

# City of Mississauga

## Memorandum:

## City Department and Agency Comments

Date Finalized: 2020-12-09	File(s): A321/20 Ward: 4
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-12-17

## Consolidated Recommendation

The City has no objection to the variances, as amended. 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 a widened driveway on the subject property, proposing a driveway width of 8.81m (approx. 28.90ft) at the top and 6.98m (approx. 22.90ft) at the bottom; whereas, By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.68ft), in this instance.

### Amendments

While Planning Staff are not in a position to provide an interpretation of the Zoning By-law; Staff would note the following variance should be added to the application; the walkway attachment of 2.5m whereas By-law 0225-2007, as amended, requires a maximum of 1.5m.

## Background

**Property Address:** 650 Brougham Place

### Mississauga Official Plan

Character Area: Creditview Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

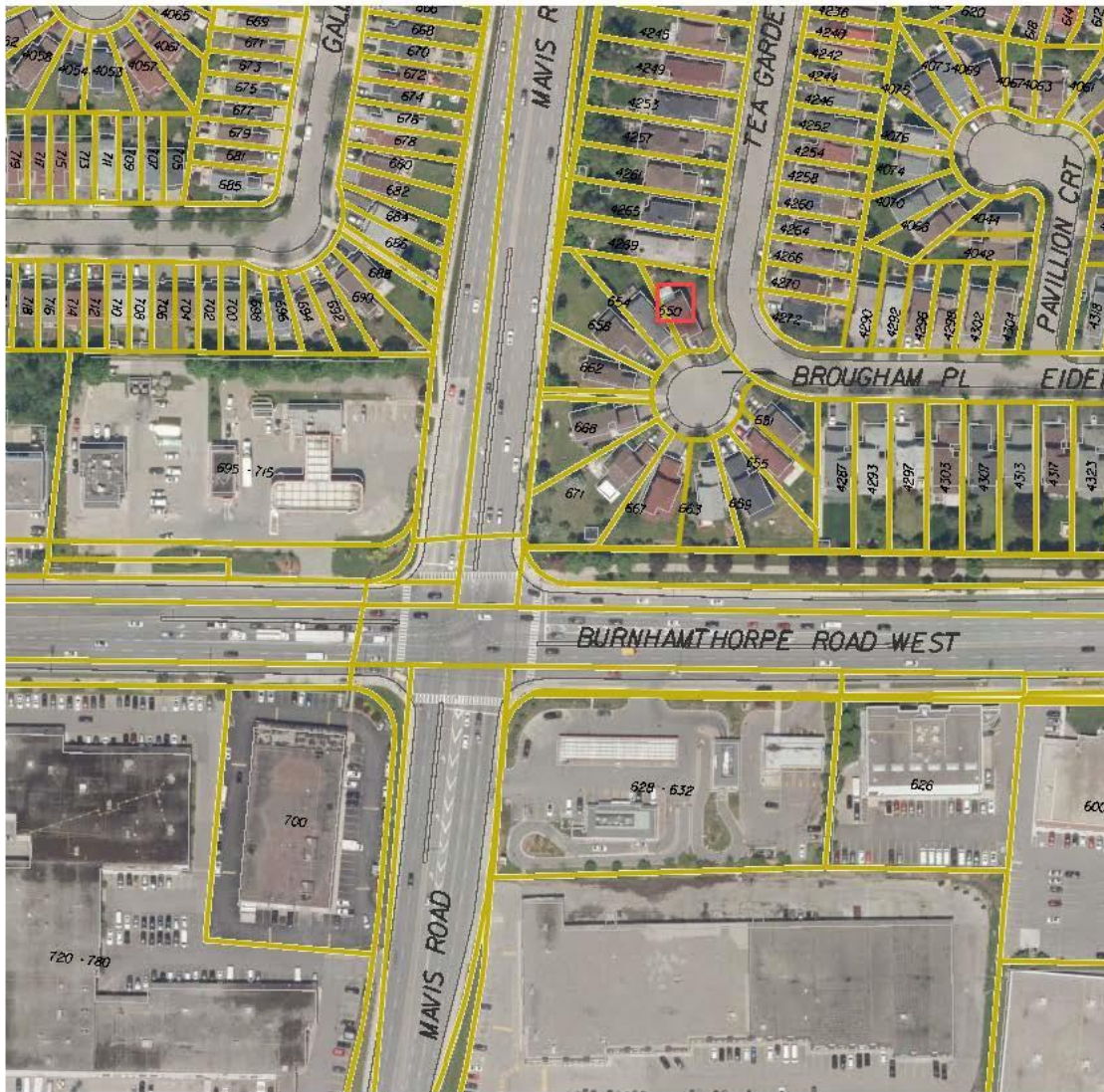
**Zoning:** R5-8 (Residential)

**Other Applications:**

None

**Site and Area Context**

The subject property is located north-east of the Burnhamthorpe Road West and Mavis Road intersection, and currently houses a two-storey detached dwelling with an attached single-car garage. Contextually, the surrounding neighbourhood is comprised exclusively of detached dwellings that share a 1980's subdivision architectural style. The properties within the immediate area possess lot frontages of +/-10.75m, with minimal vegetative / natural landscaped elements within the front yards. The subject property is an exterior parcel, with a lot area of +/- 489.0m<sup>2</sup> and a lot frontage of +/- 14.0m.



## Comments

### Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment the authority to grant relief from requirements of the municipal Zoning By-law; provided 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 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 site is located within the Creditview Neighbourhood Character Area, and designated Residential Low Density II by the Mississauga Official Plan (MOP). As per Section 9.1 (Introduction), driveway widths should respect the identity and character of the surrounding context. The planned context of this neighbourhood is that of detached dwellings serviced by appropriately sized driveways, with the remainder of the property's frontage serving to form a soft-landscaped area. The proposal as amended meets the purpose and general intent 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 R5-8 (Residential). Pursuant to Table 4.2.1.12.3 (R1 to R5 Permitted Uses and Zone Regulations), the maximum driveway width for a detached dwelling is 6.0m; whereas, the Applicant is proposing 6.8m. The general intent of this portion of the Zoning By-law is to permit a driveway width large enough to accommodate the necessary space for two vehicles parked side-by-side, with the remainder of lands being soft landscaping (front yard). The Applicant's proposal results in a driveway that can only accommodate two vehicles parked side-by-side thereby, meeting the general intent and purpose of the zoning bylaw.

Planning Staff are not in a position to provide an interpretation of the Zoning By-law however, based on planning staff's review an additional variance for a walkway attachment of 2.5m is required, whereas the by-law regulates a maximum walkway width of 1.5m. Section 4.1.9.2.1 (Driveways and Parking) of the Zoning By-law, permits a maximum walkway width of 1.5m on each side of a driveway. The intent of this portion of the By-law is to allow a hard-surfaced pathway from the driveway to the front entrance, while ensuring that such an area cannot be utilized for parking purposes. While the current 2.5m wide walkway is larger than what the Zoning By-law currently permits, the existing walkway attachment is constructed at a 90-degree angle, thereby prohibiting vehicular access. The walkway meets the general intent of purpose of the zoning by-law.

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

Staff note, the proposed driveway represents less than half the lot's frontage, and maintains soft-landscaping in the front yard. The variances, as amended, result 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 amended, 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. 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 Examiner

## Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the December 17<sup>th</sup>, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

**Deferred Application:** DEF-A-321/20

**Consent Application:** B-70/20

**Minor Variance Applications:** A-398/20, A-413/20, A-415/20

Comments Prepared by: Diana Guida, Junior Planner