

# City of Mississauga Department Comments

Date Finalized: 2022-01-12	File(s): A15.22 Ward 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-01-20 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application, subject to the condition.

## Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of 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.

## Recommended Conditions and Terms

The applicant shall submit a letter/report from an arborist to the satisfaction of the City of Mississauga addressing potential impacts on nearby trees and shall implement, as necessary, any recommendations included in the report to protect surrounding trees during construction.

## Background

**Property Address:** 5304 Champlain Trail

### Mississauga Official Plan

Character Area: Hurontario Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

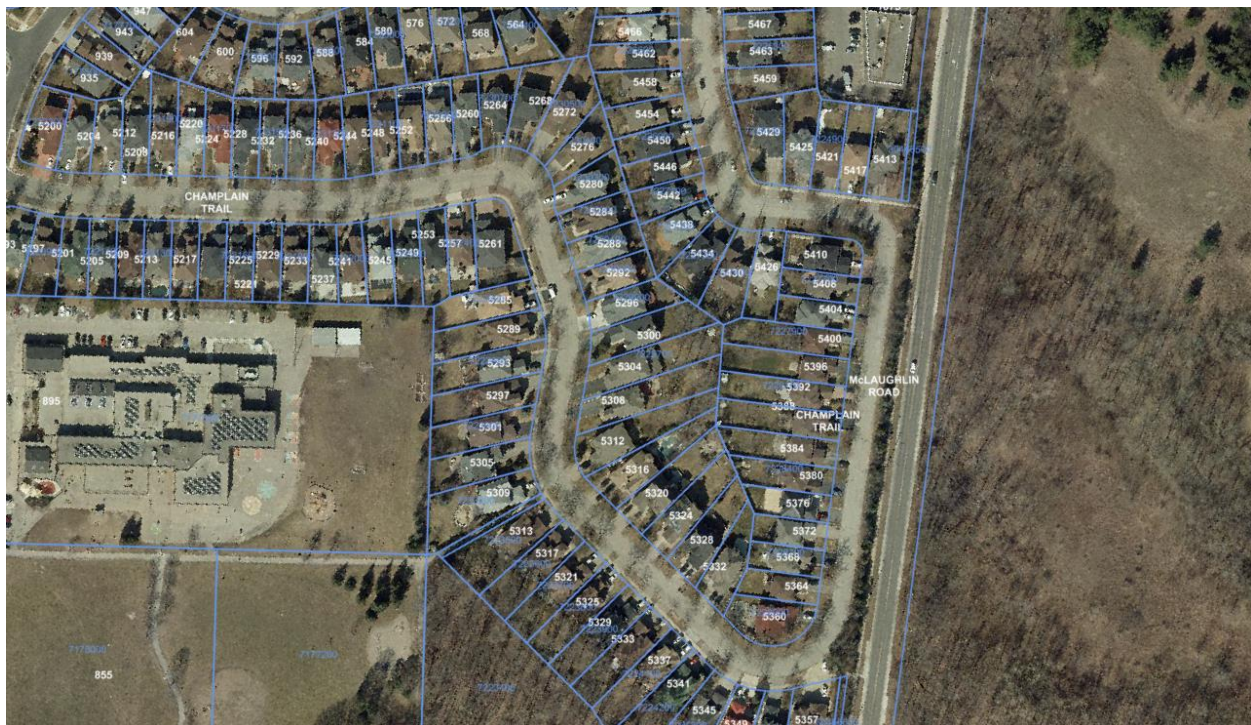
**Zoning:** R4-25 - Residential

**Other Applications:** POOL 21-278

## Site and Area Context

The subject property is located north-west of the McLaughlin Road and Bristol Road West intersection in the Hurontario neighbourhood. It contains a detached dwelling with a lot area of +/- 875.6m<sup>2</sup> (9,424.9ft<sup>2</sup>). Limited landscaping elements are present in both the front and rear yards, including some mature vegetation located only in the rear yard. The surrounding area context is predominantly residential, consisting of detached dwellings, however the subject property represents one of the largest sizes in the area due to its depth.

The applicant is proposing to construct a pool requiring variances for the location of the pool.



## 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 is located in the Hurontario Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, duplex and triplex dwellings, as well as other low-rise dwellings with individual frontages. 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 requested variance is to permit a swimming pool in a Tree Preservation Area. The intent of restricting development in tree preservation areas is to protect clusters of mature trees within established subdivisions and developed areas. Staff note that while the proposed pool does not propose the removal of any trees, there are several trees in close proximity to the proposed pool both on the subject property and abutting property. Staff are satisfied that if the applicant can demonstrate that there will be no significant impacts to the nearby trees, through the submission of an arborist's report as requested in the proposed condition, that the application is minor in nature, appropriate development of the subject lands, and maintains the general intent and purpose of the Zoning By-law and Official Plan.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

Enclosed are photos depicting the rear yard which shows a number of mature trees within the Tree Preservation Area. The submitted Site Plan does not accurately depict the location of the proposed in ground pool area in relation to any mature existing trees, including the closest mature tree on the abutting property. We are also noting that no justification has been provided to assess any impacts that the proposed pool would have on the root structure of the trees within the Tree Preservation Area. In view of the above, we would suggest that our Forestry Section be circulated to provide an opinion /assessment on the proposal.







Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

## **Appendix 2 – Zoning Comments**

The Building Department is currently processing a Pool Enclosure Permit under file POOL 21-278. 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: Brandon Eidner, Zoning Examiner