

City of Mississauga Department Comments

Date Finalized: 2022-02-09	File(s): A363.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-02-17 3:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

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

1. A rear yard measured to a pool of 1.31m (approx. 4.30ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard measured to a pool of 1.50m (approx. 4.92ft) in this instance;
2. An interior side yard measured to pool heating equipment of 0.31m (approx. 1.02ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard measured to pool heating equipment of 0.61m (approx. 2.00ft) in this instance;
3. An interior side yard measured to an a/c unit of 0.18m (approx. 0.59ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard measured to an a/c unit of 0.61m (approx. 2.00ft) in this instance;
4. A rear yard measured to hard surface of 0.00m whereas By-law 0225-2007, as amended, requires a minimum rear yard measured to hard surface of 0.61m (approx. 2.00ft) in this instance; and
5. A setback measured from hard surface to a side lot line of 0.19m (approx. 0.62ft) whereas By-law 0225-2007, as amended, requires a minimum setback measured from hard surface to a side lot line of 0.61m (approx. 2.00ft) in this instance.

Amendments

The Building Department is currently processing a Pool Enclosure Permit under file POOL 21-220. Based on review of the information currently available in this permit application, we advise that variances 4 and 5 should be amended as follows:

- 4.A rear yard setback measured to hard surface landscaping of 0.00m in the rear yard, whereas By-law 0225-2007, as amended, requires a minimum rear yard setback measured to hard surface landscaping of 0.61m (approx. 2.00ft) in the rear yard, in this instance; and

5. A interior side yard setback measured to hard surface landscaping of 0.19m (approx. 0.62ft) in the rear yard, whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback measured to hard surface landscaping of 0.61m (approx. 2.00ft) in the rear yard, in this instance.

Background

Property Address: 1387 Trotwood Avenue

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

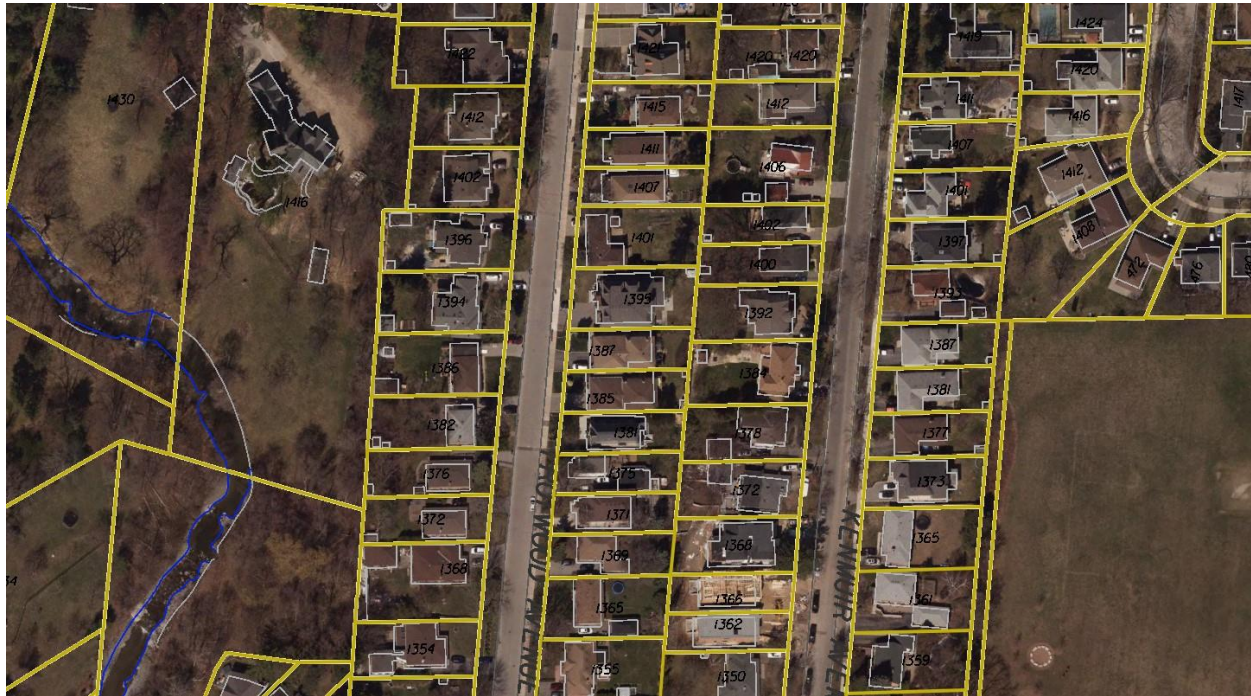
Zoning: R3- 1 - Residential

Other Applications: Pool Enclosure Permit under file POOL 21-220.

Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, northwest of Cawthra Road and Atwater Avenue. The neighbourhood is entirely residential consisting of one and two-storey detached dwellings, on lots with mature vegetation in the front and side yards. The subject property contains a one-storey detached dwelling with vegetation in the front yard.

The applicant is requesting to permit a pool that requires variances related to setbacks.



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:

The subject property is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP) which permits detached dwellings.

T&W Staff have identified concerns regarding the significant amount of hard surface landscaping located in the rear and side yards of the subject property. According to T&W Staff, run-off from the hard surface area is impacting the surrounding properties. Planning staff are particularly concerned with variances 4 and 5 regarding the setbacks measured to hard surface landscaping. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between the abutting properties and to accommodate an adequate swale for drainage purposes. Staff are of the opinion that the proposed setbacks are not adequate and will cause drainage concerns. The remaining variances are of no concern to staff.

As such, staff recommend that the application be deferred to be redesigned to address concerns raised above.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed are photos depicting the rear yard and the existing pool. We have concerns with the amount of hard surface that has been created on site, specifically along the side yards and rear lot line. In its current state, all run-off from the hard surface area is impacting the surrounding properties. Furthermore, it appears that the pool and hard surface area were all constructed without obtaining any type of permit.

Should Committee see merit in the applicant's requests, **we ask that as a condition of approval**, the existing hard surface be cut back to a minimum 0.3m from both side limits and rear lot lines. Additionally, river rock is to be installed along this area to help dissipate the surface flow onto the adjacent properties.









Comments Prepared by: John Salvino, Development Engineering Technoogist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Pool Enclosure Permit under file POOL 21-220. Based on review of the information currently available in this permit application, variances 1 and 2, as requested are correct.

More information is required in order to verify variance 3.

In addition, based on review of the information currently available in this permit application, we advise that variances 4 and 5 should be amended as follows:

4. A rear yard setback measured to hard surface landscaping of 0.00m in the rear yard, whereas By-law 0225-2007, as amended, requires a minimum rear yard setback measured to hard surface landscaping of 0.61m (approx. 2.00ft) in the rear yard, in this instance; and
5. A interior side yard setback measured to hard surface landscaping of 0.19m (approx. 0.62ft) in the rear yard, whereas By-law 0225-2007, as amended, requires a

minimum interior side yard setback measured to hard surface landscaping of 0.61m (approx. 2.00ft) in the rear yard, in this instance.

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