

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-01-20	File(s): A26.21 Ward: 10
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-01-28

## 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 driveway widening proposing:

1. A driveway width of 7.77m (approx. 25.49ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.68ft) in this instance;
2. A setback measured to a property line of 0.10m (approx. 0.33ft) whereas By-law 0225-2007, as amended, requires a minimum setback measured to a property line of 0.61m (approx. 2.00ft) in this instance; and
3. A front yard soft landscape area of 40% whereas By-law 0225-2007, as amended, requires a minimum front yard soft landscape area of 30% in this instance.

## Amendments

While Planning Staff are not in a position to provide an interpretation of the Zoning By-law; Staff would note that variance #2 should be amended to the following:

- A setback measured to a property line of 0.12m (approx. 0.33ft) whereas By-law 0225-2007, as amended, requires a minimum setback measured to a property line of 0.60m (approx. 2.00ft) in this instance

## Background

**Property Address:** 7217 Terragar Boulevard

**Mississauga Official Plan**

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

**Zoning By-law 0225-2007**

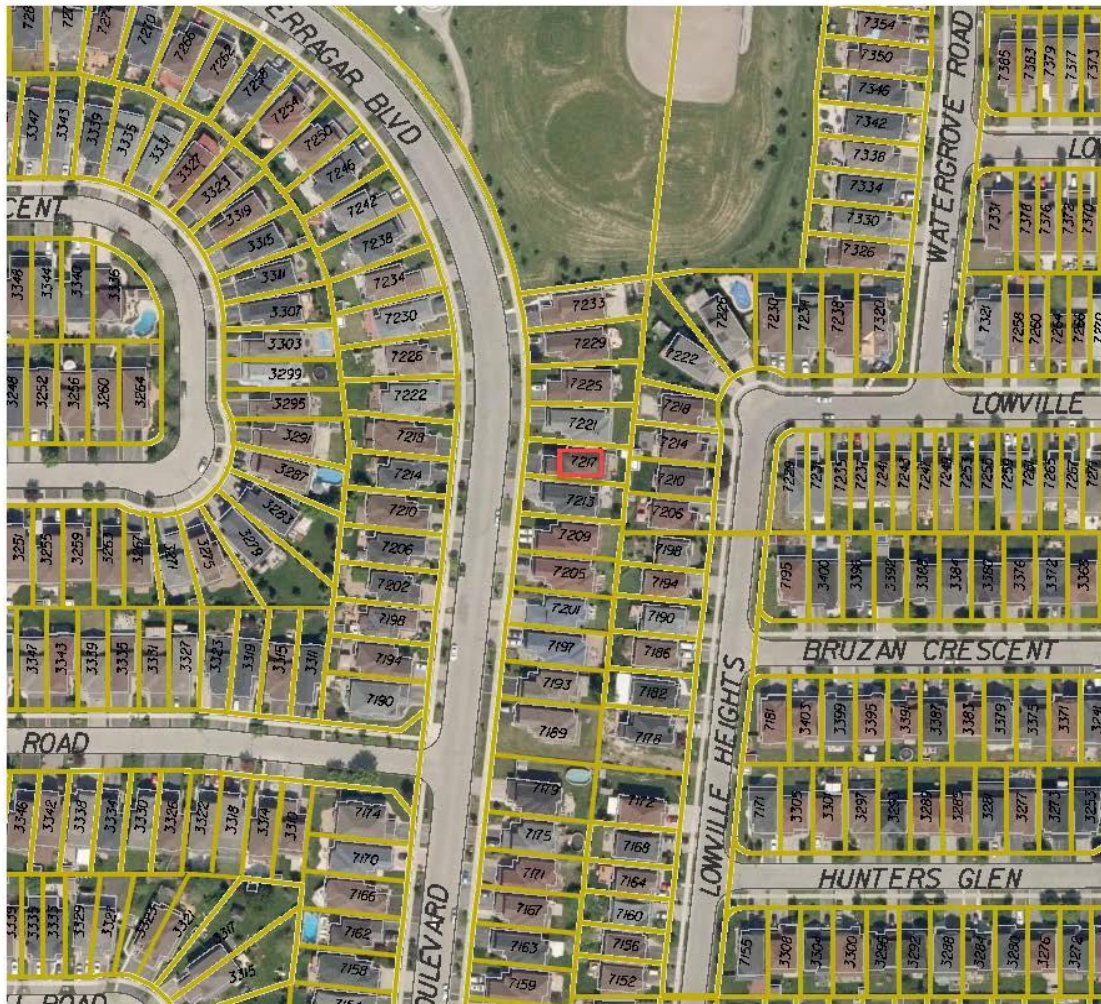
**Zoning: R4 - Residential**

**Other Applications: SEC UNIT 20-629 SU**

**Site and Area Context**

The subject property is located north-west of the Tenth Line West and Scotch Pine Gate intersection. The subject property is an interior parcel, with a lot area of +/- 411.0m<sup>2</sup> and a lot frontage of +/- 12.11m . The property currently houses a two-storey, detached dwelling with minimal vegetation and landscape elements in the front and rear yard. Contextually, the area is comprised exclusively of detached residential dwellings. The properties within the immediate area possess lot frontages of +/-12.0m, with minimal vegetative and natural landscaped elements within the front yards.

The applicant is proposing a wider driveway requiring variances for driveway width, side yard set back and soft landscaping.



## 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). The Residential Low Density II designation permits detached dwellings; semi-detached dwellings; duplex dwellings; and, triplexes, street townhouses, and other forms of low density 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 driveway, and its associate hard-surfaced area, represents a significant portion of the property's front yard. 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 proposed driveway width is visibly different from the majority of 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?**

Variance #1 pertains to driveway width:

As per Zoning By-law 0225-2007, the subject property is zoned R4 (Residential). Pursuant to Table 4.2.1 (R1- R5 Permitted Uses and Zone Regulations), the maximum driveway width for a detached dwelling is 6.0m; whereas, the Applicant is proposing 7.77m. 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). The proposed 7.77m driveway width is larger than the permissible 6.0m and is large enough to accommodate a third vehicle. The proposed driveway configuration is not proportional to the property or the lots of the surrounding neighbourhood. Variance #1, as requested, does not meet the general intent and purpose of the Zoning By-law.

Variance #2 pertains to side yard setback:

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, as amended, 0.12m. The intent of this portion of the By-law is to ensure that an adequate buffer exists between two neighbouring properties, and that there is sufficient space to mitigate any potential drainage concerns. The proposed setback of 0.12m does not provide a visual distinction between the neighbouring property, nor does it provide a sufficient buffer to accommodate drainage infrastructure. Generally a 0.30m setback is accepted by planning staff to accommodate a swale for drainage purposes, should one be required in the future. Variance #2, as requested, does not meet the general intent and purpose of the Zoning By-law.

Variance #3 pertains to soft landscaping in the front yard:

The intent of a soft landscape area establishes the character and identity of a neighbourhood; while also ensuring that hardscaping does not dominate the lot frontage. The applicant has proposed a front yard soft landscape area of 30% whereas, 40% is required. From a streetscape perspective, the proposed driveway, and its associate hard-surfaced area would represent a significant portion of the property's front yard to be used for parking purposes. This is noticeably different from the unaltered lots within this neighbourhood, which is used to deduce the area's planned context. Variance #3 does not meet the general intent and purpose of the zoning bylaw.

**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 which results in the driveway being the prominent feature of the front yard. This proposal is an undesirable development of the land, and is not minor in nature.

## Conclusion

Based upon the preceding information, it is the opinion of Staff that the variances, as requested, do not meet the general intent and purpose of both the MOP and Zoning By-law; are not minor in nature; and, are not desirable for the orderly development of the lands. To this end, the Planning and Building Department recommends refusal of 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: 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, Zoning Examiner

## **Appendix 4 – Heritage**

No Heritage Concerns

Comments Prepared by: John Dunlop, Manager, Heritage Planning

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

Development Engineering: Camila Marczuk (905) 791-7800 x8230

As per Peel Water Design Criteria Standard 4.3, “Hydrants near driveways shall be located a minimum of 1.25 m clear from the projected garage (or edge of driveway, whichever is greater) in residential applications...”

Comments Prepared by: Diana Guida, Junior Planner