

City of Mississauga Department Comments

Date Finalized: 2023-11-08	File(s): A433.23 Ward: 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-11-16 1:00:00 PM

Consolidated Recommendation

The City recommends the application be deferred for redesign.

Application Details

The applicant requests the Committee to approve a minor variance to allow a driveway extension proposing a driveway width of 7.79m (approx. 25.56ft) whereas By-law 0225-2007, as amended, requires a minimum driveway width of 6.00m (approx. 19.69ft) in this instance.

Background

Property Address: 851 Mays Crescent

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: R5- Residential

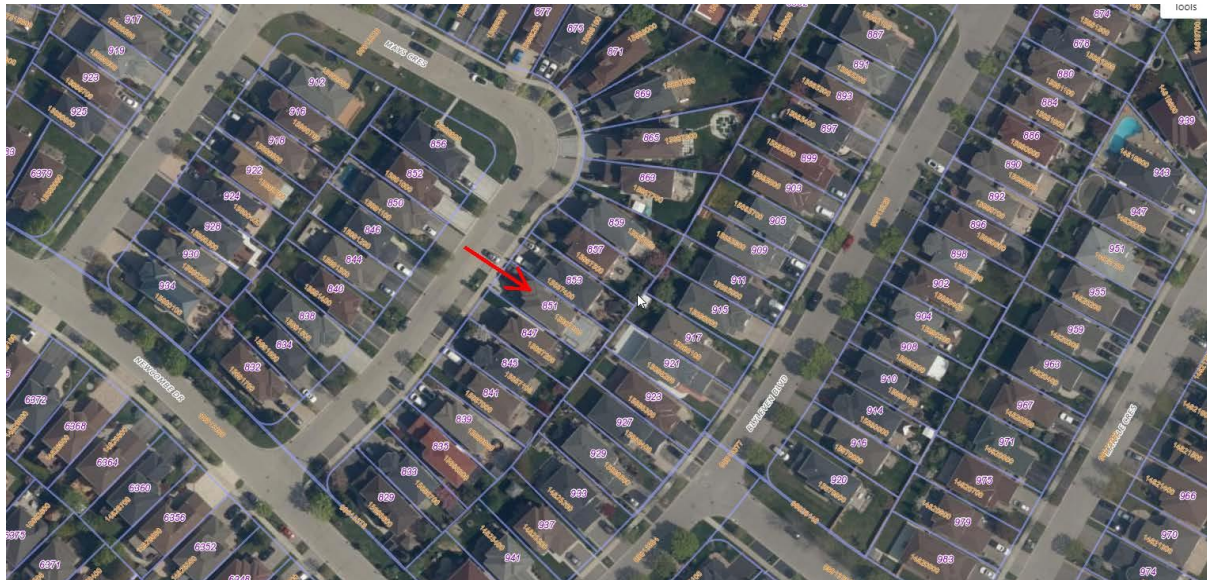
Other Applications: None

Site and Area Context

The subject property is located south-west of the Highway 401 and Mavis Road interchange in the East Credit neighbourhood. It is an interior lot containing a two-storey detached dwelling with an attached garage. Limited landscaping and vegetative elements are present in the front yard. The property has an approximate frontage of +/- 9.88m (32.41ft), characteristics of lots in

the area. The surrounding context is predominantly residential, consisting of two-storey detached dwellings on similarly sized lots.

The applicant is proposing to legalize a widened driveway on the subject property 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:

The subject property is located in the East Credit Neighbourhood Character Area and is designated Residential Low Density II. 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 conditions, the surrounding context and the landscape of the character area. The planned character of the area are dwellings accessed by appropriately sized driveways. The proposal is not 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 is not maintained in this instance.

The proposed variance relates to a widened driveway on the subject property. The planned character of the area are dwellings serviced by appropriately sized driveways that can accommodate the parking required by the zoning by-law for each property. The intent of the

driveway width regulations in the by-law is to allow a driveway to accommodate two vehicles parked side by side, with the remainder of the front yard being soft landscaped area. While the existing driveway would not be able to facilitate the parking of 3 cars across, the existing driveway eliminates a large portion of the soft landscaping required by the zoning by-law in the front yard. Further, the proposal creates a significant amount of hardscaping that dominates the perceived street frontage of the property. The subject property does not possess the frontage that can support the size of the driveway and remain within the intent of the regulations.

While staff are not in a position to interpret the zoning by-law, staff note properties zoned R5 require a minimum landscaped soft area of 30% in the yard containing the driveway. In reviewing the drawings submitted and conducting a site visit, the front yard does not meet the minimum landscaped soft area requirement and further variances may be required. Staff are of the opinion that the application be deferred to allow the applicant to redesign the driveway.

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.

It should also be noted that if the existing widened driveway was approved as it exists and utilized for vehicle parking, there would not be an adequate distance from the existing landscape retaining wall to the municipal sidewalk as this length is only 4.7M as opposed to a standard vehicle parking space which is 5.2M in length. In view of the above, we are concerned with any vehicle parking in this area, which would encroach onto the municipal sidewalk, as there would not be an adequate distance to park and manoeuvre a vehicle.





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: Minan Song, Planner in Training

Appendix 3 – Region of Peel

We have no comments or objections.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner