

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-03-31	File(s): A113.21 Ward: 8
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-04-08 3:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

The applicants request the Committee to approve a minor variance to allow the construction of a pool and accessory structures on the subject property proposing:

1. An accessory structure (Gazebo) area of 26.77sq.m (approx. 288.15sq.ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 20.00sq.m (approx. 215.28sq.ft) in this instance;
2. A side yard to an accessory structure (Gazebo) of 0.61m (approx. 2.00ft) whereas By-law 0225-2007, as amended, requires a minimum side yard to an accessory structure of 1.20m (approx. 3.94ft) in this instance;
3. A side yard to an accessory structure in a side yard (Pool Storage Shed) of 1.38m (approx. 4.53ft) whereas By-law 0225-2007, as amended, requires a minimum side yard to an accessory structure in a side yard of 1.50m (approx. 4.92ft) in this instance;
4. A swimming pool in a tree preservation area whereas By-law 0225-2007, as amended, does not permit a swimming pool in a tree preservation area in this instance;
5. A partial accessory structure (Gazebo) in a tree preservation area whereas By-law 0225-2007, as amended, does not permit an accessory structure in a tree preservation area in this instance; and
6. A partial accessory structure and partial swimming pool within a tree preservation area whereas By-law 0225-2007, as amended, requires a minimum rear yard to a tree preservation area of 7.50m (approx. 24.61ft) in this instance.

Background

Property Address: 3564 East Park Court

Mississauga Official Plan

Character Area: Erin Mills Neighbourhood

Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3-9 (Residential)

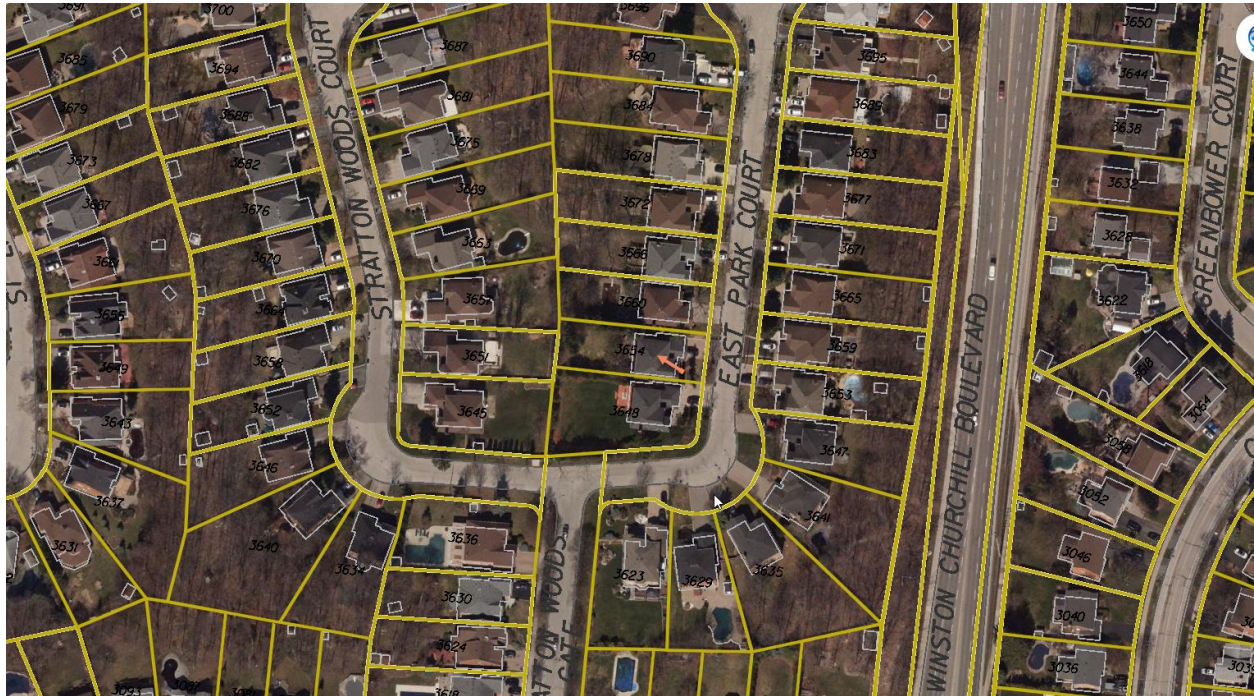
Other Applications

Pool Permit: 21-4

Site and Area Context

The subject property is located within the Erin Mills Neighbourhood Character Area, southwest of Burnhamthorpe Road West and Winston Churchill Boulevard. The neighbourhood is entirely residential, consisting of two storey detached dwellings with mature vegetation. The subject property contains an existing two storey dwelling with mature vegetation in the front yard and little within the rear yard. A portion of the rear yards within the subdivision is considered a "Tree Preservation Area" which does not allow any structures including swimming pools to be built within the area.

The application proposes an accessory structure and pool in the rear yard, requiring variances related to occupied area and side yard setbacks of an accessory structure and to allow a pool and accessory structure to be located within the "Tree Preservation 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 are as follows:

The intent of the zoning by-law is to protect the mature vegetation within this Tree Preservation Area that is outlined within the by-law. Through discussions with the Forestry Division, an arborist report should be submitted with the application for the purpose of providing an inventory of the trees on-site, determining which trees, if any require removal and which are to be preserved. The report also prescribes mitigation measures to ensure the trees on-site are successfully preserved. As such, staff recommends that the application be deferred to allow the applicant to obtain an arborist report for review by the Forestry Division.

Conclusion

The Planning and Building Department recommends that the application be deferred.

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Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We are noting that any Transportation and Works Department concerns/requirements for this property will be addressed under the Pool Permit application, 21/004.





Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a pool permit. Based on review of the information currently available in this pool permit application, the variances concerning the pool, are correct. Please note that a building permit is required for the accessory structures.

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: Brandon Eidner, Zoning Examiner

Appendix 5 – Region of Peel Comments

We have no comments or objections.

Comments Prepared by: Diana Guida, Junior Planner