

# City of Mississauga Department Comments

Date Finalized: 2022-06-08	File(s): A274.22
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2022-06-16 1:00:00 PM

## Consolidated Recommendation

The City has no objection to the variance as requested.

## Application Details

The applicant requests the Committee to approve a minor variance to allow a swimming pool in the exterior side yard proposing an exterior side yard setback of 3.32m (approx. 10.89ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 6.00m (approx. 19.69ft) in this instance.

### Amendments

The Building Department is currently processing a Preliminary Zoning Review application under file PREAPP 22-437. Based on review of the information currently available for this building permit, we advise that the variance should be amended as follows:

1. A swimming pool located in the front yard proposing an exterior side yard setback of 3.32m (approx. 10.89ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 6.00m (approx. 19.69ft) in this instance.

Furthermore, we advise that the following variance(s) are to be added:

2. A swimming pool located in the front yard, whereas By-law 0225-2007, as amended, does not permit a swimming pool located in the front in this instance;
3. Swimming pool equipment located in the front yard, whereas By-law 0225-2007, as amended, does not permit swimming pool equipment located in the front in this instance.

## Background

**Property Address:** 945 Aviation Rd

### Mississauga Official Plan

Character Area: Lakeview Neighbourhood  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

**Zoning:** R3-75 - Residential

**Other Applications:** PREAPP 22-437, Building Permit – BP 22-1829

### Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, south of Cawthra Road and Lakeshore Road East. The neighbourhood is entirely residential, consisting primarily of one, two and three storey detached dwellings with mature vegetation in the front yards. The subject property contains an existing three-storey detached dwelling with minimal vegetation in the front yard.

The applicant is proposing a swimming pool requiring a variance related to the pool and pool equipment's location in the front yard.



## 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:

#### **Does the proposal maintain the general intent and purpose of the Official Plan?**

The subject property is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP), which permits detached, semi-detached, duplex dwellings and triplexes. 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 proposed pool is compatible with the surrounding area. Furthermore, a wood fence screens the proposed pool that is located in the front yard of the property. Staff is of the opinion that the general intent and purpose of the official plan is maintained.

#### **Does the proposal maintain the general intent and purpose of the Zoning By-law?**

The applicant has proposed the swimming pool and swimming pool equipment be located in the front yard, whereas Sections 4.1.4.1.1 and 4.1.6.1 does not permit a swimming pool or swimming pool equipment in a front yard. The intent of this section is to ensure that the addition of a pool on a private property does not pose any significant impact to the existing streetscape. Staff that note that the existing fence that would screen the swimming pool and swimming pool equipment from view providing necessary privacy and maintaining a typical front yard streetscape. Furthermore, the pool and equipment meets the setback requirements and there is no massing concerns. Lastly, the pool is technically located in the exterior side yard, however, since the subject property is a corner lot, the exterior side of the property with the smallest frontage is the front yard. Staff would note that the variance, as requested, meets the general purpose or intent of the zoning by-law.

#### **Is the proposal desirable for the appropriate development of the subject lands and minor in nature?**

Staff note, the swimming pool and equipment proposes meets all other required setbacks and drainage requirements. Furthermore, the pool is technically located in an exterior side yard. The variance is nominal in nature, does not pose any significant negative impact to the streetscape and is an appropriate use of the amenity space. Through a detailed review, Staff is of the opinion that the application raises no concerns of a planning nature.

## Appendices

### Appendix 1 – Transportation and Works Comments

Enclosed for Committee's easy reference are photos of the existing side yard where the pool is proposed. We have no drainage related concerns.







Comments Prepared by: John Salvino, Development Engineering Technologist

## Appendix 2 – Zoning Comments

The Building Department is currently processing a Preliminary Zoning Review application under file PREAPP 22-437. Based on review of the information currently available for this building permit, we advise that the variance should be amended as follows:

1. A swimming pool located in the front yard proposing an exterior side yard setback of 3.32m (approx. 10.89ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 6.00m (approx. 19.69ft) in this instance.

Furthermore, we advise that the following variance(s) are to be added:

2. A swimming pool located in the front yard, whereas By-law 0225-2007, as amended, does not permit a swimming pool located in the front in this instance;

3. Swimming pool equipment located in the front yard, whereas By-law 0225-2007, as amended, does not permit swimming pool equipment located in the front in this instance.

Lastly, as noted in our comments in the application, we do not have sufficient information to confirm if the accessory structure (exterior shower and washroom) are in compliance with Zoning By-law 0225-2007.

Our comments are based on the plans received by Zoning staff on 04/05/2022 for the above captioned building permit application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: Adam McCormack, Zoning Examiner