Area Context

The subject property is located south-west of the Churchill Meadows Boulevard and Pearlstone Drive intersection in the Churchill Meadows neighbourhood. It currently contains a detached dwelling with an attached garage. Limited landscaping and vegetative elements are present in the front yard. The property has a lot frontage of +/- 12.7m (+/- 41.67 ft) and a lot area of +/- 330.21 m<sup>2</sup> (+/- 3554.45 ft<sup>2</sup>), characteristic of other lots along Pearlstone Drive. The surrounding context is predominantly residential with the majority consisting of detached dwellings. The property is in the vicinity of an elementary school on the east side.

The applicant is proposing to legalize the existing driveway requiring variances for driveway width and driveway 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:

Variance 1 relates to the driveway width and variance 2 proposes a reduced setback to the driveway. The planned character of the area is that of residential dwellings serviced by appropriately sized driveways that can accommodate the parking required by the zoning by-law for each property. In this instance 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. The proposed driveway would represent significant hardscaping in the front yard, contrary to the intent of the zoning by-law, and would be able to facilitate the parking of three vehicles across.

The intent of the driveway setback regulation is to ensure appropriate drainage can be maintained and a visual separation of properties is provided. Planning staff are of the opinion that a complete elimination of the setback requirement does not provide a visual separation or allow for appropriate site drainage. Furthermore the subject property's driveway represents a significant amount of hardscaping which presents a significant impact to the streetscape and is out of character with the surrounding context.

Staff are of the opinion that, as currently proposed, the driveway does not meet the general intent or purpose of the zoning by-law and is not minor in nature. Staff therefore recommend that the application be deferred to allow the applicant to reduce the size of the driveway.

Comments Prepared by: Shivani Chopra, Planner in Training

## Appendices

### Appendix 1 – Transportation and Works Comments

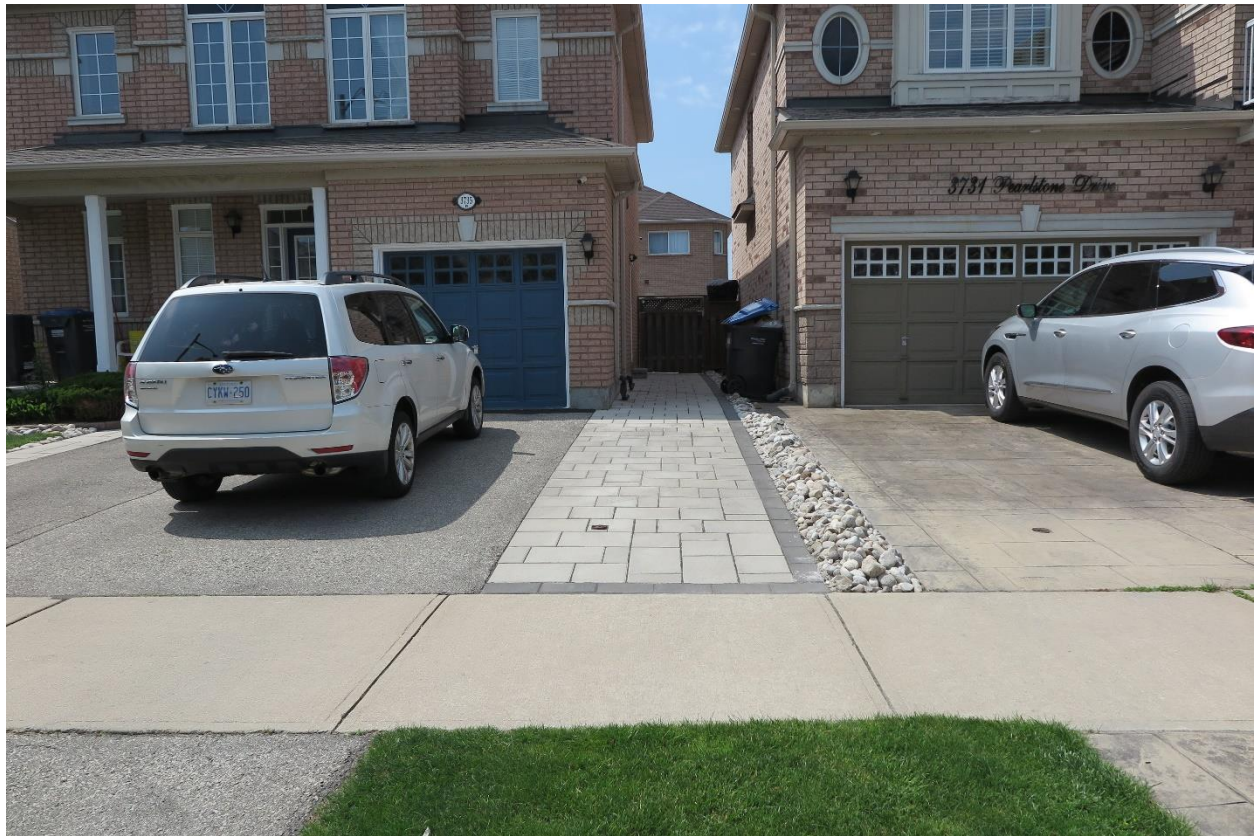
This department notes that with regard to the widened driveway within the municipal boulevard (the area between the municipal curb and property line) we would request that this area be reinstated with topsoil and sod should the application be modified to reflect a smaller driveway width within the subject property or if the application is not supported by the Committee.

From our site inspection and the attached photo we question if the municipal curb has been cut from an approved City of Mississauga contractor with the appropriate approvals as we could not find any records of same. In this regard we would require that the applicant provide any details for the approval for this curb cut, or alternatively the curb cut be re-instated to municipal standards which will require arrangements being made with the Transportation and Works Department, Traffic Operations Section which can be contacted at 905 615-3200 ext 5160.









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: Sibila Lass Weldt, Zoning Examiner

## **Appendix 3 – Region of Peel**

We have no comments or objections.

Comments Prepared by: Patrycia Menko, Junior Planner