

# City of Mississauga Department Comments

Date Finalized: 2023-01-11	File(s): A645.22
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2023-01-19 1:00:00 PM

## Consolidated Recommendation

The City has no objections to variances 2 & 4, however recommends variances 1, 3 & 5 be refused.

## Application Details

The applicant requests the Committee to approve a minor variance to allow an existing dwelling proposing:

1. A driveway width of 9.98m (approx. 32.74ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50m (approx. 27.89ft) in this instance;
2. A walkway width in the rear yard of 1.55m (approx. 5.09ft) whereas By-law 0225-2007, as amended, permits a maximum walkway width in the rear yard of 1.50m (approx. 4.92ft) in this instance;
3. A walkway width in the front yard of 3.12m (approx. 10.24ft) whereas By-law 0225-2007, as amended, permits a maximum walkway width of 1.50m (approx. 4.92ft) in this instance;
4. A driveway setback of 0.44m (approx. 1.44ft) whereas By-law 0225-2007, as amended, requires a minimum driveway setback of 0.60m (approx. 1.97ft) in this instance; and,
5. A landscaped area in the front yard of 31.88% whereas By-law 0225-2007, as amended, requires a minimum landscaped area in front yard of 40% in this instance.

## Background

**Property Address:** 28 Cattrick St

### Mississauga Official Plan

Character Area: Malton Neighbourhood  
Designation: Residential Low Density I

### Zoning By-law 0225-2007

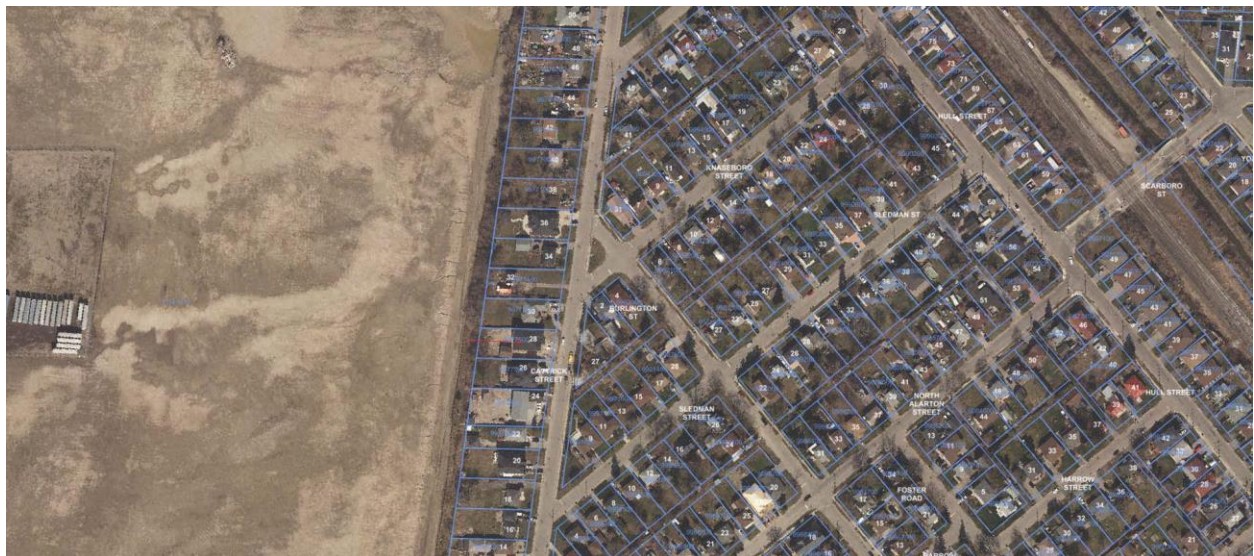
**Zoning:** R3-69 - Residential

**Other Applications:** PREAPP 22-1022

### Site and Area Context

The subject property is located north-west of the Derry Road East and Airport Road intersection in Old Malton Village. It currently contains a two-storey detached dwelling with limited landscaping and vegetation in the front yard. The property has a lot frontage of +/- 20.12m (66ft) which is characteristic of lots along the west side of Cattrick Street. The surrounding context consists of detached dwellings as well as vacant airport lands to the rear of the property. Industrial uses are present across the airport lands.

The applicant is proposing to legalize the existing driveway requiring variances for driveway width, driveway setback, walkway attachments and soft landscaped area.



## 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 located within the Malton Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). As per Section 9.1 (Introduction), driveway widths should respect the identity and character of the surrounding context. The driveway, as existing, represents significant hardscaping when compared to driveways in the surrounding area. While staff note that the property can accommodate a wider driveway due to its frontage, the additional request for a reduced soft landscape area is uncharacteristic of the area and results in excessive hardscaping on the subject property. It is the opinion of staff that variances 1, 3 & 5 do not maintain the general intent and purpose of the official plan.

**Does the proposal maintain the general intent and purpose of the Zoning By-law?**

Variance 1 relates to the driveway width, and variance 5 requests a reduction in soft landscaped area in the front yard. The intent of these regulations in the by-law is to allow a driveway that can accommodate the required parking, with the remainder of the front yard being soft landscaped area, and ensure appropriate landscaping is factored into the front yards of properties in order to maintain the character of the larger neighbourhood. The subject property's driveway represents a significant amount of hardscaping, which presents a significant impact to the streetscape and is out of character with the surrounding context.

Variances 2 and 3 relate to walkway attachments. The intent of this portion of the bylaw is to provide a convenient and dedicated pathway to accommodate pedestrians as well as define an entryway to the dwelling, while ensuring the walkway cannot be utilized for parking purposes. While staff have no objections to variance 2, the proposed width of variance 3, in addition to the length of the walkway, present an opportunity for parking on the walkway which is contrary to the intent of the zoning by-law.

Variance 4 proposes a reduced driveway setback. The intent of driveway setback regulations is to ensure a visual separation between properties, and to allow for appropriate drainage patterns. Staff are satisfied that the proposed setback will provide an adequate visual buffer between properties and note that Transportation and Works have not raised any drainage related concerns.

Given the above Planning staff are satisfied that variances 2 and 4 maintain the general intent and purpose of the zoning by-law, however variances 1, 3 & 5 do not.

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

It is the opinion of staff that variances 1, 3 & 5, both individually and cumulatively, create significant impacts on the streetscape that cannot be considered minor in nature. They represent an overdevelopment of hardscaping in the front yard and therefore do not represent appropriate development of the subject lands. Staff are satisfied, however, that variances 2 & 4 are minor in nature and represent appropriate development of the subject property.

## 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 currently processing a Preliminary Zoning Review application under file PREAPP 22-1022. Based on review of the information currently available for this building permit, the variances, as requested are correct.

Our comments are based on the plans received by Zoning staff on 04/07/2022 for the above captioned building permit application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: Adam McCormack, Zoning Examiner

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### **Appendix 3 – Region of Peel**

We have no objections.

Comments Prepared by: Patrycia Menko – Junior Planner, Planning and Development Services