

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-04-21	File(s): A144.21 Ward: 9
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-04-29 1:00 PM

Consolidated Recommendation

The City has no objection to the application. 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 the construction of a swimming pool proposing:

1. A setback measured from a U3 Zone (utility) to a stone patio of 5.00m (approx. 16.40ft) whereas By-law 0225-2007, as amended, requires a minimum setback measured from a U3 Zone (utility) to a stone patio of 13.00m (approx. 42.65ft) in this instance; and
2. A setback measured from the intersection of the rear and side property line (north east corner) to a pool of 9.00m (approx. 29.53ft) whereas By-law 0225-2007, as amended, requires a minimum setback measured from the intersection of the rear and side property line (north east corner) to a pool of 13.00m (approx. 42.65ft) in this instance.

Amendments

From a cursory review of the variances as requested, the following clerical amendment is required:

2. A setback of 9m (29.53ft) measured from the pool to the adjacent U3 – Utility zone; whereas By-law 0225-2007, as amended, requires a minimum setback of 13.00m (approx. 42.65ft) for all buildings and structures and in-ground swimming pools to all lands zoned U-3 in this instance.

Background

Property Address: 2892 Tradewind Drive

Mississauga Official Plan

Character Area: Meadowvale Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

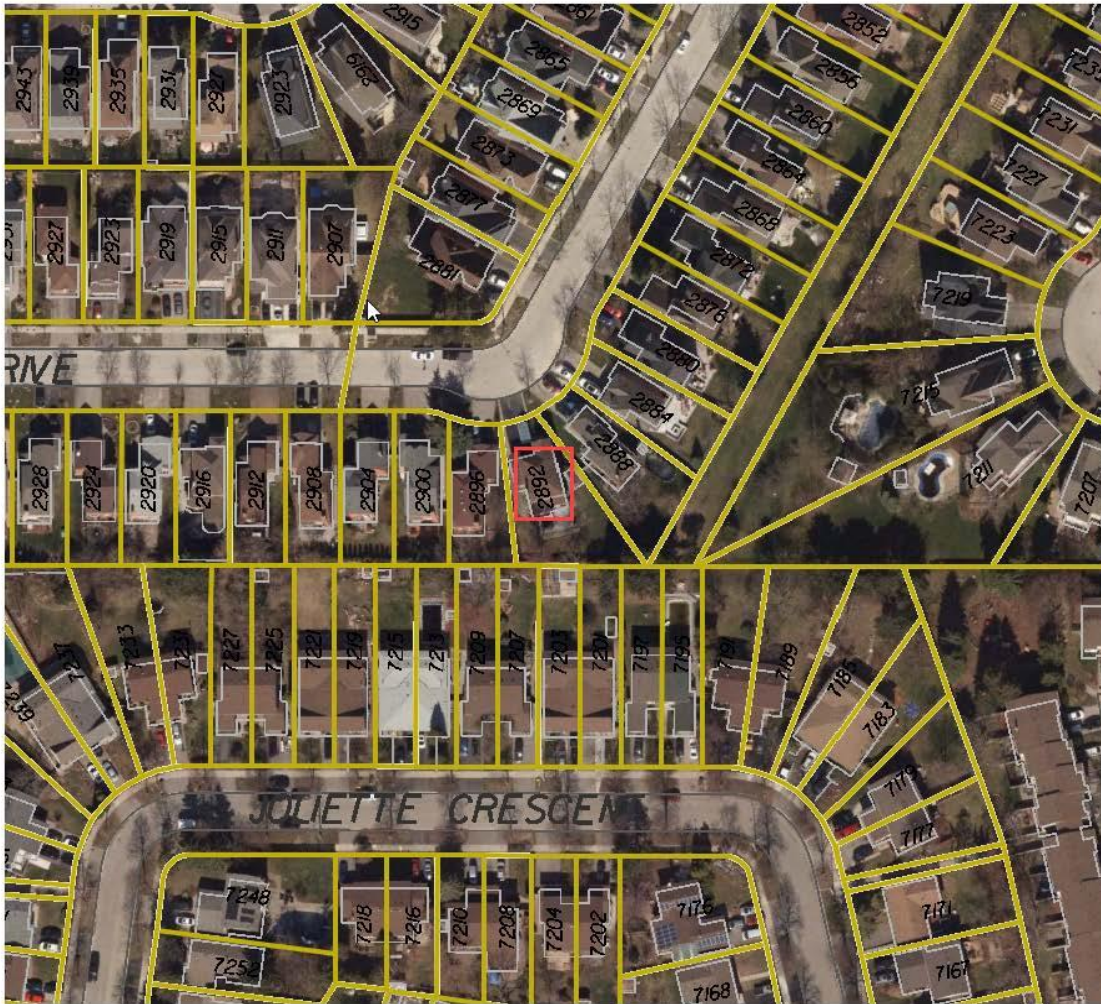
Zoning: R4-28 - Residential

Other Applications: None

Site and Area Context

The subject property is located within the Meadowvale Neighbourhood Character Area, located south-east of the Winston Churchill Blvd. and Tradewind Dr. intersection. The subject property is an interior parcel with a lot area of +/- 566.0m² and a lot frontage of +/- 7.84m. The property consists of a two-storey detached dwelling with minimal vegetation and landscaping in the front and rear yards. The surrounding neighbourhood consists exclusively of detached dwellings with lot frontages of +/-10.00m and minimal vegetative / natural landscaped elements present in the front yards.

The applicant is proposing to construct a new pool requiring variances related to setback.



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 as follows:

The subject property is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP) which permits detached, semi-detached, duplex dwellings and triplexes. 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 proposed pool is located in the rear of the property and cannot be seen from the street. The proposed pool is compatible with the surrounding area and does not pose significant impact to the abutting property. Staff is of the opinion that the general intent and purpose of the official plan is maintained.

The requested variances pertain to a utility corridor and the required setback from the corridor. The utility corridor does not abut the property directly and only triggers the setback requirement from one corner of the subject property. As the area impacted by the setback is only a small portion of the rear yard, Planning Staff have no concerns. Additionally there are no drainage concerns. Through a detailed review of the application, staff is of the opinion that the application is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning nature.

Conclusion

The Planning and Building Department recommends that the Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the application meets the requirements of Section 45 (1) of the Planning Act. 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

We note that we have no objections to the requested setback to the U3 Zone (utility) and also no drainage related concerns with the request.



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. From a cursory review of the variances as requested, the following clerical amendment is required:

3. A setback of 9m (29.53ft) measured from the pool to the adjacent U3 – Utility zone; whereas By-law 0225-2007, as amended, requires a minimum setback of 13.00m (approx.

42.65ft) for all buildings and structures and in-ground swimming pools to all lands zoned U-3 in this instance.

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: Brian Bonner, Zoning Examiner

Appendix 5 – Region of Peel Comments

We have no comments or objections.

Comments Prepared by: Diana Guida, Junior Planner