

City of Mississauga Department Comments

Date Finalized: 2022-07-13	File(s): A318.22 Ward: 4
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-07-21 1:00:00 PM

Consolidated Recommendation

The City has no objection to the application.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a swimming pool proposing a rear yard setback of 1.5m (approx. 4.9ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 5.0m (approx. 16.4ft) in this instance.

Background

Property Address: 291 Bowling Green Crt

Mississauga Official Plan

Character Area: Rathwood Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: RM2-2 - Residential

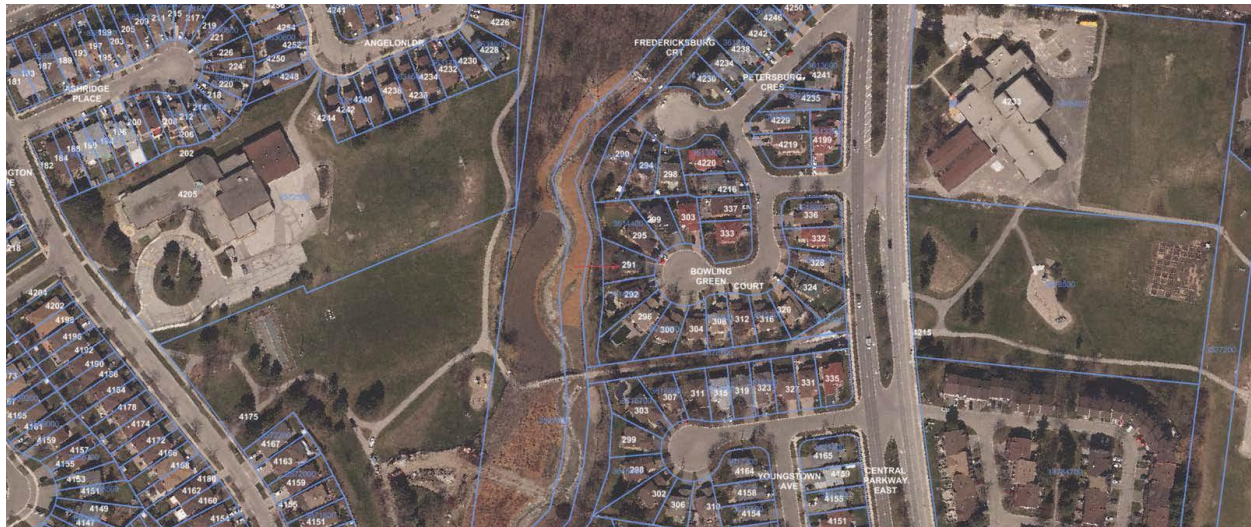
Other Applications: POOL 22-108

Site and Area Context

The subject property is located south-west of the Rathburn Road East and Central Parkway East intersection in the Rathwood neighbourhood. It currently contains a two-storey detached dwelling with an attached garage and has a lot area of +/- 492.81m² (5,304.56ft²). Limited

landscaping and vegetative elements are present in the front yard and some vegetation is located within the rear yard. The surrounding area context is exclusively residential, consisting of detached dwellings on generally similarly sized lots.

The applicant is proposing a pool requiring a variance for rear yard setback.



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 located in the Rathwood 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. 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. Planning staff are of the opinion that the proposed pool is reasonably located on the subject property and will not create any negative impacts on the surrounding context. Staff are therefore satisfied that the general intent and purpose of the official plan are maintained.

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

The variance requests a reduced rear yard measured to a pool. The intent of this provision is to ensure that both an adequate buffer exists between the property line and the proposed pool, as well as to protect lands to the rear zoned Greenlands. Staff are satisfied that the proposed pool is appropriately located on the subject property. Further, staff note that the Credit Valley Conservation Authority has reviewed the application and has submitted no objections to the application. Planning staff are therefore of the opinion that the general intent and purpose of the zoning by-law are maintained.

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

Planning staff are of the opinion that the impacts of the proposal on the streetscape, Greenlands zone, and abutting properties are minor in nature in this instance. Furthermore, the proposal represents appropriate development of the subject property.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Acknowledging that the Credit Valley Conservation Authority (CVC) has issued a permit (FF 21/337) for the proposed works, we have no objections to the request to allow the construction of a swimming pool proposing a reduced setback.

The applicant is advised that there is an existing easement within the property (Part 2, Plan 43R-9304) and there is to be no encroachment into this easement.

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 22-108. Based on review of the information currently available in this permit application, the variance, as requested is 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: Alana Zheng, 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 Woodington Green (P-180) 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

Based on the review of the information, CVC staff have **no concerns** with the requested variance. CVC permit (FF 21/337) for the proposed works was issued on April 26, 2022. As such, CVC staff have **no objection** to the approval of this minor variance by the Committee at this time.

Comments Prepared by: Iftekhhar Ahmad, June 21, 2022

Appendix 5 – Region of Peel

Development Planning: Joseph Filice (905) 791-7800 x3182

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