

# City of Mississauga

Memorandum:

## City Department and Agency Comments

Date Finalized: 2021-01-13	File(s): A17.21 Ward: 10
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2021-01-21

## 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 applicant requests the Committee to approve a minor variance to allow a widened driveway on the subject property proposing a driveway width of 8.70m (approx. 28.54ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) in this instance.

## Background

**Property Address:** 6612 Lisgar Drive

### Mississauga Official Plan

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

### Zoning By-law 0225-2007

**Zoning:** R4 - Residential

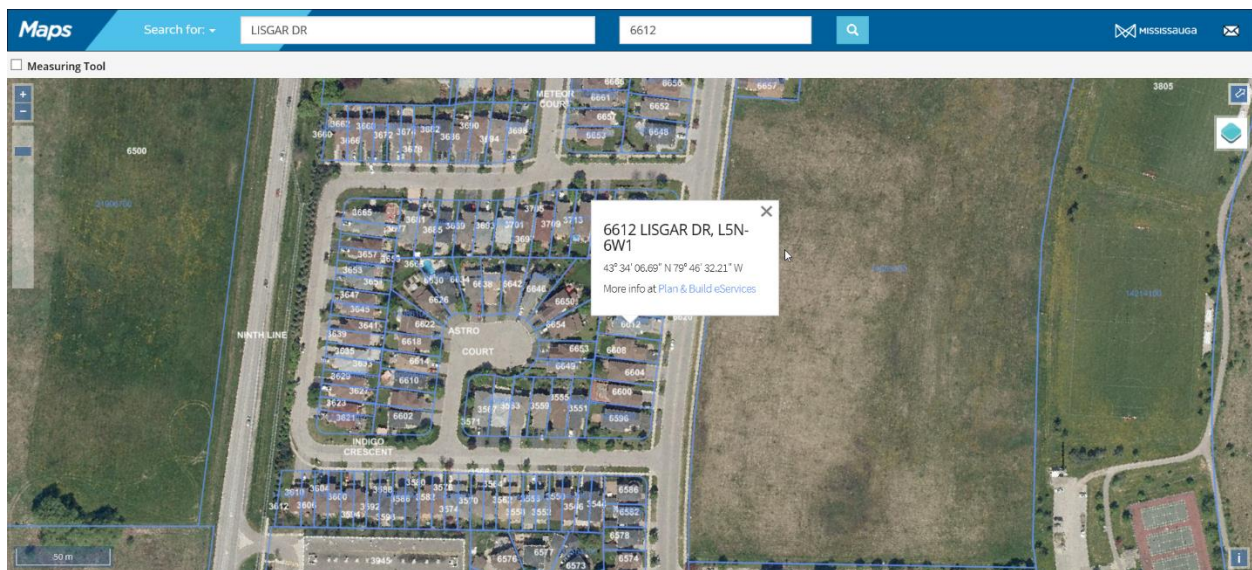
**Other Applications:** None

### Site and Area Context

The subject property is situated south-east of the 407 express highway and Derry Rd E. The property currently houses a two-storey, detached dwelling with minimal landscaping elements in

the front and rear yard. Contextually, the area is comprised exclusively of detached two-storey residential dwellings. The properties within the immediate area possess lot frontages of approximately +/-12.0m, with moderate vegetative / natural landscaped elements within the front yards.

The subject property is an interior parcel, with a lot area of 408.45m<sup>2</sup> and a lot frontage of approximately +/- 12.21m. The applicant is proposing 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 situated 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 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 lots within this neighbourhood, which can be 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 8.7m. 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 front yard being soft landscaping. 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, resulting in the driveway becoming 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 5 – Region of Peel Comments**

Regional Planning staff have reviewed the applications listed on the January 21<sup>st</sup>, 2021 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

**Deferred Applications:** DEF-A-338/20.

**Consent Applications:** B-1/21, B-2/21.

**Minor Variance Applications:** A-355/20, A-407/20, A-9/21, A-14/21, A-15/21, A-16/21, A-17/21, A-18/21, A-19/21, A-36/21, A-37/21.

Comments Prepared by: Diana Guida, Junior Planner