

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2024-10-30	File(s): A476.24 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 11/7/2024 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 permit and addition proposing:

1. A driveway width of 10.88m (approx. 35.70ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance;
2. 2 garages whereas By-law 0225-2007, as amended, permits a maximum of 1 garage in this instance.

Background

Property Address: 446 Ceremonial Drive

Mississauga Official Plan

Character Area: Hurontario Neighbourhood
Designation: Residential Low Density II

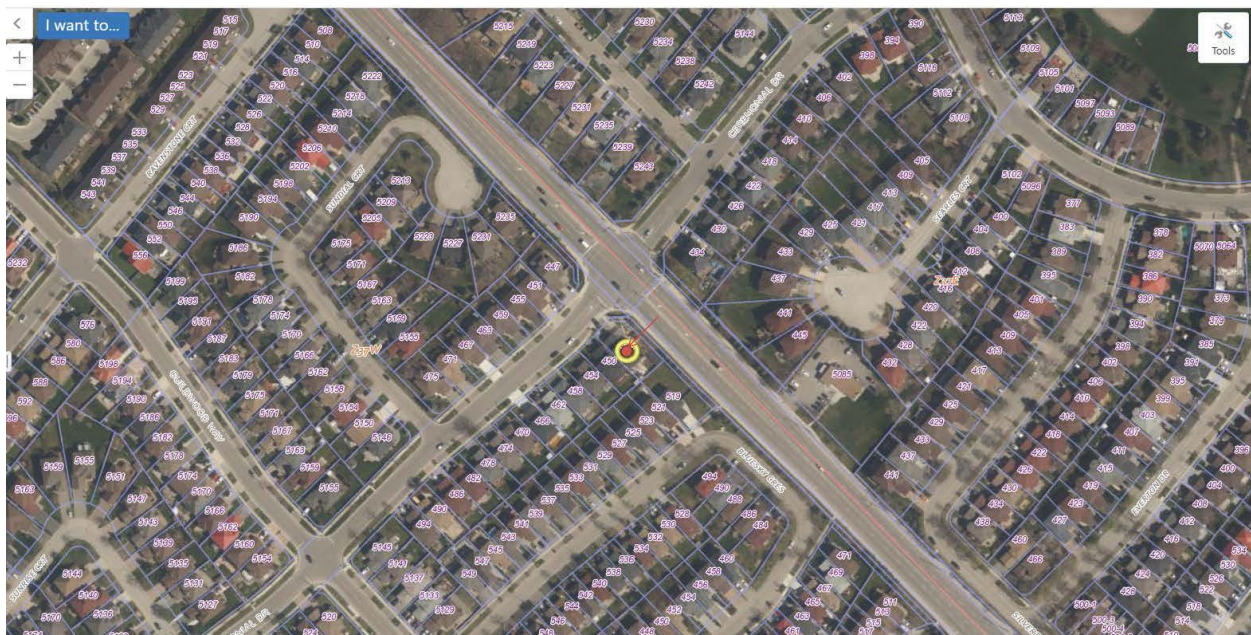
Zoning By-law 0225-2007

Zoning: R4-22 - Residential
Other Applications: None

Site and Area Context

The subject property is located on the south-west corner of the McLaughlin Road and Ceremonial Drive intersection in the Hurontario Neighbourhood Character Area. It is a corner lot containing a two-storey detached dwelling with an attached garage. Limited vegetation and landscaping elements are present on the subject property. The surrounding area context is predominantly residential, consisting of detached dwellings on similarly sized lots.

The applicant is proposing to legalize an existing carport and driveway requiring variances for driveway width and number of garages.



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 Hurontario Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). Section 9 of MOP promotes development 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 and existing character of the area are detached dwellings accessed by appropriately sized driveways with one attached garage contained within the front façade of the dwelling. The existing driveway and carport are 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 variances relates to a widened driveway and existing carport on the subject property. The planned character of the area are dwellings serviced by appropriately sized driveways that can accommodate the parking of vehicles 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. The existing driveway would be able to facilitate the parking of 4 or more motor vehicles parked side by side. Further, the existing driveway creates a significant amount of hardscaping that dominates the perceived street frontage of the property. The subject property does not possess the frontage necessary to support the size of the driveway and meet the intent of the regulations. Additionally, given the City's decision to limit properties to only having one garage per site, staff are of the opinion that the proposal does not maintain the intent and purpose of the zoning by-law

While Planning staff are not in a position to interpret the zoning by-law, staff note that an additional variance is required for minimum landscaped soft area in the yard containing the driveway. In this particular instance, the R4 zone requires 40% of the front yard to be soft landscaping, as the driveway for the subject property is located in the front yard. Staff note a large portion of the front yard has been modified to contain almost all hard surface landscaping material for the driveway. Staff further note they would not be supportive of a reduction to the by-law requirement for minimum landscaped soft area in the yard containing the driveway.

Given the above, staff are of the opinion that the application be deferred to allow the applicant the opportunity to redesign the driveway and existing carport.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We have attached a number of photos depicting the subject property, in particular the carport constructed. Site Plan Drawing A 2 submitted does not accurately depict the widened driveway in the area of the carport and we have concerns with the excessive amount of hard surface area in this area.

It should be noted that through Traffic Engineering best practices, driveway widths fronting on the municipal road network are generally minimized to optimize roadway safety and efficiency, minimize vehicular and pedestrian conflict points and ensure sufficient space is available between driveways for signage/utilities/trees/other street appurtenances. The widened driveway may lead to traffic safety and/or operational concerns such as manoeuvrability, sight distances, sight obstructions, corner clearance deficiencies, pedestrian safety issues, etc. due to the modifications made to this property and proximity to the signalized intersection.

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: Tony Iacobucci, Development Engineering

Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application BP 9ALT 24-1097. Based on review of the information available in this application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Please note that comments reflect those provided through the above application. These comments may no longer be valid should there be changes contained within this Committee of Adjustment application that have not been submitted and reviewed through the application noted above. The applicant must submit any changes and/or updates to information and/or drawings separately through the above application in order to receive updated comments.

Comments Prepared by: Andrew Wemekamp, Zoning Examiner.

Appendix 3 – Parks, Forestry & Environment

Forestry Comments

The Forestry Section of the Community Services Department has reviewed the above noted minor variance application and advises as follows:

1. No public trees shall be injured or removed. If public tree injury or removal is required, a permit must be issued as per By-law 0020-2022.
2. No private trees shall be injured or removed. If a private tree with a diameter of 15 centimetres or greater on private property is to be injured or destroyed, a permit must be issued as per By-law 0021-2022.
3. Please note if a tree is identified as a shared tree with the adjacent property owner, and the applicant intends to apply for a Tree Removal Permit, written consent must be obtained by both parties.

A Tree Removal Application to Permit the Injury or Destruction of Trees on Public and Private Property can be found at <https://www.mississauga.ca/publication/application-to-permit-the-injury-or-destruction-of-trees-on-public-and-private-property/>.

Should further information be required, please contact Jamie Meston, Landscape Technician, Forestry Section, Community Services Department at 905-615-3200 ext. 4264 or via email jamie.meston@mississauga.ca.

Comments Prepared by: Jamie Meston, Landscape Technician

Appendix 4 – Parks, Region of Peel

We have no comments or objections

Comments Prepared by: Petrele Francois, Junior Planner