

City of Mississauga Department Comments

Date Finalized: 2023-08-30	File(s): A261.23
To: Committee of Adjustment	Ward: 6
From: Committee of Adjustment Coordinator	Meeting date:2023-09-07 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 10.70m (approx. 35.10ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance.

Background

Property Address: 5193 Parkplace Circle

Mississauga Official Plan

Character Area: East Credit Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R4-19- Residential

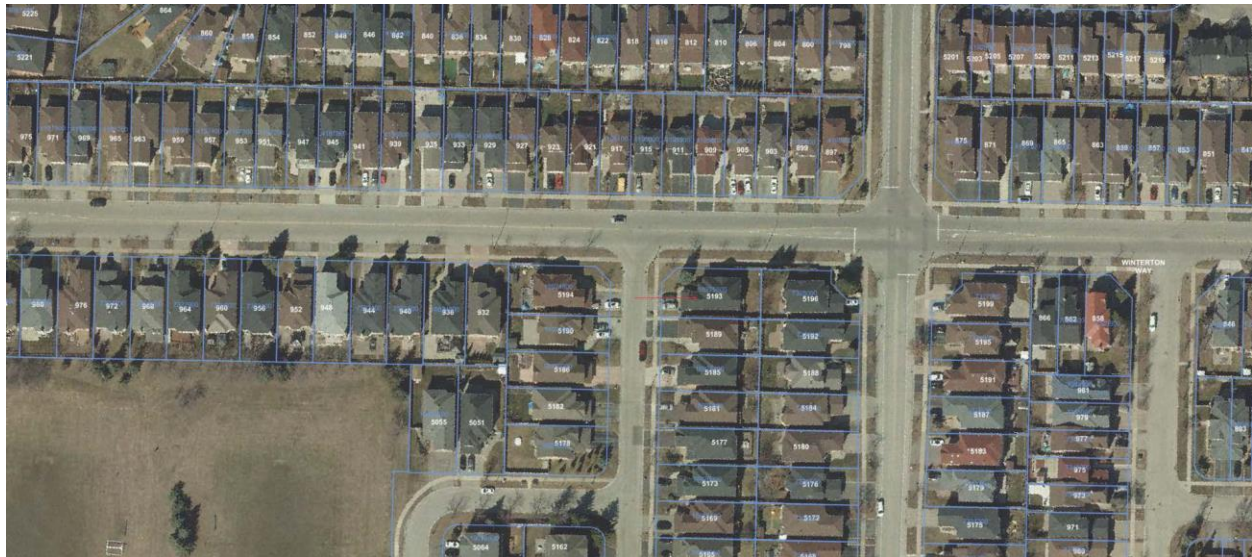
Other Applications: None

Site and Area Context

The subject property is located east of Terry Fox Way and the Winterton Way intersection in the East Credit Neighbourhood. It has a frontage of +/- 15m (+/- 49.21ft) and currently contains a detached dwelling with an attached garage. Limited landscaping and vegetation is present in

both the front and rear yards. The surrounding context consists of detached dwellings on lots of similar frontages and semi-detached dwellings.

The applicant is proposing to legalize the 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 within the East Credit Neighbourhood Character Area and is designated Residential Low Density II. This designation permits detached, semi-detached, duplex and triplex dwellings, as well as street townhomes. Section 9 of the Mississauga Official Plan (MOP) promotes development (including its features such as driveways and landscaping) 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. The planned character of the area are dwellings accessed by appropriately sized driveways. While some widened driveways do exist along Parkplace Circle, the proposed driveway would be one of the largest driveways in the area and would not be compatible with the existing or planned character of the area. Staff are of the opinion that the general intent and purpose of the Official Plan are not maintained in this instance.

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

The proposed variance is to permit a widened driveway on the subject property. The intent of the by-law, with regard to driveway widths, is to permit a driveway large enough to suitably accommodate two vehicles parked side by side, with the remainder of the front yard being soft landscaping. The driveway, as proposed, represents more than 60% of the lot frontage, thereby creating a significant amount of hardscaping in the front yard. This dominates the perception of the property from the street and takes it out of character for the neighbourhood. The subject property does not possess sufficient frontage to support a driveway of the proposed size. As a result, the variance as proposed does not meet the general intent and purpose of the by-law.

Additionally, staff note some discrepancies with the application. The drawings submitted in the application package depict a driveway width that is located wholly within the garage face width. Photos taken from site visits depict a driveway that extends beyond the garage face width on both sides. Staff note that based on the drawings, it appears a variance for driveway setback to the side lot line may also be required. Staff are unable to determine if a variance for driveway setback would meet the four tests at this time as further information is required. Therefore, should Committee see merit in the driveway width request, the application should be deferred in order to ensure all variances have been properly identified and reviewed.

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

Recognizing the impact that the existing driveway has on the subject property regarding its excessive hard surfacing, the property would be out of character and not compatible with the rest of the neighbourhood. As a result of the broader impacts, the variance sought is not considered to be minor in nature or desirable.

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: Joe Alava, T&W, Development Engineering



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

We have no comments or objections.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner