

City of Mississauga Department Comments

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| Date Finalized: 2022-07-20 | File(s): A290.22 |
| To: Committee of Adjustment | Ward: 10 |
| From: Committee of Adjustment Coordinator | Meeting date:2022-07-28 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. The applicant may wish to defer the application to ensure the accuracy of the requested variance and that additional variances are not required.

Application Details

The applicant requests the Committee to approve a minor variance to allow an existing swimming pool with a setback of 1.78m (approx. 5.84ft) to the G1 Zone (Greenlands); whereas By-law 0225-2007, as amended, requires a minimum setback of 5.00m (approx. 16.40ft) to a G1 Zone (Greenlands) in this instance.

Background

Property Address: 3657 Jorie Cres

Mississauga Official Plan

Character Area: Churchill Meadows Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

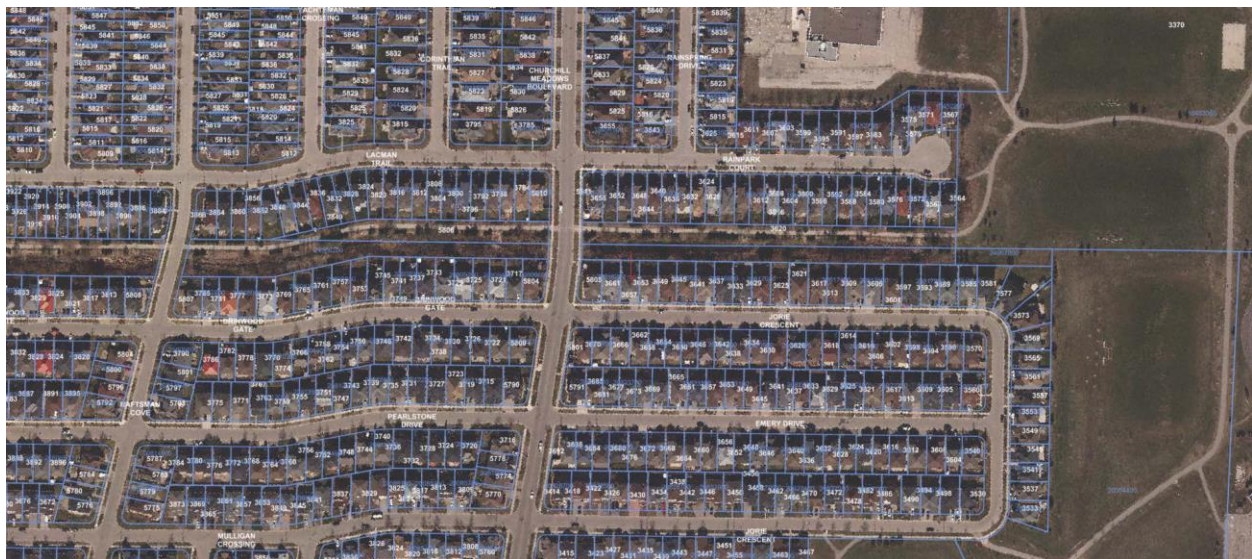
Zoning: R7 - Residential

Other Applications: POOL 21-12

Site and Area Context

The subject property is located north-east of the Thomas Street and Ninth Line intersection in Churchill Meadows. It currently contains a two-storey detached dwelling with an attached garage. Limited landscaping and vegetative elements are present in both the front and rear yards. The surrounding area context is exclusively residential, consisting of detached dwellings on similarly sized lots with limited vegetation. The property abuts a linear open space to the rear.

The applicant is proposing a pool in the rear yard requiring variances 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 Churchill Meadows Neighbourhood Character Area and is designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits detached, semi-detached, duplex and triplex dwellings, as well as other low-rise dwellings with individual frontages.

The subject property backs onto a G1 zone, which encompasses City owned lands called Diviner's Way. Through a review of the application there were no significant concerns identified

regarding the location of the proposed pool. 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 Credit Valley Conservation, however at the time of the writing of this report no comments had been received. Planning staff rely on the expertise of Credit Valley Conservation 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

Enclosed for Committees easy reference are photos depicting the existing swimming pool and note that we have no drainage related concerns with the request.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently in receipt of 2 site plans drawings. Both of these drawings do not correspond to the drawing submitted with the minor variance application. Our office is unable to verify the requested setback until a finalized proposal that is congruent between the pool enclosure permit and minor variance applications have been submitted.

For the Committee's ease of reference:

1. The minimum required setback measured from the pool to the side and rear lot lines is 1.5m.
2. The minimum required setback measured from the pool to the rear abutting G1 – Greenlands zone is 5m.

Comments Prepared by: Brian Bonner, Supervisor

Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has no objections to the minor variance application and advises as follows:

1. City owned lands, Diviner's Way (P-421) abuts the rear of the applicant's property.
2. Construction access from the adjacent City owned lands is not permitted.
3. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
4. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.
5. The applicant is subject to 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