

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-01-06 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): A2.21 Ward: 10
	Meeting date: 2021-01-14 12:00:00 AM

Consolidated Recommendation

The City recommends that the application be refused. 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 7.9m (approx. 25.9ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width 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 following variance should be added to the application; a driveway setback of 0.0m whereas By-law 0225-2007, as amended, requires a maximum of 0.6m.

Background

Property Address: 3359 Juneberry Road

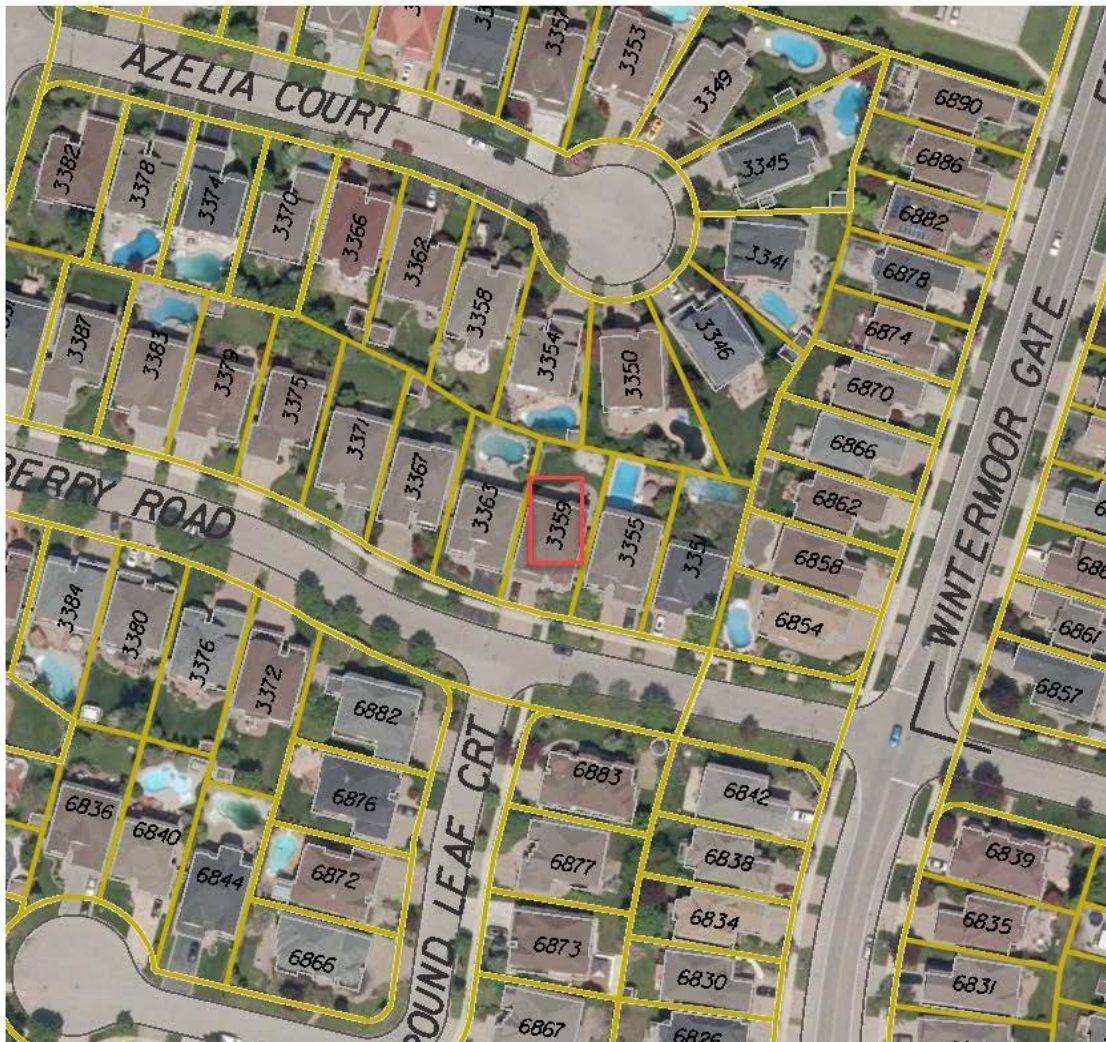
Mississauga Official Plan

Character Area: Lisgar Neighbourhood Character Area
Designation: Residential Low Density II

Zoning By-law 0225-2007**Other Applications: None****Zoning: R4 - Residential****Site and Area Context**

The subject property is situated south-east of the major intersection of Derry Road West and Tenth Line West. The property currently houses a two-storey detached dwelling with a double-car garage and possesses minimal vegetation/ landscape elements in the front and rear yard. Contextually, the surrounding neighbourhood is comprised exclusively of detached dwellings with minimal vegetation and landscape elements in the front yards. The properties within the immediate area possess lot frontages of +/-15.00m.

The subject property is an interior parcel, with a lot area of +/- 562.5m² and a lot frontage of +/- 15.0m. The application proposes a larger driveway, requiring a variance for driveway width.



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:

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

The site is located within the Lisgar 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 area. The planned context of this neighbourhood is that of detached dwellings serviced by appropriately sized driveways, with the remainder of the property's front yard being in the form of soft-landscaping. 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 in this neighbourhood, which is used to deduce 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 7.9m. 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). The Applicant's proposal results in a driveway large enough to accommodate three vehicles parked side-by-side at its widest point based on current zoning regulations. Staff would note that the variance, as requested, does not meet the purpose or general intent of the Zoning By-law.

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 driveway setback variance of 0.0m is needed whereas 0.6m is required. Pursuant to Section 4.1.9.4 (Driveways and Parking), the Zoning By-law permits a minimum distance of 0.6m from any side lot line. 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. The proposed setback of 0.0m does not provide a visual distinction between the two properties and does not accommodate a swale for drainage, should such measures be required in the future.

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. 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: Tony Iacobucci, Development Engineering Technologist

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, Planner in Training, Zoning Examination

Appendix 4 – Heritage

No Heritage Comments

Comments Prepared by: John Dunlop, Manager Heritage Planning and Indigenous Relations

Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the January 14th, 2021 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Minor Variance Applications: A-395/20, A-408/20, A-410/20, A-411/20, A-412/20, A-417/20, A-418/20, A-2/21, A-4/21, A-6/21.

Comments Prepared by: Diana Guida, Junior Planner