

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-02-17	File(s): A49.21 Ward: 9
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-02-25

Consolidated Recommendation

Planning Staff recommend have no objection to variance, as amended. 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 allow a widened driveway proposing a driveway width of 8.84m (approx. 29.00ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (approx. 19.69ft) 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 amended to the following;

- A driveway width beyond the garage face of 8.84m whereas By-law 0225-2007, as amended, permits a maximum driveway width beyond the garage face of 8.50m

Background

Property Address: 2540 Windwood Drive

Mississauga Official Plan

Character Area: Meadowvale Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R3 - Residential

Other Applications: None**Site and Area Context**

The subject property is located north-west of the Tenth Line Road West and Scotch Pine Gate intersection. The subject property is an interior parcel, with a lot area of +/- 2,161.90m² and a lot frontage of +/- 33.52m. 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 on lots possessing lot frontages of +/- 16.0 and with minimal vegetation and landscape elements in the front yards.

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 property is situated within the Meadowvale 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. The application is in line with both the general intent and purpose 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 R3 (Residential). Pursuant to Section 4.1.9.13, lots having a frontage greater than 18.0m are permitted a maximum driveway width of 10.50m for the portion of the driveway that is within 6.0m of the front garage face and is therefore permitted as of right. For the portion of the driveway beyond 6.0m of the front garage face, the driveway width may be increased to 8.50m. Through email correspondence with the applicant on February 5, 2021, staff understand that the subject property possess a driveway length of 10.45m measured from the garage face to the beginning of the sidewalk. The applicant has proposed an 8.84m wide driveway beyond the 6.0m and permitted width of 8.50. Planning Staff are of the opinion that the 0.34m increase is a minor deviation from the by-law and will not impact drainage on the property or the visual buffer between properties.

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 amended to the following;

- A driveway width beyond the garage face of 8.84m whereas By-law 0225-2007, as amended, permits a maximum driveway width beyond the garage face of 8.50m

The proposed driveway 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 an insignificant deviation from the zoning by-law, and maintains the soft landscaping in the front yard. The variance, as amended results 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 variance, as amended, meet the general intent and purpose of both the MOP and Zoning By-law; is minor in nature; and, is 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: 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 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the February 25th, 2021 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Applications: DEF-A-290/20, DEF-A-354/20, DEF-A-377/20.

Minor Variance Applications: A-46/21, A-47/21, A-49/21, A-50/21, A-52/21, A-53/21, A-61/21.

Comments Prepared by: Diana Guida, Junior Planner