

City of Mississauga Department Comments

Date Finalized: 2022-07-06	File(s): A239.22 Ward: 8
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-07-14 1:00:00 PM

Consolidated Recommendation

The City has no objection to the minor variance application. The applicant may wish to defer the application to verify the requested variances and ensure they have been accurately identified.

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. 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;
2. An exterior side yard setback of 3.92m (approx. 12.86ft) to the swimming pool 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 setback to the eaves of 0.31m (approx. 1.02ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 7.05m (approx. 23.13ft) to the eaves in this instance;
4. To permit a swimming pool in the front yard whereas By-law 0225-2007, as amended, does not permit a swimming pool in a front yard in this instance; and,
5. A proposed pool enclosure fence in the front yard with a height of 1.22m (approx. 4.00ft) whereas By-law 0225-2007, as amended, permits a maximum pool enclosure fence of 1.00m (approx. 3.28ft) 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 #1,#2 and #3 are correct. Furthermore, the following variances should be amended as follows:

4. 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. 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;

Lastly, Variance #5 cannot be confirmed, By-law 0225-2007 doesn't regulate fences.

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, fence and accessory structure.

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

Variances #1 and 2 pertain to exterior side yard setbacks. Variance #1 is measured to the accessory structure, while Variance #2 is measured to a swimming pool. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between a structure's massing and, in this case, the public realm. Staff is not concerned with these variances, as the proposed side yards provide an adequate buffer between the massing of the proposed accessory structure and the public realm. Furthermore, the pool is in ground and therefore has no massing. As such, the impacts of these variances are negligible. It is also noted that the municipal boulevard is wide, providing additional buffering between the public realm and the accessory structure. Lastly, staff are of the opinion that there is adequate space to perform required maintenance and upkeep to both structures, when required.

Variance #3 pertains to a setback to the eaves of an accessory structure. The proposed setback is generally reflective of accessory structure eave setbacks in the immediate area. Furthermore, staff have no concerns with the structures massing and note that there are no height or gross floor area variances that would exacerbate the structure's massing.

Variance #4 is to permit a swimming pool in the front and exterior side yards. Variance #6 is to permit an accessory structure in the front yard. The intent of limiting a swimming pool and accessory structure's location to the rear yard is to ensure that the addition of a pool or accessory structure on a private property does not pose any significant impact to the existing streetscape. Staff acknowledge that the proposed fence would screen the swimming pool and accessory from street view thereby providing the necessary privacy for the pool while also maintaining a typical front and exterior side yard streetscape. 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?

Upon review of the application, staff are satisfied that the proposal represents appropriate development of the subject lands. The variances, both individually and cumulatively, are minor in nature and will not create any undue impacts to adjoining properties or the planned or existing character of the area.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

The applicant has revised the plans to indicate that the existing shed within the City owned lands will be removed as well as the proposed gate in the fence. This department has no further concerns with the removal of these two items from the City lands.

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 #1,#2 and #3 are correct. Furthermore, the following variances should be amended as follows:

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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