

City of Mississauga Department Comments

Date Finalized: 2024-08-16	File(s): A293.24 Ward: 10
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-08-22 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Application Details

The applicant requests the Committee to approve a minor variance to allow an existing driveway proposing a driveway setback of 0m whereas By-law 0225-2007, as amended, requires a minimum driveway setback of 0.60m (approx. 1.97ft) in this instance.

Background

Property Address: 5435 Tenth Line West

Mississauga Official Plan

Character Area: Churchill Meadows Neighbourhood
Designation: Medium Density

Zoning By-law 0225-2007

Zoning: RM2-56-Residential

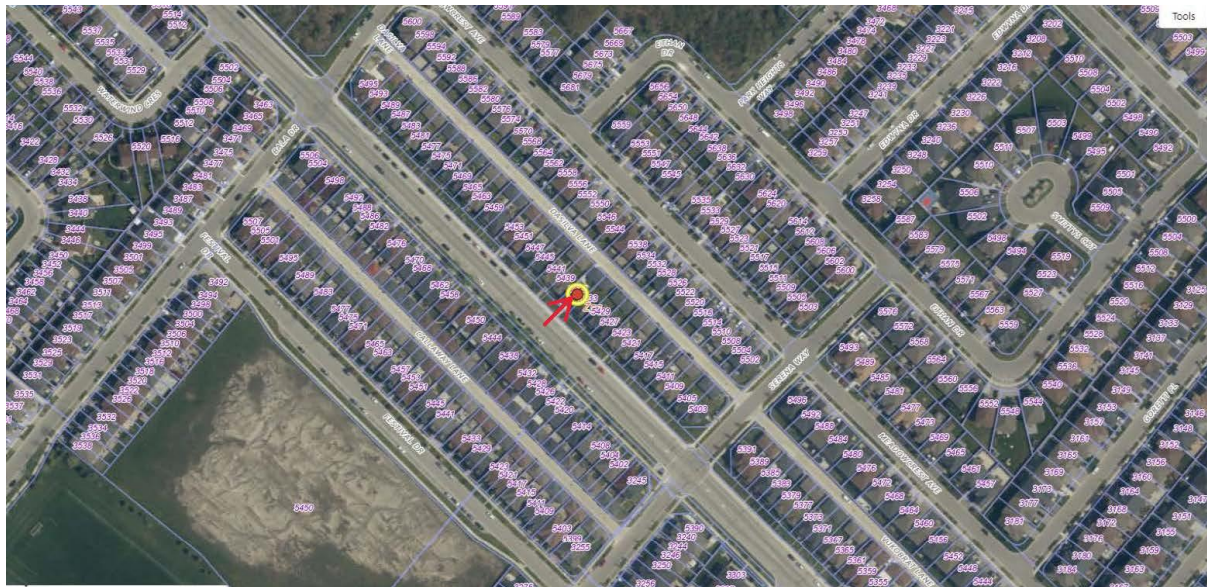
Other Applications: None

Site and Area Context

The subject property is located on the east side of Tenth Line West, south of the Thomas Street and Tenth Line West intersection in the Churchill Meadows Neighbourhood Character Area. It is an interior lot containing a two-storey semi-detached dwelling with a single storey detached

garage located in the rear yard, fronting onto Dasilva Lane. Limited landscaping and vegetative elements are present on the subject property. The surrounding context is predominantly residential, consisting of two-storey detached and semi-detached dwellings on similarly sized lots.

The applicant is proposing to legalize a widened driveway on the subject property requiring a variance for driveway setback.



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 Churchill Meadows Neighbourhood Character Area and is designated Medium Density. 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 proposed variance relates to a widened driveway on the subject property and the reduced setback to the side yard lot line. The intent of the driveway setback regulation is to ensure appropriate drainage can be maintained and a visual separation of properties is provided. Staff

note the detached garage is located in the rear yard and is accessed from a public laneway. Staff had initial concerns that an additional parking spot could be created with the cement surface extension of the driveway. The cement surface extension of the driveway from the existing detached garage measures 2.5m (8.20ft), whereas a legal parking space shall have an unobstructed rectangular area with a minimum width of 2.6m. The area is obstructed on one side by the existing garage, and access to the other side of the vehicle would require the applicant to encroach over the abutting property's lands. Staff are of the opinion that the variance is technical in nature as the extended hard surface landscaping material facilitates a convenient and dedicated pathway to accommodate pedestrians as well as defining an entryway to the dwelling from the rear yard detached garage, rather than functioning as a driveway. Additionally, Transportation & Work's staff have raised no drainage concerns. Staff are satisfied that the proposed width is proportional and will not be able to facilitate the movements or parking of motor vehicles. Furthermore, staff are satisfied that a visual separation of properties is provided even when considering the elimination of the driveway setback and technical nature of the variance.

Staff are satisfied that the proposed variance meets the general intent and purpose of both the official plan and zoning by-law. Furthermore, staff note the proposal is minor in nature and represents appropriate development of the subject property.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committees easy reference are photos depicting the subject property. The Notice of Public Hearing indicates that the applicant is requesting a minor variance to allow an existing driveway proposing a setback of 0.0m, whereas 0.60m is required. This department questions the variance submitted as the widened area was never intended to be utilized as a driveway and for the parking of vehicles.







Comments Prepared by: Tony Iacobucci, 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: Crystal Abainza, Zoning Examiner

Appendix 3 – Region of Peel

We have no comments or objections.

Comments Prepared by: Petrele Francois, Junior Planner