

# City of Mississauga Department Comments

Date Finalized: 2023-05-16	File(s): A123.23
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2023-05-25 1:00:00 PM

## Consolidated Recommendation

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

## Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of an addition proposing:

1. A lot coverage of 38% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30% in this instance;
2. A driveway setback of 0.00m whereas By-law 0225-2007, as amended, requires a minimum driveway setback of 0.61m (approx. 2.00ft) in this instance; and,
3. An existing shed with an area of 20.00sq m (approx. 215.28sq ft) whereas By-law 0225-2007, as amended, permits a maximum shed area of 10.00sq m (approx. 107.64sq ft) in this instance.

## Amendments

Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

1. A lot coverage of 38% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30% in this instance;
2. A driveway setback of 0.00m whereas By-law 0225-2007, as amended, requires a minimum driveway setback of 0.61m (approx. 2.00ft) in this instance; and,
3. An existing shed with an area of 20.00sq m (approx. 215.28sq ft) whereas By-law 0225-2007, as amended, permits a maximum shed area of 10.00sq m (approx. 107.64sq ft) in this instance; and
4. An existing driveway width of 7.00m (approx. 22.97 ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00sq m (approx. 19.69 ft) in this instance.

## Background

**Property Address:** 3804 Crabtree Cres

### Mississauga Official Plan

Character Area: Malton Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

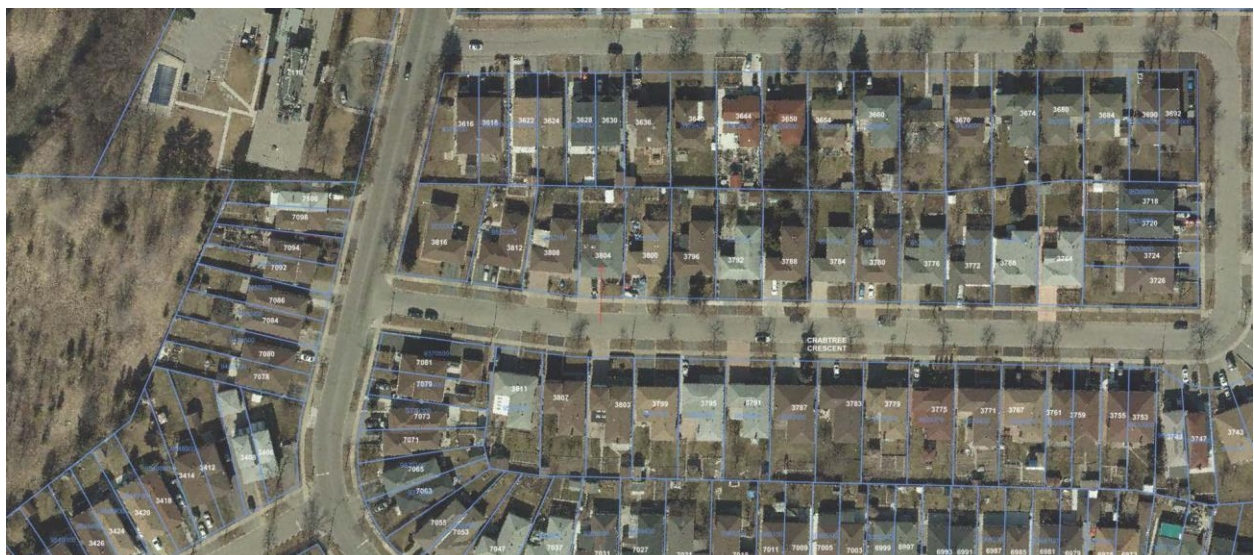
**Zoning:** R3-69 - Residential

**Other Applications:** BP 9ALT 22-4096

### Site and Area Context

The subject property is located north-east of the Goreway Drive and Derry Road East intersection in Malton. It currently contains a single-storey detached dwelling with an attached garage. Limited landscaping and vegetative elements are present in both the front and rear yards. The property has a lot area of +/- 557.42m<sup>2</sup> (6,000ft<sup>2</sup>) and a lot frontage of +/- 15.24m (50ft), characteristic of other lots containing detached dwellings in the surrounding area. The surrounding context is exclusively residential, consisting of a mix of detached, semi-detached, townhouse and apartment dwellings.

The applicant is proposing to legalize existing conditions on the property requiring variances for lot coverage, driveway setback and width, and accessory structure 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 subject property is located in the Malton Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached dwellings.

Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with the existing site conditions, the surrounding context, and the landscape of the character area. The addition and accessory structure maintain the residential character of the property and will not have significant impacts to the streetscape or larger character area.

Section 9.1 of the MOP states that driveway widths and associated setbacks should respect the identity and character of the surrounding context. While 0 metre setbacks are present in the area they tend to be shared driveways between semi-detached dwellings. 0m setbacks on properties containing detached dwellings are not characteristic and would be out of context for the surrounding area.

Given the above Planning staff are of the opinion that variances 1, 3 & 4 maintain the general intent and purpose of the official plan, however variance 2 does not.

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

Variance 1 relates to an increase in lot coverage. The intent in restricting lot coverage is to ensure that there isn't an overdevelopment of the lot which would impact the streetscape as well as abutting properties. The proposed lot coverage is broken up between the dwelling and the shed, and staff note that the entirety of the property is a single storey which limits the massing. Staff are therefore satisfied that the proposed lot coverage does not represent an overdevelopment of the lot and will have limited massing impacts.

Variance 2 relates to the driveway setback. The intent of the driveway setback regulation is to ensure appropriate drainage can be maintained and a visual separation of properties is provided. Planning staff are of the opinion that a complete elimination of the setback requirement does not provide a visual separation.

Variance 3 relates to the floor area of the shed in the rear yard. The intent of the zoning by-law provisions regarding accessory structures is to ensure that the structures are proportional to the

lot and dwelling and are clearly accessory, while not presenting any massing concerns to neighbouring lots. No height or setback variances have been requested for the shed, and it represents less than 4% of the total lot area. Staff are therefore satisfied that the structure is proportional with limited impacts to abutting properties.

Variance 4, as added by Zoning staff, relates to the driveway width. The intent of limiting the driveway width is to permit a driveway large enough to suitably accommodate the required number parking spaces for a dwelling, with the remainder of lands in the front yard being soft landscaping. The proposal does not request excessive hard surface area above the requirement for two vehicles side by side, and staff note that an appropriate soft landscaped area in the front yard is maintained.

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

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

Planning staff are satisfied that variances 1, 3 & 4 are minor and represent appropriate development of the subject property whose impacts to the streetscape and abutting properties will be minor in nature. Planning staff are of the opinion that variance 2 is not minor in nature and does not represent appropriate development of the subject property.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

Enclosed for Committees easy reference are photos depicting the existing shed and driveway and note that we have no concerns with the request.







Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

## Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file BP 9ALT 22-4096. Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

1. A lot coverage of 38% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30% in this instance;
2. A driveway setback of 0.00m whereas By-law 0225-2007, as amended, requires a minimum driveway setback of 0.61m (approx. 2.00ft) in this instance; and,
3. An existing shed with an area of 20.00sq m (approx. 215.28sq ft) whereas By-law 0225-2007, as amended, permits a maximum shed area of 10.00sq m (approx. 107.64sq ft) in this instance; and
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Please note that comments reflect those provided through the above permit application and should there be any changes contained within this Committee of Adjustment application that

have not been identified and submitted through the application file noted above, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments.

Comments Prepared by: Gary Gagnier; Zoning Examiner

### **Appendix 3 – Region of Peel**

We have no comments or objections.

Comments Prepared by: Patrycia Menko, Junior Planner