

City of Mississauga Department Comments

Date Finalized: 2023-10-04	File(s): A280.23
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-10-12 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be refused.

Application Details

The applicant requests the Committee to approve a minor variance to allow a driveway proposing a driveway width of 19.30m (approx. 63.32ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 10.50m (approx. 34.45ft) in this instance.

Background

Property Address: 153 Kenollie Ave

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R2-5- Residential

Other Applications: None

Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, northwest of Hurontario Street and Mineola Road West. The neighbourhood is entirely residential, consisting of one storey and two storey detached dwellings with mature vegetation and landscape

elements in both the front and side yards. The subject property contains a two-storey detached dwelling with mature vegetation on the property.

The applicant is proposing to legalize an existing driveway requiring a variance for 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:

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 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. The existing dwelling conforms to the designation and meets the intent of the MOP. However staff are concerned that the proposed driveway width would not be compatible with the surrounding context and the character area. From a streetscape perspective, the proposed driveway, and its associate hard-surfaced area, represents a significant portion of the property's front yard in staff's opinion. The proposal does not meet the purpose or general intent of the official plan.

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

The applicant is requesting a variance for driveway width. The intent of limiting driveway widths is to only permit a driveway large enough to suitably accommodate the required number of parking spaces for a dwelling required by the by-law, with the remainder of lands in the front yard being soft landscaping.

Staff note that for properties of this size, the zoning by-law permits a maximum driveway width of 10.5m (34.45ft) within 6 metres (19.69 ft.) of the garage face, only for driveways that provide direct access to a 3-car garage and 8.5 metres (27.89 ft.) beyond 6 metres (19.69 ft.) of the garage face. For properties with a double car garage, the by-law permits a maximum width of 8.5 metres (27.89 ft.). Staff note that the subject property contains a 2-car garage. As such, the permissible maximum driveway width is 8.5m (27.89ft).

The applicant is proposing a driveway width of 19.30m (63.32ft). The proposed design of the existing driveway comprises of the “existing original driveway”, “asphalt court”, “walkway” and the “extended asphalt driveway”. In staff’s opinion, the asphalt court visually resembles a hammerhead driveway that is also being utilized as a basketball court. While Planning staff are not in a position to interpret the zoning by-law, it appears an additional variance for walkway width and hammerhead dimension may be required. The dimensions of the asphalt court allow for additional parking, which runs contrary to the intent of the hammerhead regulations.

Staff is of the opinion that the size and combination of these driveway features facilitates the parking of more vehicles than the permissible limit of 3 vehicles as per the intent of the by-law regulation. Furthermore, it is staff’s opinion that the existing hardscaping presents a negative impact to the streetscape and creates unnecessary and excessive hardscaping on the subject property.

Given the above, staff are of the opinion that the variances do not maintain 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?

Staff are of the opinion that the proposal creates a significant amount of hardscaping and results in the driveway being the prominent feature of the front yard. As currently proposed, the driveway does not meet the general intent or purpose of the zoning by-law or official plan and is not minor in nature. Staff therefore recommend that the application be refused.

Comments Prepared by: Shivani Chopra, Planner in Training

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed are pictures of the existing driveway on site. We have no drainage related concerns.









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: Candice Williams, Zoning Examiner

Appendix 3 – Region of Peel**Minor Variance: A-23-280M – 153 Kenollie Ave**

Planning: Patrycia Menko (905) 791-7800 x3114

Comments:

- The subject land is located within a Potential Natural Area and Corridor (PNAC) of the Greenlands Systems designated under Policy 2.14.19 of the Regional Official Plan (ROP). PNACs are to be protected, restored, and enhanced for the long-term ecological function and biodiversity of the Greenlands System.

Comments Prepared by: Patrycia Menko, Junior Planner