

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-07-08	File(s): A265.21 Ward 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-07-15 1:00 PM

Consolidated Recommendation

The City 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.

Application Details

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

1. A setback measured from a pool to a G1 Zone (Greenlands) of 2.74m (approx. 8.99ft) whereas By-law 0225-2007, as amended, requires a minimum setback measured from a pool to a G1 Zone of 5.00m (approx. 16.40ft) in this instance; and
2. A setback measured from hardscape to a G1 Zone (Greenlands) of 1.20m (approx. 3.93ft) whereas By-law 0225-2007, as amended, requires a minimum setback measured from hardscape to a G1 Zone of 5.00m (approx. 16.40ft) in this instance.

Background

Property Address: 5188 Rothesay Court

Mississauga Official Plan

Character Area: Central Erin Mills Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

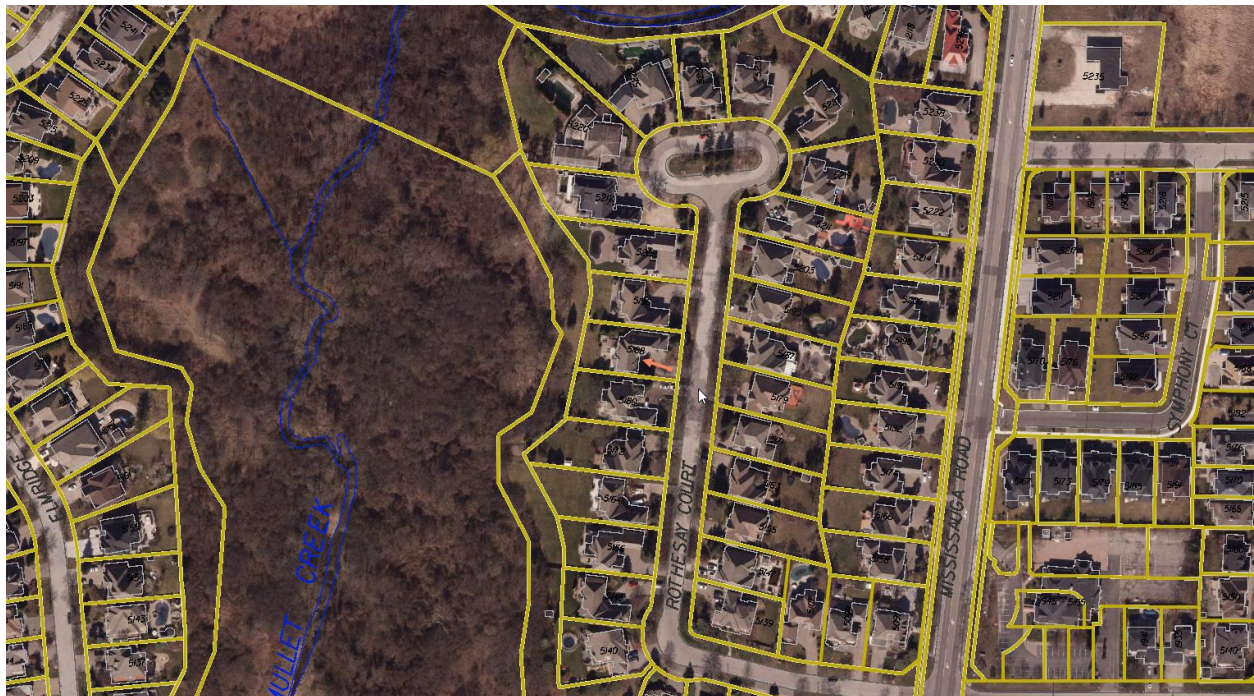
Zoning: R1-16 - Residential

Other Applications: POOL 21-148

Site and Area Context

The subject property is located north-west of the Mississauga Road and Eglinton Avenue West intersection, in the Central Erin Mills Neighbourhood Character Area. The neighbourhood is entirely residential and consists of two storey detached dwellings. The subject property contains an existing two storey dwelling and backs onto an area of heavy vegetation surrounding Mullet Creek. There is some vegetation on the subject property itself.

The applicant is proposing to construct a pool requiring a deficient setback measured to a G1 zone.



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 backs onto a G1 zone, which encompasses City owned lands called Bonne Brae. Through a review of the application there were no significant concerns identified regarding the location of the proposed pool. The deficient setback is measured to a pinch point, with the setback increasing along the length of the pool. Additionally the Credit Valley Conservation (CVC) Authority has reviewed the application and have no concerns with the proposed variances. As such, staff are of the opinion that the application is appropriate to be handled through the minor variance process.

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.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This department has no objections to the applicant's request.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a pool permit under file 21-148. 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 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has reviewed the above noted minor variance application and advises as follows:

1. The lands to the rear of the property are City owned lands, identified as Bonne Brae (P-155) and within the Significant Natural Area, zoned G-1, that are also classified as a naturally significant area within the City's Natural Heritage System. Section 6.3.24 of the Mississauga Official Plan states that the Natural Heritage System will be protected, enhanced, restored and expanded through the following measures:
 - a) ensuring that development in or adjacent to the Natural Heritage System protects and maintains the natural heritage features and their ecological functions through such means as tree preservation, appropriate location of building envelopes, grading, landscaping...;
 - b) placing those areas identified for protection, enhancement, restoration and expansion in public ownership, where feasible.

Given that the subject lands are subject to site plan control and pool permit, should the application be approved, Community Services provides the following notes:

1. The applicant will be required to submit a pool permit for review by City Staff. Tree preservation hoarding and securities may be required as part of the application process.

2. Stockpiling, construction access and encroachment of construction materials in the adjacent park/greenlands is not permitted.

Should further information be required, please contact Jim Greenfield, Park Planner, Community Services Department at 905-615-3200 ext. 8538 or via email jim.greenfield@mississauga.ca

Comments Prepared by: Jim Greenfield, Park Planner

Appendix 5 – Region of Peel Comments

Minor Variance Application: A-265/21

Development Planning: Diana Guida (905) 791-7800 x8243

Please be advised that the subject property is located within the limits of the regulated area of the Credit Valley Conservation (CVC).

The Region relies on the environmental expertise of the CVC for the review of development applications located within or adjacent to this regulated area in Peel and their potential impacts on the natural environment. Regional Planning staff therefore, request that the Committee and city staff consider comments from the CVC and incorporate their conditions of approval appropriately.

Comments Prepared by: Diana Guida, Junior Planner

Appendix 6- Conservation Authority Comments

Credit Valley Conservation (CVC) staff have reviewed the subject application and offer comments based on the following roles and responsibilities:

1. Watershed Based Resource Management Agency and Public (commenting) Body under the *Planning Act* - providing comments based on CVC's Board approved policies;
2. Planning Advisory Services - providing environmental planning and technical advice/comments based on service agreements or memorandum of understanding;
3. Delegated Responsibilities – providing comments representing the provincial interest regarding natural hazards (except forest fires) as identified in Section 3.1 of the *Provincial Policy Statement (2020)*;
4. Regulatory Responsibilities – providing comments to ensure the coordination of requirements under the *Conservation Authorities Act Section 28 regulation*, to eliminate unnecessary delay or duplication in process;
5. Source Protection Agency – providing advisory comments to assist with the implementation of the *CTC Source Protection Plan* under the *Clean Water Act*, as applicable.

SITE CHARACTERISTICS:

The subject property is adjacent to Mullett Creek and its associated floodplain and valley slope. In addition, the property appears to be located within the Credit River Watershed Natural Heritage System (NHS) and adjacent to the City of Mississauga NHS and Region of Peel Greenlands. It is the policy of CVC and the Province of Ontario to conserve and protect the significant physical, hydrological and biological features associated with the functions of the above noted characteristics and to recommend that no development be permitted which would adversely affect the natural features or ecological functions of these areas.

ONTARIO REGULATION 160/06:

The property is subject to the Development, Interference with Wetlands, and Alterations to Shorelines & Watercourses Regulation (Ontario Regulation 160/06). This regulation prohibits altering a watercourse, wetland or shoreline and prohibits development in areas adjacent to the Lake Ontario shoreline, river and stream valleys, hazardous lands and wetlands, without the prior written approval of CVC (i.e. the issuance of a permit).

PROPOSAL:

It is our understanding that the applicant requests the Committee to approve a minor variance to allow the construction of a pool proposing:

1. A setback measured from a pool to a G1 Zone (Greenlands) of 2.74m (approx. 8.99ft) whereas By-law 0225-2007, as amended, requires a minimum setback measured from a pool to a G1 Zone of 5.00m (approx. 16.40ft) in this instance; and
2. A setback measured from hardscape to a G1 Zone (Greenlands) of 1.20m (approx. 3.93ft) whereas By-law 0225-2007, as amended, requires a minimum setback measured from hardscape to a G1 Zone of 5.00m (approx. 16.40ft) in this instance.

COMMENTS:

Based on the review of the information and site visit on July 6, 2021, CVC staff note that the proposed works appear to be sufficiently setback from the natural hazards and features of concern. As such, CVC staff have **no concerns** and **no objection** to the approval of this minor variance by the Committee at this time.

It should be noted that a CVC permit will be required for the proposed development prior to issuance of a building permit.

Please circulate CVC any future correspondence regarding this application.

Comments Prepared by: Elizabeth Paudel, Junior Planner