

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-05-27	File(s): A175.21
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-06-03 3:00 PM

Consolidated Recommendation

The City has no objection to the variance as requested.

Application Details

The applicants request the Committee to approve a minor variance to allow the construction of a swimming pool in the exterior side yard whereas By-law 0225-2007, as amended, does not permit a swimming pool in an exterior side yard in this instance.

Background

Property Address: 5647 Talaton Trail

Mississauga Official Plan

Character Area: Hurontario NHD
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R5 - Residential

Other Applications:
None

Site and Area Context

The subject property is located at the south-east corner of Talaton Trail and Shillington Drive. The subject property is an exterior parcel, with a lot area of +/- 454.20m² and a lot frontage of +/- 13.5m². The property consists of a two-storey detached dwelling with minimal vegetation and

landscaping in the front and rear yards. The surrounding neighbourhood consists of detached dwellings and townhouses with lot frontages of +/- 8m or greater with minimal vegetative / natural landscaped elements present in the front yards.

The applicant is proposing a new pool, requiring a variance related to exterior side yard.



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 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 compatible with the surrounding area and does not abut any property. Furthermore, a wood fence screens the proposed pool that is located in the side yard of the property. Staff is of the opinion that the general intent and purpose of the official plan is maintained.

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

The general intent of this portion of the by-law is to ensure that an adequate buffer exists between the abutting properties and accommodate an adequate swale for drainage purposes. Section 4.1.4.1 (swimming pool) permits an accessory outdoor swimming pool for a detached dwelling, requiring a minimum setback of 1.5m from all lot lines measured to the inside wall of the outdoor pool. The Applicant has proposed the swimming pool be located in the exterior side yard, whereas Section 4.1.4.1.1 does not permit an outdoor swimming pool in an exterior side yard. The intent of this section is so that the outdoor swimming pool does not pose any significant impact to the streetscape. Staff note there is an existing fence that would screen the swimming pool from the streetscape providing necessary privacy and maintaining a typical exterior side yard streetscape. Furthermore, the pool itself meets the setback requirements and there is no massing concern. The exterior side yard where the pool is proposed does not abut any property. Staff would note that the variance, as requested, meets the general purpose or intent of the Zoning By-law.

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

Staff note, the swimming pool proposes meets all other required setbacks and drainage requirements. The exterior side yard where the pool is proposed does not abut any properties.

The variance is nominal in nature, does not pose any significant negative impact to the streetscape and is an appropriate use of the amenity space. Through a detailed review, Staff is of the opinion that the application raises no concerns of a planning nature.

Conclusion

Based upon the preceding information, it is the opinion of Staff that the variances, as amended, meet the general intent and purpose of both the MOP and Zoning By-law; are minor in nature; and, are desirable for the orderly development of the lands. The Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Comments Prepared by: Connor DiPietro, Planning Associate

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committees information are photos depicting the subject property, in particular the area where the pool is being proposed. As this is a corner lot and drainage from the rear yard is currently directed towards the roadway (Shillington Drive), the pool should be constructed such that a drainage swale can be maintained in the rear yard between the fence and proposed pool in order that the existing drainage pattern is not impacted.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a pool permit under file POOL 21-61. Based on review of the information currently available in this permit application, the variances, as requested are correct.

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: Alana Zheng, Zoning Examiner

Appendix 5 – Region and Peel Comments

We have no comments or objections.

Comments Prepared by: Diana Guida, Junior Planner