

City of Mississauga Department Comments

Date Finalized: 2022-03-16	File(s): A119.22 Ward 9
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-03-24 1:00:00 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 the contruction of a patio and swimming pool proposing:

1. A setback of 6.00m (approx. 19.68ft) from the U3 Zone (Utility) to the swimming pool in the rear yard whereas By-law 0225-2007, as amended, requires a minimum setback of 16.00m (approx. 52.49ft) from a U3 Zone (Utility) to a swimming pool in this instance; and,
2. A setback of 10.87m (approx. 35.67ft) from the U3 Zone (Utility) to the patio in the rear yard whereas By-law 0225-2007, as amended, requires a minimum setback of 16.00m (approx. 52.49ft) from a U3 Zone (Utility) to a patio in this instance.

Background

Property Address: 7267 Windrush Crt

Mississauga Official Plan

Character Area: Meadowvale Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

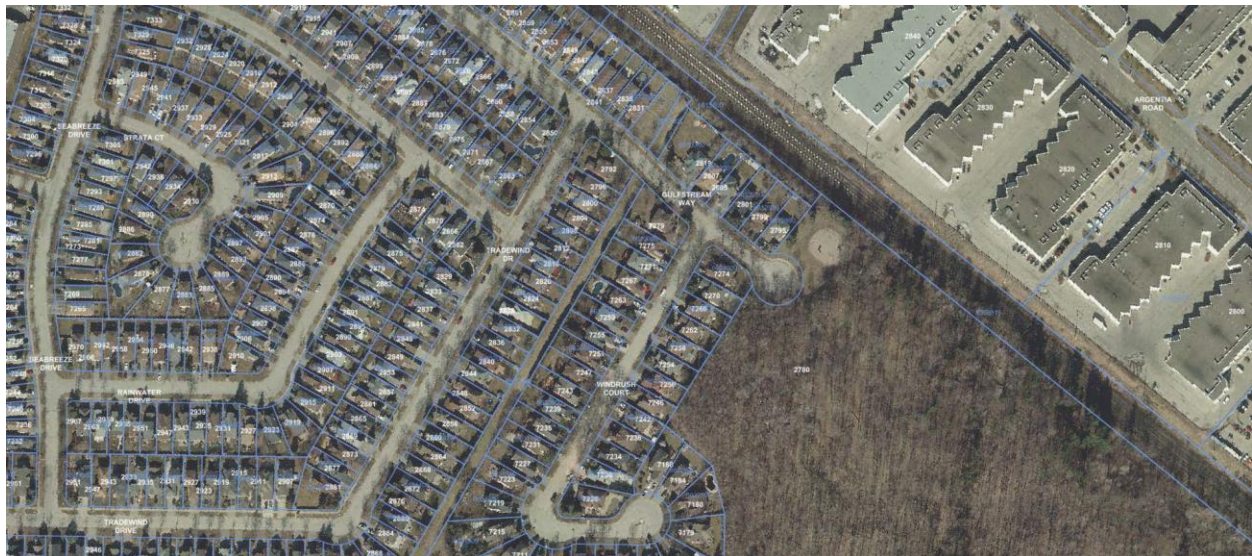
Zoning: R4-27 - Residential

Other Applications: None

Site and Area Context

The subject property is located north-east of the Winston Churchill Boulevard and Tradewind Drive intersection in the Meadowvale neighbourhood. It currently contains a detached dwelling with an attached garage and backs onto a vacant strip of land containing a pipeline. Limited landscaping and vegetation elements are present in both the front and rear yards. The surrounding context is exclusively residential consisting of detached dwellings, however townhouses and industrial uses are present in the larger context.

The applicant is proposing a pool and patio in the rear yard requiring variances for setbacks to the U3 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 is located in the Meadowvale Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, and duplex dwellings.

The applicant is proposing a pool and patio within the required 16 metre setback from the abutting U3 zone, which contains an Enbridge Pipeline. The U3 lands are owned by TransCanada Pipelines Limited, which benefits from a 6.1 metre (approx. 20 foot) easement

along the rear of the property. The applicant is proposing a rear yard setback measured to the pool of 6 metres (approx. 19.7 feet) which will encroach 0.1 metres (approx. 0.3 feet) into the easement. Furthermore an email dated January 14, 2022 from TransCanada Pipelines indicates that they have no objection to the pool if it is located 6.1 metres (approx. 20 feet) from the rear property line.

While staff do not have an objection to the proposed pool and patio in theory, staff are unable to support a pool encroaching into the easement. Staff therefore recommend that the application be deferred to allow the applicant to relocate the pool outside of the existing easement.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committee's information are some photos which depict the rear yard where the proposed pool and patio are being proposed. From the correspondence submitted with the application we note that the applicant has contacted TransCanada Pipelines Limited (TCPL) and they would have no objection to the installation of the pool provided that a 6.10M setback is maintained from the property line. We have reviewed the Plan of Subdivision Plan (43M-907), the Underground Services Plan (C-26435) and Grading Plan (C-26452) and note that the Trans Canada Pipeline has a right-of way within Block 105, Plan 43M-907 with an approximate width of 9.144M. In addition to the easement within Block 105, there is an additional TransCanada Pipelines Limited easement within the applicant's lands with an approximate width of 6.096 M.

In view of the above, we question if Variance #1 should reflect at least a 6.10M setback as requested by TCPL and also to ensure that there would be no encroachment into any existing easement.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

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.

We note that a Pool Enclosure Permit is 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