

City of Mississauga Department Comments

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| Date Finalized: 2022-07-06 | File(s): A299.22 Ward: 1 |
| To: Committee of Adjustment | |
| From: Committee of Adjustment Coordinator | Meeting date:2022-07-14 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 an existing swimming pool with:

1. A minimum rear yard setback of 0.25m (approx. 0.82ft) to the swimming pool whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 1.50m (approx. 4.92ft) to a swimming pool in this instance;
2. A rear yard setback of 0.0m to the interlocking stone hardscaping whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 0.6m (approx. 2.0ft) to hardscaping in this instance;
3. A side yard setback of 0.3m (approx. 0.98m) to the interlocking stone hardscaping whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 0.6m (approx. 2.0ft) to hardscaping in this instance.

Background

Property Address: 2201 Sidney Dr

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3-75 - Residential

Other Applications: Pool Enclosure Permit under file POOL 21-208

Site and Area Context

The subject property is located in the Lakeview Neighbourhood Character Area, northeast of the Queensway East and Dixie Road intersection. The immediate neighbourhood primarily consists of a mix of older and newer one and 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 proposing a swimming pool requiring 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 located in the Lakeview 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.

Staff has identified concerns with the proposed pool's location. According to Transportation and Works staff, the applicant previously submitted a Pool Permit application and the pool was

constructed in a different location than what was shown on drawings in the Pool Permit application.

The proposed setbacks are of particular concern to staff. Variance #1 pertains to a rear yard setback to a swimming pool. The setbacks from a lot line to a pool are to ensure that there is sufficient space for any maintenance or repairs to the pool that need to be made without needing to encroach onto a neighbour's property. In addition, in the event there is a major leak, it protects adjacent neighbour's properties in case their foundation is close to the lot line. The proposed rear yard setback of 0.25 (0.82ft) would not provide sufficient space for maintenance or repairs to the pool. Furthermore, given the proximity of the pool to the lot line, underground pool equipment (piping) may be encroaching onto the neighbouring lands to the east.

The remaining variances are for setbacks to the interlocking stone hardscaping. The intent of this portion of the by-law is to ensure that an appropriate buffer exists between abutting properties. Staff cannot support Variance #2 as no setback is proposed. Staff is concerned that any splashing or flooding from the pool may cause negative impacts to the easterly neighbouring properties. Staff have no concerns with Variance #3, as this will provide an adequate buffer to the lot line and allow a swale to ensure drainage is properly managed.

As such, staff recommends that the application be deferred to allow the applicant an opportunity to address concerns raised by staff in the appendices.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We advise that this Department have a concern with the pool location. Our Inspectors have been onsite and have commented on the original Pool Permit process. It seems that the pool was not constructed in the location that was shown on the original plans through the pool permit. Furthermore, the applicant has had the property corners staked out by a Surveyor and found that the rear fence line is encroaching onto the commercial property to the east. You will find attached marked up photos that show where the property limit is in relation to the pool, existing wood fence, patio surface and concrete pad. An existing Bell easement is also present. We acknowledge that Bell has provided an email stating that they have no concerns.

We cannot support Minor Variance number 1 that asks for a 0.25m setback to the edge of the pool. This would make maintenance for the pool problematic. We also cannot tell visibly if there is any encroachment of the underground pool equipment (piping) onto the neighbouring lands.

We cannot support Minor Variance number 2 that asks for 0.0m setback to the hard surface at the rear of the property. This would cause any splashing or flooding of the pool to flow onto the neighbouring lands to the east.

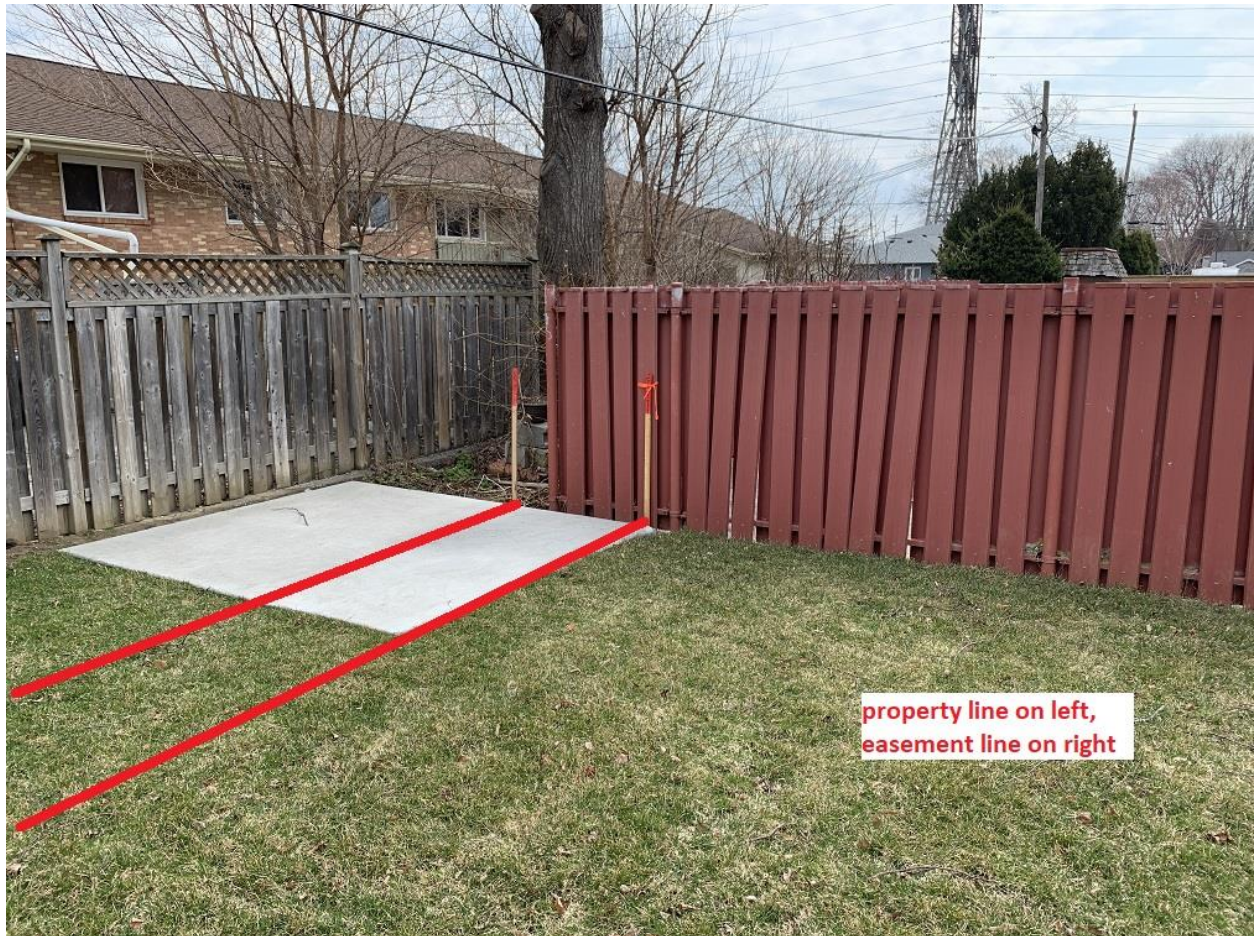
We would have no issues with Minor Variance number 3 that asks for a 0.3m setback to the hard surface along the side lot line.

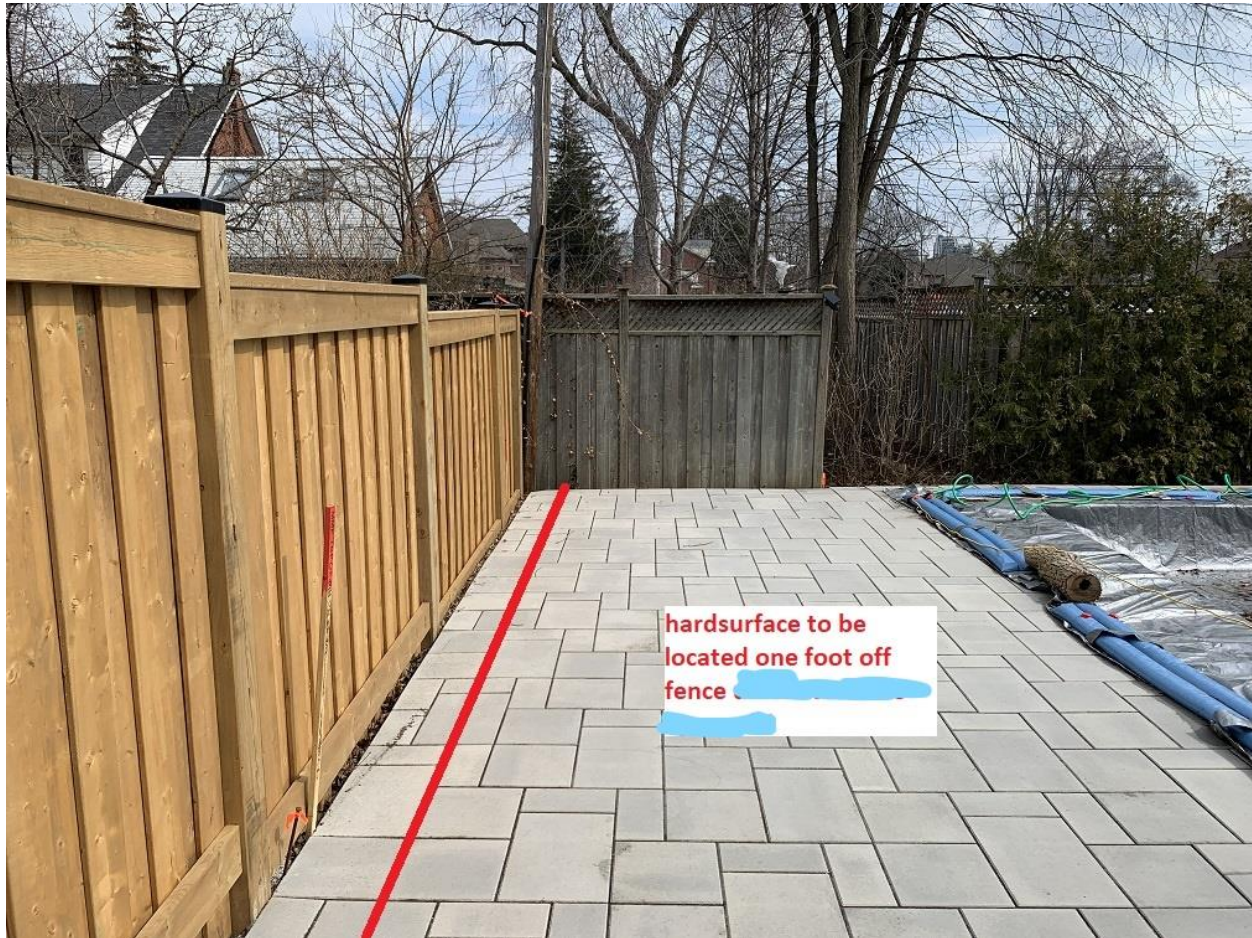
We ask that the rear fence be relocated to be within the applicant's own lands. The hard surface at the north/side edge of the lot would need to be cut back at a minimum 0.3m from the side lot line to allow for surface drainage not to be directed onto the neighbouring lot. The concrete pad would need to be relocated as well.











Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Pool Enclosure Permit under file POOL 21-208. Based on review of the information currently available in this permit application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

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