

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

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| Date Finalized: 2020-12-02                | File(s): A404/20<br>Ward: 9 |
| To: Committee of Adjustment               |                             |
| From: Committee of Adjustment Coordinator | Meeting date:<br>2020-12-10 |

## Consolidated Recommendation

The City recommends that the application be refused.

## 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 8.5m (approx. 27.9ft); whereas, By-law 0225-2007, as amended, permits a maximum driveway of 6.0m (approx. 19.7ft), in this instance.

### Amendments

The Applicant is to be made aware that, in the absence of a finalized review by the Zoning Department, they are to be self-satisfied that the correct variances have been both accurately identified and applied for. Planning Staff would echo the Zoning Department's concern regarding the absence of any formal permit applications at this time and would reiterate that a comprehensive zoning review has yet to be completed.

While Planning Staff are not in a position to provide an interpretation of the Zoning By-law; Staff would note that the proposed driveway width, at its widest point appears to exceed the permissible maximum of 6.0m.

## Background

**Property Address:** 2543 Wickham Road

### Mississauga Official Plan

Character Area: Central Erin Mill Neighbourhood  
Designation: Residential Low Density II

**Zoning By-law 0225-2007**

**Zoning:** R4 (Residential)

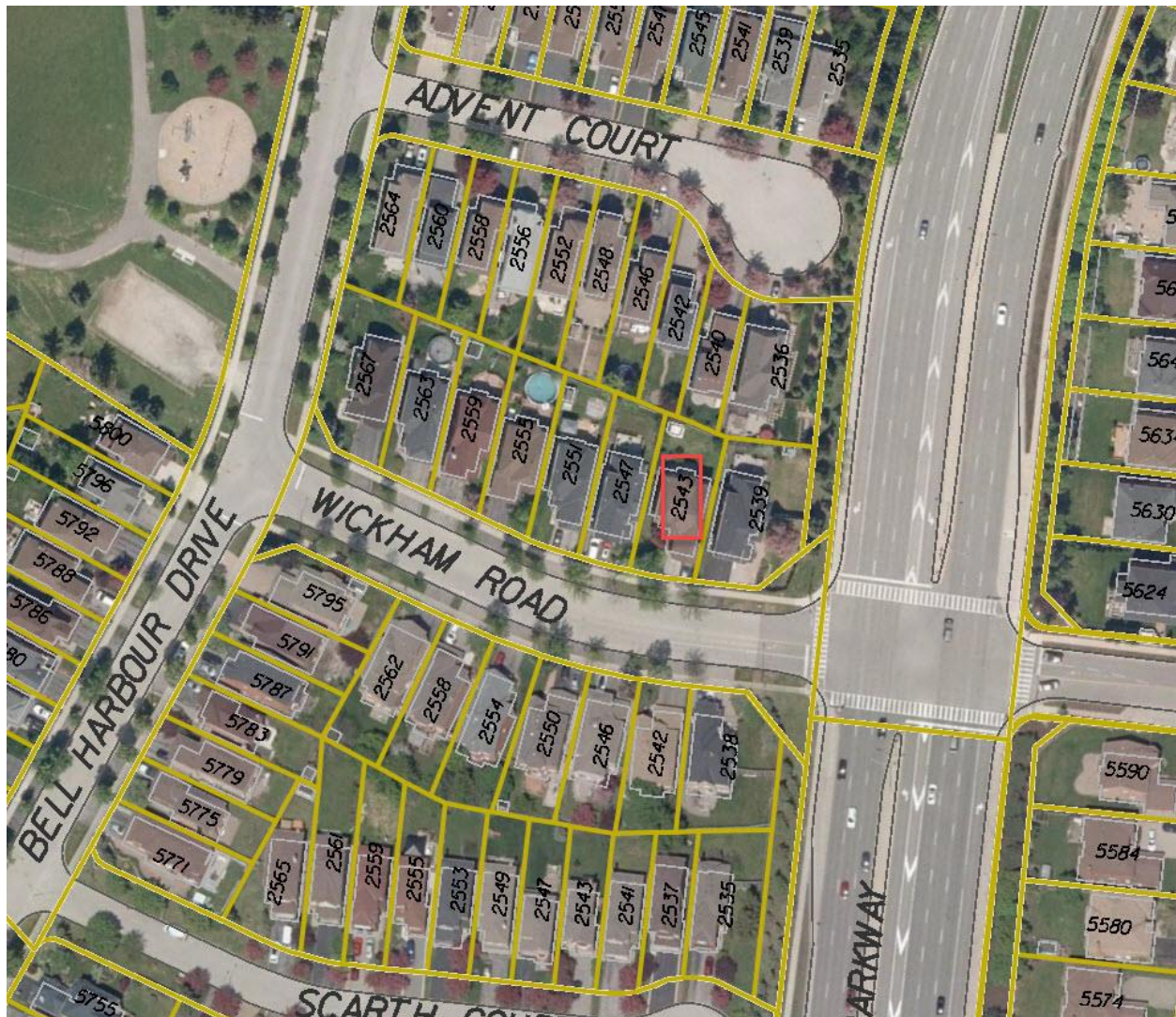
**Other Applications:**

None.

**Site and Area Context**

The subject property is situated north-west of the Erin Mill Parkway and Wickham Road intersection, and currently houses a two-storey, detached dwelling with an attached double-car garage. Contextually, the area is comprised exclusively of detached two-storey residential structures. The properties within the immediate area possess lot frontages of approximately +/- 15.0m, with moderate vegetative / natural landscaped elements within the front yards.

The subject property is an interior parcel, with a lot area of 541.32m<sup>2</sup> and a lot frontage of approximately +/- 15.04m.



## 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 site is situated within the Central Erin Mills Character Area, and is 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 and semi-detached dwellings serviced by appropriately sized driveways, with the remainder of the property's frontage serving to form a soft-landscaped area. From a streetscape perspective, the proposed driveway, and its associate hard-surfaced area, represents a significant portion of the property's front yard. This is visibly different from the unaltered lots within this neighbourhood, which define the area's planned context. The proposal does not meet the purpose or 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 R4 (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 8.5m. The general intent of this portion of the Zoning By-law is to permit a driveway width 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 it is not captured in the variance it appears that the walkway located at the top left corner of the driveway is large enough to accommodate a vehicle. The Applicant's proposal results in a driveway large enough to accommodate three vehicles parked side-by-side at its widest point. Staff would note that the variance, as amended, does not meet the purpose or general intent of the Zoning By-law.

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

The variance, as amended, creates a significant amount of hardscaping and results in the driveway being the prominent feature of the front yard. This is an undesirable development of the land, and one whose effects are not minor in nature.

## **Conclusion**

Based upon the preceding information, it is the opinion of Staff that the variance, as amended, does not meet the criteria established by Section 45(1) of the *Planning Act*. To this end, the Planning and Building Department recommends that the application be refused.

Comments Prepared by: Brooke Herczeg RPP, Committee of Adjustment Planner



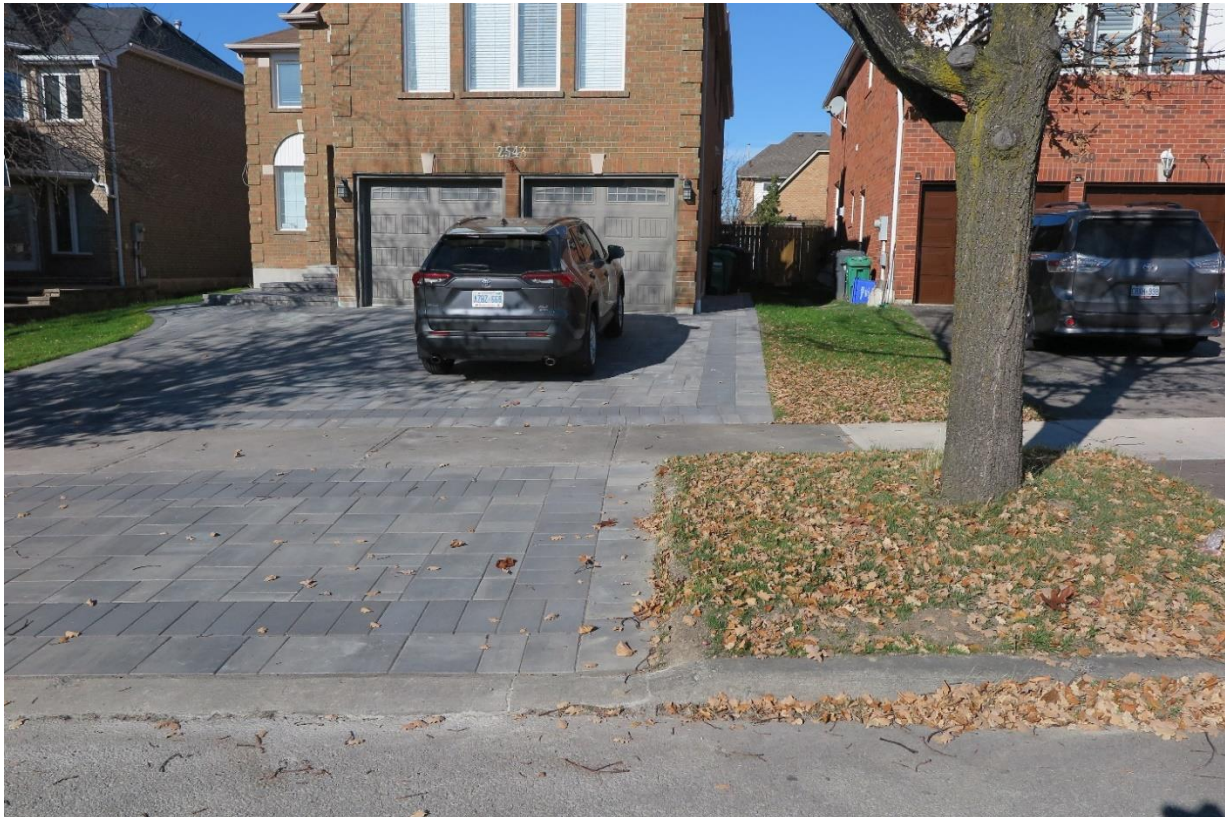
## Appendices

### 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: Brandon Eidner, Zoning Plan Examiner

## **Appendix 5 – Region of Peel Comments**

Regional Planning staff have reviewed the applications listed on the December 10<sup>th</sup>, 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