

# City of Mississauga Department Comments

Date Finalized: 2023-04-05	File(s): A645.22
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2023-04-13 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

## Application Details

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

1. A driveway width of 9.02m (approx. 29.59ft) 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 2.16m (approx. 7.08ft) whereas By-law 0225-2007, as amended, permits a maximum walkway width of 1.50m (approx. 4.92ft) in this instance;and,
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.

## Background

**Property Address:** 28 Cattrick St

### Mississauga Official Plan

Character Area: Malton Neighbourhood  
Designation: Residential Low Density I

### Zoning By-law 0225-2007

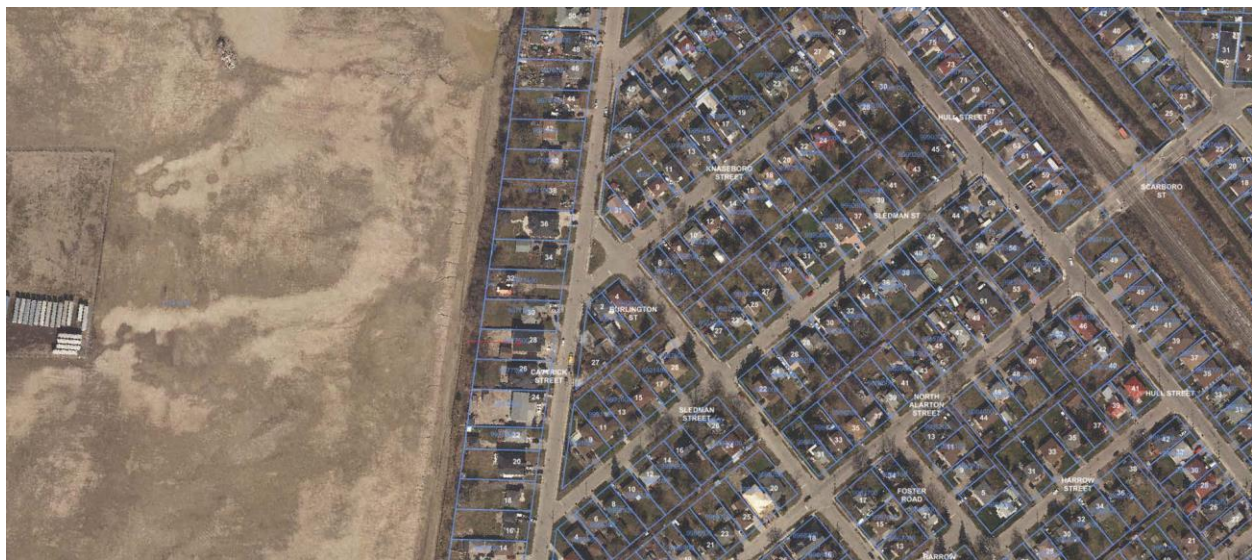
**Zoning:** R3-69 - Residential

**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), 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 modify the existing driveway requiring variances for driveway width, driveway setback, and walkway attachments.



## 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:

The subject property is located in the Malton Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). Section 9.1 of

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the MOP states that driveway widths and associated setbacks should respect the identity and character of the surrounding context.

The applicant is proposing a driveway width to 9.02m (29.59ft). The intent of the driveway width regulations in the by-law is to allow a driveway that can accommodate the parking required by the zoning by-law for each property, with the remainder of the front yard being soft landscaped area. The intent of the walkway attachment regulations are 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. The intent of the driveway setback regulation is to ensure a visual separation between properties, and to allow for appropriate drainage patterns.

Staff note that the property has a large frontage and is therefore able to accommodate a wider driveway without the hardscaping becoming overbearing to the streetscape. Staff are satisfied that the width maintains sufficient soft landscaping area to maintain the character of the surrounding area. Furthermore, the proposed walkway attachments will not facilitate the movement of vehicles due to their limited size. In regards to the driveway setback, the proposal setback will provide an adequate visual buffer between properties and note that Transportation and Works have not raised any drainage related concerns.

Staff are of the opinion that, as currently proposed, the driveway maintains the general intent and purpose of the zoning by-law, represents appropriate development of the subject property, and is minor in nature.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

In our previous comments we indicated that with regards 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, this comment is still applicable.

We acknowledge the letter which the abutting property owner, 24 Cattrick Street submitted to the Committee on January 12, 2023 and also the further e-mail sent January 16, 2023 directly to our department with regards to drainage related concerns and a number of other issues.

The variance before us is related to a driveway and walkway width. When the Transportation and Works Department reviews a variance request, frequently a site inspection is done. Acknowledging that at our initial site inspection done for the January 19, 2023 hearing date there was a considerable amount of snow cover, this department still observed no evident drainage related concerns with the request. Our initial observations were that there was a significant slope from the driveway area to the roadway where drainage could easily be directed towards the roadway and not be obstructed. The smaller area, approximately in the middle of the dwelling would be directed towards the rear yard. A good indicator of property slopes is to observe the top of the fence elevation to determine high and low points, it is evident from some of the photos submitted that from the area approximately in the middle of the dwelling that the land also slopes to the rear.

The property owner of 24 Cattrick Street has indicated localized flooding and water absorption issues, elevated water table levels, increased moisture, flooding in their basement and concerns with pumping water onto the streets which creates an unsafe and dangerous situation and ice build-up. Some of these matters may not be directly related to the subject application and any concerns related to street maintenance should be brought to the attention of the 311 call centre or the Transportation and Works Operations and Maintenance Division (North District/Malton Yard) to assess the concern.

In order to provide updated comments and have specific regard for the concerns raised by the neighbour, we re-visited the property on March 24<sup>th</sup> and are submitting a number of updated photos. From the photos it is clearly evident that there is a significant slope on the driveway which would direct any drainage onto the roadway and not the abutting property to the south, for the simple reason that the slope is towards the roadway and not the abutting property. In addition, the photos also show that the abutting property is at a higher elevation, this is evident when looking at the photos and looking at the bottom of the fence, and this would halt the drainage being directed towards the abutting property.





















Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

## Appendix 2 – Zoning Comments

Drawings provided for the Minor Variance application are not consistent with those submitted for PREAPP 22-1022.

In the absence of a revised application we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has not been completed for the plans submitted through the Minor Variance application.

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

Comments Prepared by: Adam McCormack – Zoning Examiner

**Appendix 3- Region of Peel**

Please apply previous comments.

Comments Prepared by: Patrycia Menko, Junior Planner