

City of Mississauga Department Comments

Date Finalized: 2023-11-08	File(s): A237.23 Ward: 10
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-11-16 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to confirm the accuracy of the requested variances and that additional variances are not required.

Application Details

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

1. A driveway width of 7.06m (approx. 23.16ft) 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 0.60m (approx. 1.97ft) 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.

Further, variance #2 is not required.

Background

Property Address: 3735 Pearlstone Drive

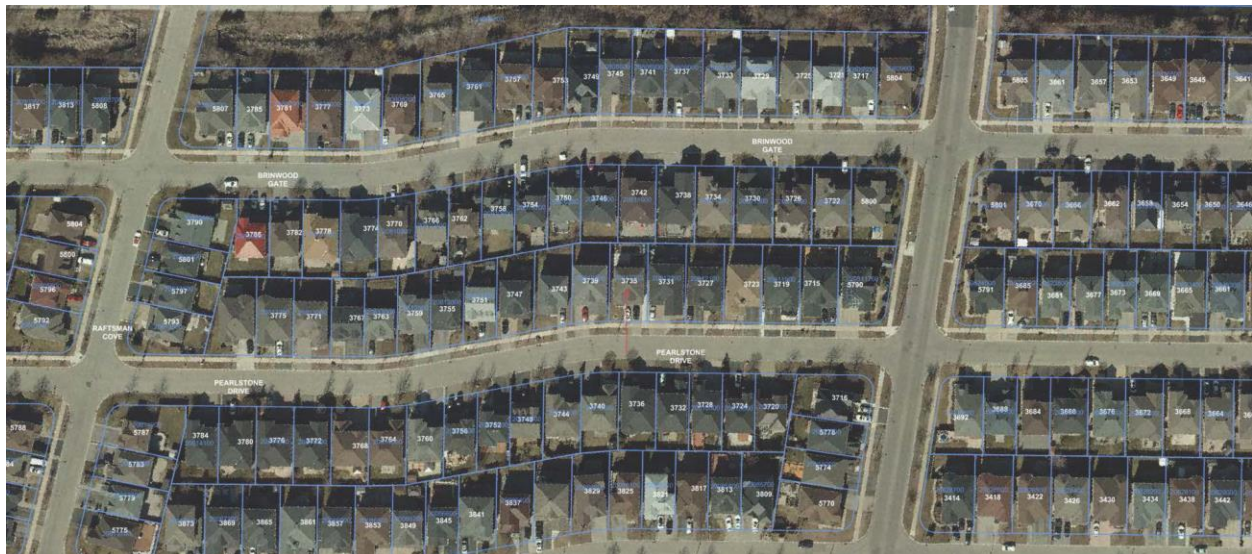
Mississauga Official Plan

Character Area: Churchill Meadows Neighbourhood
Designation: Residential 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 (+/- 41.67ft) and a lot area of +/- 330.21 m² (+/- 3554.45 ft²), characteristic of other lots along Pearlstone Drive. The surrounding context is predominantly residential with the majority consisting of 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 in the Churchill Meadows Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, duplex, triplex, street townhouses and other forms of low rise dwellings with individual frontages. Section 9.1 of the MOP states that driveway widths and associated setbacks should respect the identity and character of the surrounding context. Staff are satisfied that the driveway width is appropriate for both the subject property and surrounding context. It is staff's opinion that the proposal maintains sufficient soft landscaping area thereby respecting the character of the surrounding area. Staff are of the opinion that the application meets the general intent and purpose of the official plan.

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

Variance #1 requests an increase in the driveway width. The applicant has worked with staff to reduce the existing driveway width from 7.67m (25.16ft) to 7.06m (23.16ft). 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. Staff are satisfied that the proposed driveway width does not facilitate additional parking of vehicles across the driveway, nor does it create excessive hardscaping on the subject property.

Variance #2 is not required as the applicant is reinstating the 0.00m (0.00ft) setback from the driveway to the lot line of the minimum required of 0.60m (1.97ft) under the zoning by-law regulations.

Given the above, staff are satisfied that the proposal maintains the 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, as currently proposed, the driveway maintains the general intent and purpose of the zoning by-law, represents appropriate development of the subject property, and is minor in nature.

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: Minan Song, Planner in Training

City Department and Agency Comments	File:A237.23	2023/11/08	7
-------------------------------------	--------------	------------	---

Appendix 3 – Region of Peel

Please apply previous comments.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner