

# City of Mississauga Department Comments

Date Finalized: 2023-09-13	File(s): A128.22 Ward: 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-09-21 3:30:00 PM

## Consolidated Recommendation

The City has no objections to variance 2, however recommends that variances 1 and 3 be refused.

## Application Details

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

1. A driveway including the hammerhead portion that covers 51.82% of the front yard, whereas By-law 0225-2007, as amended, permits a maximum driveway coverage of 50.00 % of the front yard, in this instance;
2. A driveway walkway attachment width of 2.00 m (approx. 6.56 ft), whereas By-law 0225-2007, as amended, permits a maximum driveway walkway attachment width of 1.50 m (approx. 4.92ft), in this instance; and,
3. A hammerhead measuring 5.00 m by 5.00 m (approx. 16.40ft by 16.40ft), whereas By-law 0225-2007, as amended, permits a maximum hammerhead measuring 2.6 m by 3.00 m (approx. 8.53 by 9.84 ft), in this instance.

## Background

**Property Address:** 5211 Mississauga Rd

### Mississauga Official Plan

Character Area: Central Erin Mills Neighbourhood  
Designation: Residential Low Density I

### Zoning By-law 0225-2007

**Zoning:** R3 - Residential

**Other Applications: PREAPP 23-6998****Site and Area Context**

The subject property is located on the east side of Mississauga Road, north of the Barbertown Road intersection in the Central Erin Mills Neighbourhood. The property contains a two-storey detached dwelling with an attached garage and has a lot frontage of +/- 19.81m (65ft). There is minimal vegetation on the subject property, which is consistent with the more recently constructed properties on the east side of Mississauga Road. Older surrounding properties contain more mature vegetation in both the front and rear yards.

The applicant is proposing a widened driveway requiring variances for driveway coverage area, walkway attachment and hammerhead size.

**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 property is located within the Central Erin Mills Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). The Residential Low Density I designation permits detached dwellings, semi-detached dwellings

and duplex dwellings. As per Section 9.1 (Introduction), driveway widths should respect the identity and character of the surrounding context. The driveway, as existing, represents significant hardscaping when compared to driveways in the surrounding area. While staff note that the driveways fronting onto the west side of Mississauga Road are shared and significant in width, staff note that the shared driveways are reduced to an appropriate width at the street line with the wider portions being screened by soft landscaping abutting the street line. Staff also note that those properties are larger in size than the subject property and are able to accommodate increased hardscaping. It is the opinion of staff that the proposal 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?**

Variations 1 and 3 relates to an increased percentage of the front yard to be driveway and an increase to the dimensions of the hammerhead design. The intent of this provision is to ensure that hardscaping does not dominate the lot frontage and that the character of the area is maintained. In this instance, the hardscaping represents the majority of the front yard which is detrimental to the existing streetscape and is out of character with the surrounding area. While staff note that wide shared driveways are present across Mississauga Road, the driveways on the west side of the street are appropriately screened by landscaping and reduce to a smaller width at the street line, creating a form of courtyard for the properties. The intent of the hammerhead provisions are to permit a hammerhead large enough to allow for vehicles to turn around on the subject property, but not accommodate vehicular parking on the hammerhead. Staff note the proposed dimensions of the hammerhead feature are greater than the by-law minimum parking space dimensions (2.6m x 5.2m). Staff are of the opinion that the existing hammerhead will facilitate the parking of motor vehicles parallel to and within view of the street, contrary to the intent of the hammerhead provisions in the zoning by-law. Staff are of the opinion that the increased hardscaping presents a significant impact to the streetscape.

Variance 2 relates to an increased walkway attachment. The intent of this portion of the bylaw is 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 note the walkway has been relocated to a suitable area in the front yard from the previous design, thereby minimizing the size and/or dimensions of the hammerhead design. 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, staff are of the opinion that variance 2 maintains the general intent and purpose of the zoning by-law, however variations 1 and 3 do not.

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

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

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

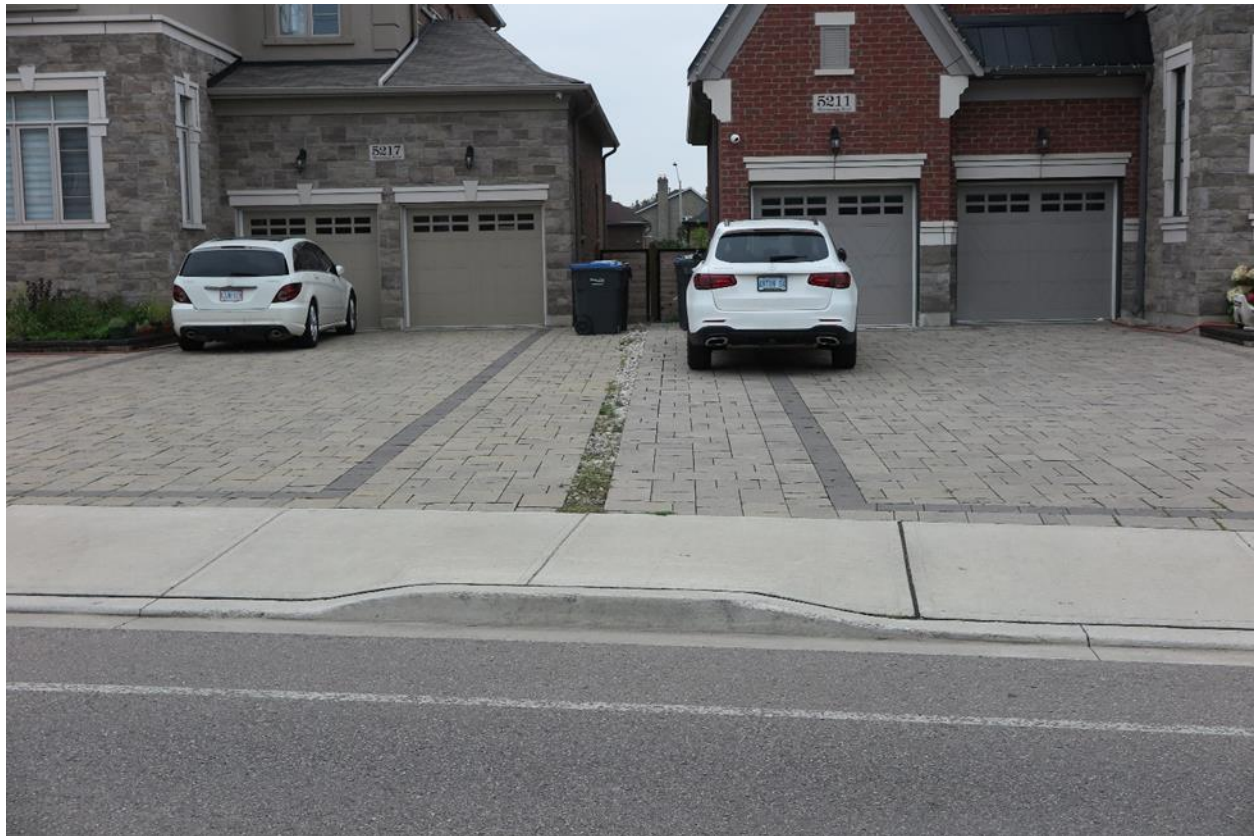
## Appendices

### 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 has processed a Preliminary Zoning Review application under file PREAPP 23-6998. Based on review of the information currently available in this application, the 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: Brandon Eidner, Zoning Examiner

### **Appendix 3 – Region of Peel**

Please apply previous comments.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner

### **Appendix 4- Metrolinx**

#### 5211 Mississauga Rd - A 128.22 - DEFERRED & 5217 Mississauga Rd - A 129.22 - DEFERRED

Metrolinx is in receipt of the minor variance applications for 5211 Mississauga Rd and 5217 Mississauga Rd to allow a hammerhead driveway on the existing property. Metrolinx's comments on the subject application are noted below:

- The subject properties are located within 300m of Canadian Pacific Railway's (CP Rail) Galt Subdivision which carries Metrolinx's Milton GO Train service.
- As the requested variance has no implication on Metrolinx property (i.e., Milton Corridor) Metrolinx has no objections to the specified variances should the committee grant approval.
- The Proponent is advised the following:

**Warning:** Metrolinx and its assigns and successors in interest operate commuter transit service within 300 metres from the subject land. In addition to the current use of these lands, there may be alterations to or expansions of the rail and other facilities on such lands in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx

or any railway assigns or successors as aforesaid may expand their operations, which expansion may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual units. Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under these lands.

Comments Prepared by: Farah Faroque, Project Analyst