

City of Mississauga Department Comments

Date Finalized: 2021-10-12	File(s): A412.21
To: Committee of Adjustment	Ward: 8
From: Committee of Adjustment Coordinator	Meeting date:2021-10-21 1:00:00 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, as requested, 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.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of an outdoor pool with a setback of 0.914m (approx. 3.000ft) from the lot line whereas By-law 0225-2007, as amended, requires an outdoor pool to have a minimum setback of 1.500m (approx. 4.921ft) from all lot lines in this instance.

Background

Property Address: 4213 Taffey Crescent

Mississauga Official Plan

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

Zoning By-law 0225-2007

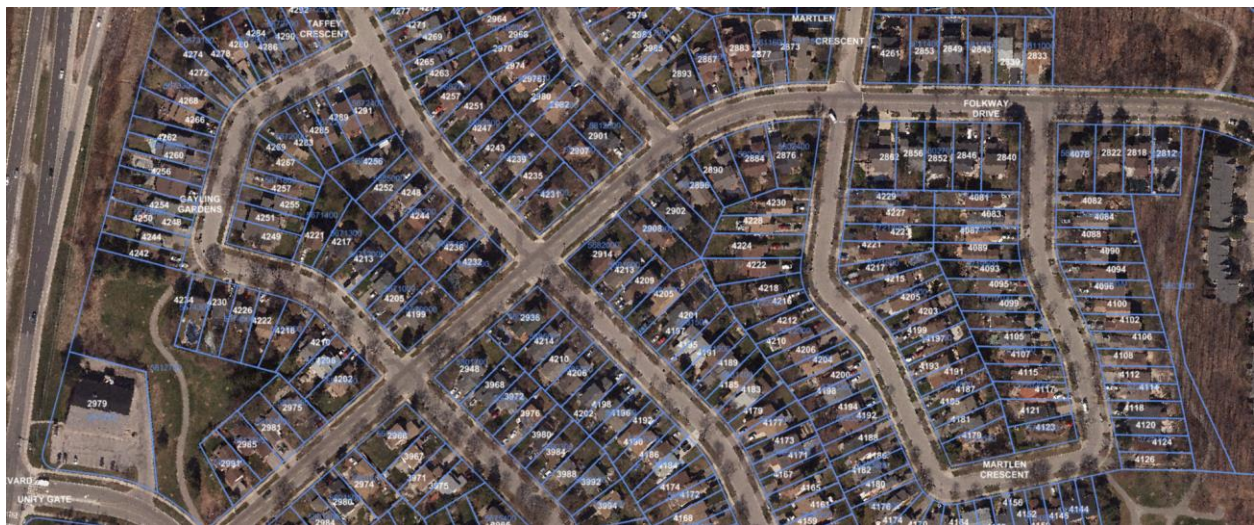
Zoning: R4 - Residential

Planning Applications: None

Site and Area Context

The subject property is located within the Erin Mills Neighbourhood, northeast of Winston Churchill Boulevard and Burnhamthorpe Road West. The immediate area is residential consisting of two storey semi-detached and detached dwellings, on lots with mature vegetation in the front and side yards. The subject property is a two storey detached dwelling with vegetation in the front yard.

The applicant is proposing an outdoor pool requiring a variance for outdoor pool 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 are as follows:

Variance #1 is pertains to outdoor pool setback. The applicant is requesting a variance to allow an outdoor pool with a setback of 0.914m (approx. 3.000ft) from the lot line where an outdoor pool is required to have a minimum setback of 1.500m (approx. 4.921ft) from all lot lines. The setbacks from a lot line to pool are to ensure that there is sufficient space for any maintenance or repairs to the pool that need to be made without needing to encroach onto a neighbour's property. In addition, in the event there is a major leak, it protects adjacent neighbour's properties in case their foundation is close to the lot line. Transportation and Works (T&W) staff

have no objection to the proposed reduced setback. However, T&W staff have expressed drainage concerns with the creation of the proposed gardens indicated on the applicant's drawings. It is staff's opinion that the proposed setback is sympathetic to the surrounding area and does not impact the neighbouring properties. 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.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This department has no objection to the proposed reduced setback from the pool to the lot line in this instance. We note that the current plans indicate proposed gardens along two sides of the pool between the pool and the property line. This department does not support the creation of gardens in these areas as they will typically be raised at the property line and impact drainage patterns along common property line swales. We would request that gardens be deleted from these areas to reduce the potential for drainage related issues with adjoining properties in the future.





Comments Prepared by: Dave Martin, Supervisor Development Engineering

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.

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: Brandon Eidner, Zoning Examiner