

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-12-02 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): A301/20 Ward: 5
	Meeting date: 2020-12-10

Consolidated Recommendation

The City has no objection to the variances, as requested. The Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Application Details

The applicants request the Committee to approve a minor variance to allow the existing driveway to remain on the subject property proposing:

1. A driveway width of 7.5m (approx. 24.6ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.0m (approx. 19.69ft) in this instance; and
2. A driveway setback to a side lot line of 0.5m (approx. 1.6ft) whereas By-law 0225-2007, as amended, requires a minimum driveway setback to a side lot line of 0.6m (approx. 1.97ft) in this instance.

Background

Property Address: 3972 Brandon Gate Drive

Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R4-64 (Residential)

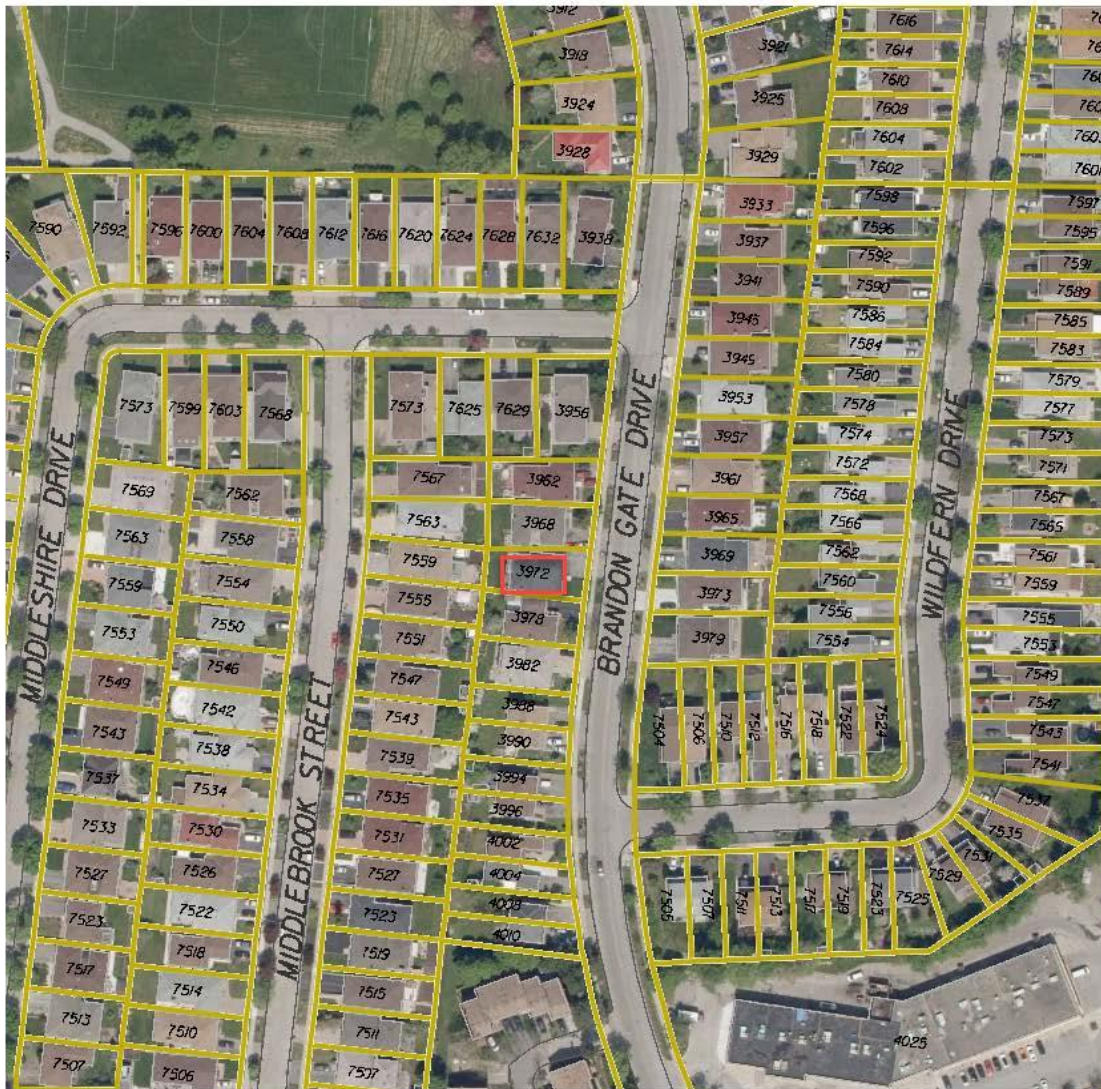
Other Applications:

None

Site and Area Context

The subject property is located on Brandon Gate Drive and currently houses a two-storey, detached dwelling with an attached double-car garage. The immediate neighbourhood is exclusively residential in nature, with dwelling types ranging from single-storey detached dwellings to three-storey semi-detached structures. The properties within the immediate area possess lot frontages of +/- 12.2m, with minimal vegetative elements located within their front yards.

The subject property is an interior parcel, with a lot area of approximately 450.0m², and a lot frontage of 16.1m.



Comments

Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment the authority to grant relief from the requirements stipulated by the municipal Zoning By-law, provided that such applications meet the requirements set out under Section 45(1) and/or 45(2) (a) or (b) of the *Planning Act*.

Staff comments concerning this minor variance request are as follows:

Does the proposal maintain the general intent and purpose of the Official Plan?

The property is located within the Malton Neighbourhood Character Area, and designated Residential Low Density II by the Mississauga Official Plan (MOP). The Residential Low Density II designation permits detached dwellings; semi-detached dwellings; duplex dwellings; and, triplexes, street townhouses, and other forms of low-rise dwellings with individual frontages.

As per Section 9.1 (Introduction), driveway widths should respect the identity and character of the surrounding context. From a streetscape perspective, the proposed larger driveway, as identified in the drawings, will be undecipherable from complying lots and will remain in context with the existing neighbourhood. The application is in line with both the general intent and purpose of the Official Plan.

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

As per Zoning By-law 0225-2007, the subject property is zoned R4-64 (Residential). Pursuant to Table 4.2.5.64 (R4 Exception Zones), the maximum driveway width for a detached dwelling is 6.0m; whereas, the Applicant is proposing 7.5m. The intent of the Zoning By-law is to permit a driveway large enough to provide the necessary space for two vehicles parked side-by-side, with the remainder of lands being soft landscaping (front yard). While 7.5m is larger than the permissible 6.0m regulated through the By-law; the proposed configuration does not permit a third vehicle. Variance 1, as requested, meets the general intent and purpose of the Zoning By-law.

Pursuant to Table 4.1.9(4) (Driveways and Parking), the minimum required setback for a driveway to any lot line is 0.6m; whereas, the applicant is proposing 0.5m. The intent of this portion of the By-law is to ensure that an adequate buffer exists between two neighbouring properties, and it is large enough to mitigate any potential drainage concerns. While the Applicant is proposing a reduced setback of 0.5m, the proposed setback still provides some manner of visual distinction between the two properties and remains large enough to accommodate a swale to minimize sheet drainage, should such measures be required in the future. Variance 2, as requested, meets the general intent and purpose of the Zoning By-law.

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

While the relief sought represents a deviation from what is contemplated through the Zoning By-law; Staff note, the proposed driveway represents less than half the lot's frontage (46%), and maintains ample soft-landscaping in the front yard. The variance, as requested, results in both the orderly development of the lands, and whose impacts will be minor in nature.

Conclusion

Based upon the preceding information, it is the opinion of Staff that the variances, as requested, meet the general intent and purpose of both the MOP and Zoning By-law; are minor in nature; and, are desirable for the orderly development of the lands. To this end, the Planning and Building Department has no objection to the variances, as requested. The Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Comments Prepared by: Brooke Herczeg RPP, 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: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

The Building Department is not in receipt of any permit applications at this time and the applicant is advised that a zoning review has not been completed. We are unable to confirm the accuracy of the requested variance(s) or determine whether additional variance(s) may be required.

The applicant is advised that a completed zoning review may identify additional instances of zoning non-compliance. The applicant may consider applying for a preliminary zoning review application and submit working drawings for a detailed zoning review to be completed. A minimum of 6-8 weeks will be required to process a preliminary zoning review application depending on the complexity of the proposal and the detail of the information submitted.

Comments Prepared by: Brian Bonner, Zoning Plan Examiner

Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the December 10th, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Application: DEF-A-301/20

Minor Variance Applications: A-391/20, A-393/20, A-394/20, A-399/20, A-400/20, A-404/20, A-406/20

Comments Prepared by: Diana Guida, Junior Planner

Appendix 7 - Ministry of Transportation of Ontario

The above property-project is within the MTO PCA. Should there be planned structural changes, then a MTO Building Permit will be required. The changes to the driveway length are not a concern to the MTO.

Comments Prepared by: Corey Caple, Corridor Management Officer