

City of Mississauga Department Comments

Date Finalized: 2022-05-04	File(s): A239.22 Ward 8
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-05-12 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 construction of a swimming pool and accessory structure proposing:

1. An accessory structure (cabana) located in the front and exterior side yards whereas By-law 0225-2007, as amended, does not permit an accessory structure to be located between the front wall of a dwelling and the front lot line in this instance;
2. A minimum exterior side yard setback of 0.61m (approx. 2.00ft) to the accessory structure whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 7.50m (approx. 24.61ft) in this instance;
3. A swimming pool located in the front and exterior side yards whereas By-law 0225-2007, as amended, only permits a swimming pool in a rear yard in this instance; and,
4. Pool heating/filtering equipment to be located in the proposed accessory structure (cabana) in the front yard whereas By-law 0225-2007, as amended, does not permit pool heating/filtering equipment to be located in a front yard in this instance.

Amendments

The Building Department is currently processing a Building Permit under file BP 9NEW 22-761. Based on review of the information currently available in this permit application, we advise that the variance #2 is correct. Furthermore, the following variances should be amended as follows:

1. An accessory structure (cabana) located in the front yard whereas By-law 0225-2007, as amended, does not permit an accessory structure to be located in the front yard, in this instance;
3. A swimming pool located in the front and exterior side yards whereas By-law 0225-2007, as amended, does not permit swimming pools in the front or exterior side yards, in this instance;

In addition, we advise that the following variance be added:

6. A minimum exterior side yard setback of 0.31m (approx. 1.00ft) to the accessory structure eaves whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 7.05 m (approx. 24.61ft) to the accessory structure eaves in this instance;

Recommended Conditions and Terms

We request that the accessory structure (shed) be removed from within the municipal boulevard (Harkiss Road) and relocated onto private property. In addition, we would request that the proposed gate that is shown on the Tudor Gate side in proximity to the existing illegal accessory structure be removed so as not to encourage access to the illegal accessory structure.

Background

Property Address: 3350 Tudor Gate

Mississauga Official Plan

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

Zoning By-law 0225-2007

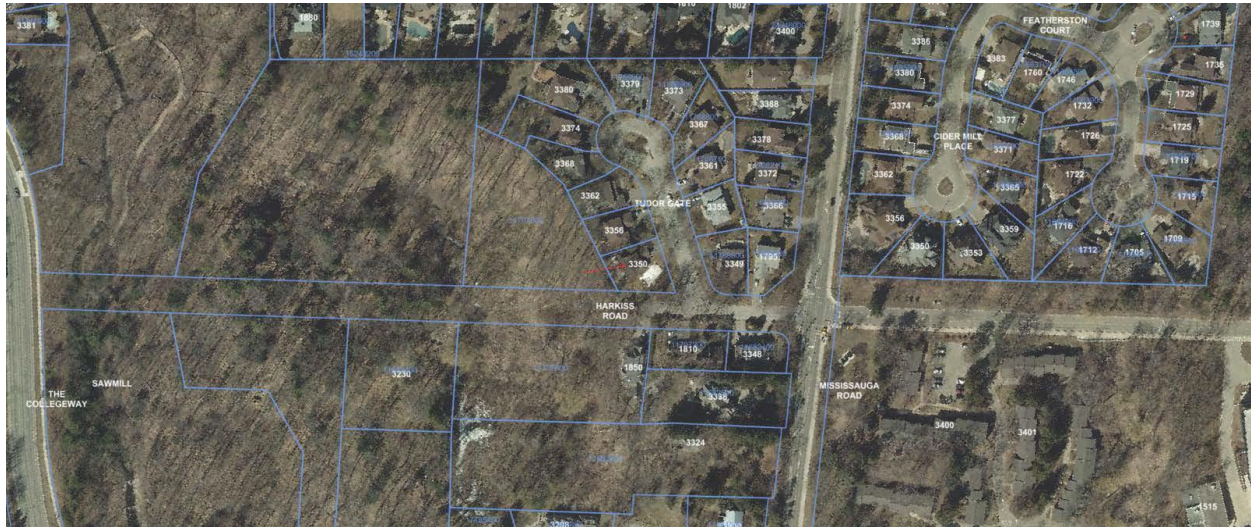
Zoning: R2 - Residential

Other Applications: Building Permit under file BP 9NEW 22-761

Site and Area Context

The subject property is located in the Erin Mills Neighbourhood Character Area, southwest of the Burnhamthorpe Road West and Mississauga Road intersection. The immediate neighbourhood primarily consists of older and newer two-storey detached dwellings with mature vegetation in the front yards. The subject property contains a two-storey detached dwelling with mature vegetation in the front yard.

The applicant is seeking variances related to setbacks, a swimming pool and accessory structure.



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 I on Schedule 10 of the Mississauga Official Plan (MOP), which permits detached dwellings.

Planning staff are concerned that the location and positioning of the proposed accessory structure is inappropriate. Furthermore, staff are unable to determine the value of the setbacks to the accessory structure, as the drawings provided do not clearly indicate the fence and lot lines.

Comments received from Transportation and Works staff require the applicant to remove a proposed gate shown on the applicant's drawings and an existing accessory structure from a municipally owned right-of-way (Harkiss Road).

Lastly, Zoning staff require an established grade calculation in order to determine if the height of the proposed accessory structure requires an additional variance.

As such, staff recommends that the application be deferred in order to allow the applicant an opportunity to address staffs concerns.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

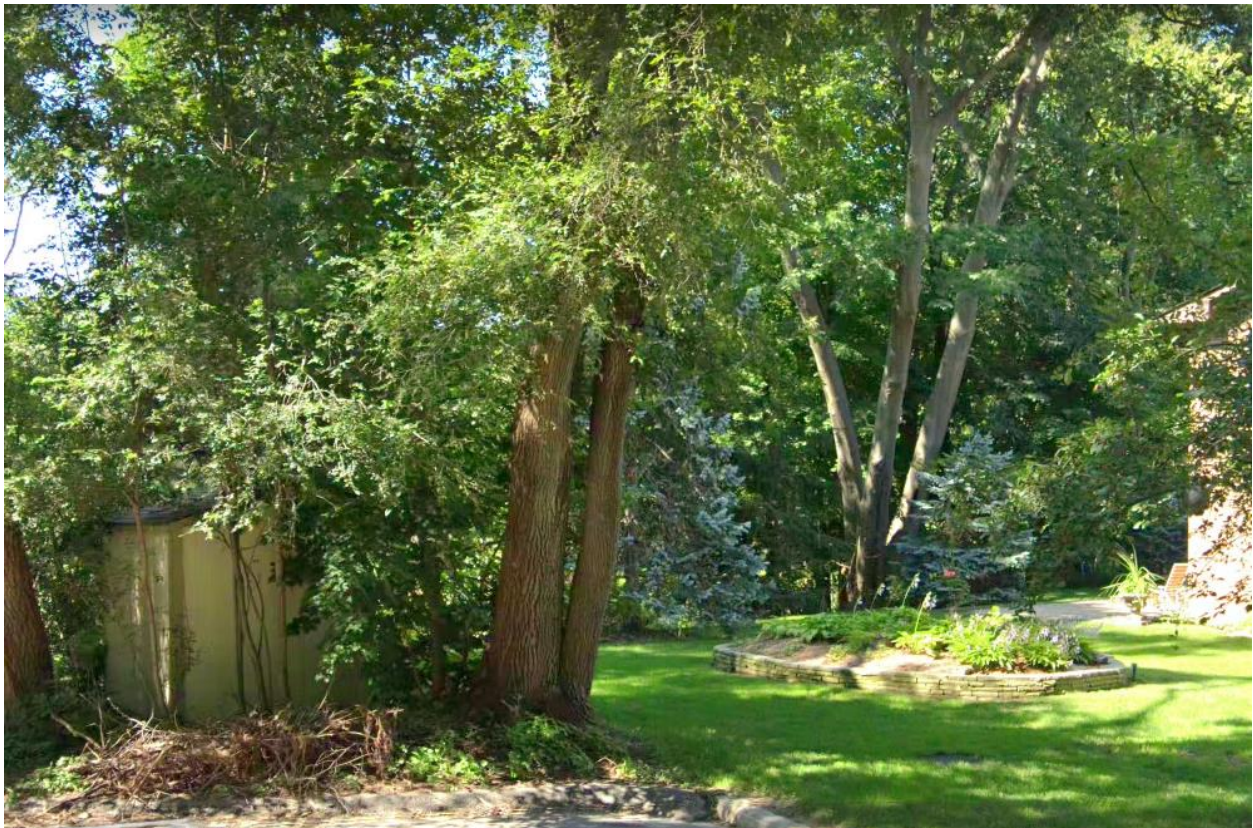
Appendix 1 – Transportation and Works Comments

Enclosed you will find photos of the area where the pool and structure are proposed. This Department does not have a concern with the applicant's proposal; however, we do have a concern with the existing woodshed that has been constructed within the municipal boulevard area at the terminus of Harkiss Road. We request that the shed be removed from within the municipal boulevard and relocated onto private property. In addition, we would request that the proposed gate that is shown on the Tudor Gate side in proximity to the existing illegal shed be removed so as not to encourage access to the illegal shed. This department would support a deferral of the application to have the plans show the existing shed to be removed and/or relocated out of the municipal boulevard.

We also note that CVC approval will be required as the proposed pool is within the CVC Regulated Area for Sawmill Creek.







Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file BP 9NEW 22-761. Based on review of the information currently available in this permit application, we advise that the variance #2 is correct. Furthermore, the following variances should be amended as follows:

1. An accessory structure (cabana) located in the front yard whereas By-law 0225-2007, as amended, does not permit an accessory structure to be located in the front yard, in this instance;
3. A swimming pool located in the front and exterior side yards whereas By-law 0225-2007, as amended, does not permit swimming pools in the front or exterior side yards, in this instance;

In addition, we advise that the following variance be added:

6. A minimum exterior side yard setback of 0.31m (approx. 1.00ft) to the accessory structure eaves whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 7.05 m (approx. 24.61ft) to the accessory structure eaves in this instance;

Lastly, we can't confirm variance # 4 at this time, and we require an established grade calculation to determine if the height of the proposed accessory structure will require an additional minor variance.

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: Maria Fernandez, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has no objections to 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 Sawmill Valley Trail (P-161) and within 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.

Should the application be approved, Community Services provides the following notes:

1. Construction access from the adjacent park/greenlands is not permitted.
2. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.
3. Hoarding and protection may be required as part of a Pool Permit.

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 4 – CVC Comments

It is our understanding the application at 3350 Tudor Gate, Mississauga requests the Committee to approve a minor variance to allow the construction of a swimming pool and accessory structure proposing:

1. An accessory structure (cabana) located in the front and exterior side yards whereas By-law 0225-2007, as amended, does not permit an accessory structure to be located between the front wall of a dwelling and the front lot line in this instance;
2. A minimum exterior side yard setback of 0.61m (approx. 2.00ft) to the accessory structure whereas Bylaw 0225-2007, as amended, requires a minimum exterior side yard setback of 7.50m (approx. 24.61ft) in this instance;
3. A swimming pool located in the front and exterior side yards whereas By-law 0225-2007, as amended, only permits a swimming pool in a rear yard in this instance; and,
4. Pool heating/filtering equipment to be located in the proposed accessory structure (cabana) in the front yard whereas By-law 0225-2007, as amended, does not permit pool heating/filtering equipment to be located in a front yard in this instance.

Based on the review of the information, CVC staff have no concerns with the requested variance. As such, CVC staff have no objection to the approval of this minor variance by the Committee at this time. Please circulate CVC on any future correspondence regarding this application.

I trust these comments are sufficient. Please contact the undersigned should you have any questions.

Comments Prepared By: Elyssa Pompa, Junior Planner

Appendix 5 – Region of Peel Comments

Comments: 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: Joseph Filice, Junior Planner