

City of Mississauga Department Comments

Date Finalized: 2022-05-04	File(s): A256.22 Ward 10
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 Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the application meets the requirements of Section 45(1) of the Planning Act.

Application Details

The applicant requests the Committee to permit a pool within the rear yard of the subject property proposing a setback of 1.53m (approx. 5.02ft) to the abutting G1 – Greenlands zone; whereas By-law 0225-2007, as amended, requires a minimum setback of 5.00m (approx. 16.4ft) from a pool to a G1 – Greenlands zone in this instance.

Background

Property Address: 6878 Summer Heights Dr

Mississauga Official Plan

Character Area: Lisgar Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

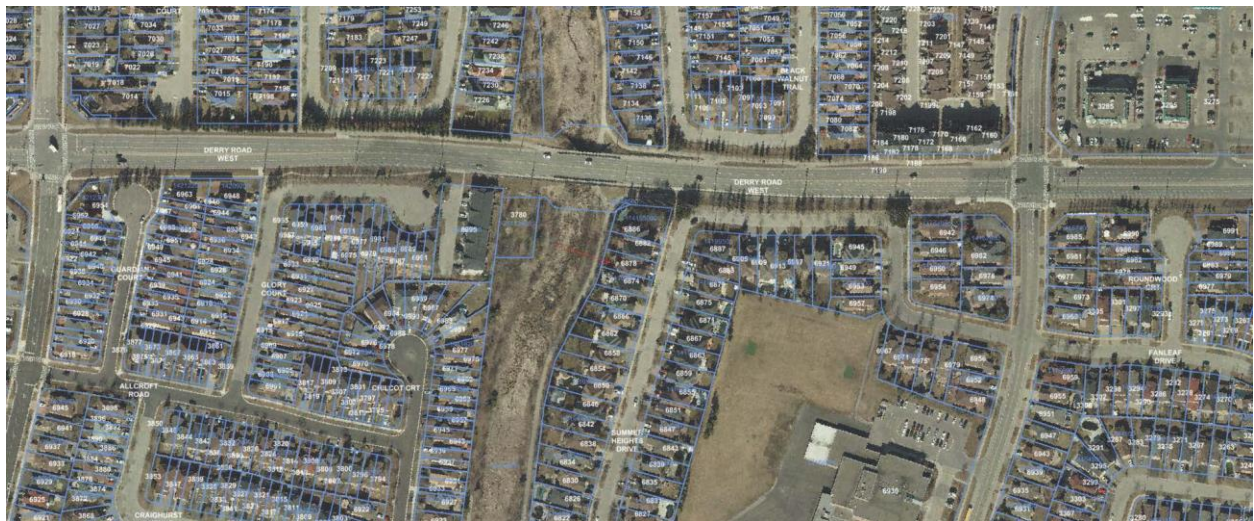
Zoning: R4 - Residential

Other Applications: POOL 22-14

Site and Area Context

The subject property is located south-west of the Derry Road West and Forest Park Drive intersection in the Lisgar neighbourhood. It currently contains a two-storey detached dwelling and has a lot area of 430.96m² (4,638.8ft²). Limited landscaping and vegetation elements are present in the rear yard, however the property does back onto a natural area. The surrounding area context is predominantly residential, consisting of a mix of detached, semi-detached and townhouse dwellings.

The applicant is proposing a pool in the rear yard requiring a variance for setback to a G1 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 Lisgar Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits only detached dwellings in this instance.

The subject property backs onto a G1 zone, which encompasses City owned lands called Lisgar Meadow Brook. Through a review of the application there were no significant concerns identified regarding the location of the proposed pool. Staff note that a pedestrian walkway is present between the rear lot line and the natural feature, providing an additional buffer for any potential impacts. As such, staff are of the opinion that the application is appropriate to be handled through the minor variance process and presents no concerns of a planning nature.

Staff note that the property is regulated by Conservation Halton, however at the time of the writing of this report no comments had been received. Planning staff rely on the expertise of Conservation Halton staff surrounding matters in regulated areas, and should comments be received prior to the hearing Planning staff's position on the file may change.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We note that the Transportation and Works Department has no objections to the proposed reduction in setback for the construction of the pool as it will not impact or alter the existing grading and drainage pattern for this property.





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 22-14. 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: 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 Lisgar Meadow Brook (P-334) 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 – 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