

City of Mississauga Department Comments

Date Finalized: 2022-11-23	File(s): A576.22
To: Committee of Adjustment	Ward: 11
From: Committee of Adjustment Coordinator	Meeting date:2022-12-01 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.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a pool with a reduced rear yard setback to a G2 Zone of 2.219m (approx. 7.28ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback to a G2 zone of 5.00m (approx. 16.40ft) in this instance.

Background

Property Address: 6675 Blackheath Ridge

Mississauga Official Plan

Character Area: Meadowvale Village Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: R10-1 - Residential

Other Applications: POOL 22-139

Site and Area Context

The subject property is located north-west of the Mavis Road and Highway 401 interchange. 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, however the property backs onto a heavily forested area. The surrounding area context is residential, consisting of detached dwellings on similarly sized lots with limited vegetation.

The applicant is proposing a pool in the rear yard requiring a variance for setback to a G2 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 Meadowvale 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 G2 zone, which encompasses heavily forested City owned lands.

Staff note that the property is regulated by Credit Valley Conservation and that Planning staff rely on the expertise of Credit Valley Conservation staff surrounding matters in regulated areas. Credit

Valley Conservation has provided a comment of no objection to the application regarding the proposed pool.

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.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

From our site inspection of the property we note that we do not foresee any drainage related concerns with the proposal.





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 22-139. Based on review of the information currently available in this permit application, the variance, as requested is correct.

We advise that Pool Enclosure Permits are only reviewed within the context of the swimming pool, pool equipment, and pool decking less 0.3 metres off the ground. Any other proposed structures (if they are proposed) have not been reviewed as part of this application.

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: Tage Crooks, Zoning Examiner

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:

The lands to the rear of the property are owned by the City of Mississauga, identified as Not Yet Named (P-388) and classified as Significant Natural Area within the City's Natural Heritage System and zoned G2. 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.
1. Construction access from the adjacent City owned lands is not permitted.
 2. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.

3. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.
4. The existing gate at the rear of the property is not permitted in the black vinyl chain-link fence and shall be removed to meet City of Mississauga standards.
5. If the Committee sees merit to the application, a pool permit will be required prior to the construction of the pool.

Should further information be required, please contact Nicholas Rocchetti, Park Planning Assistant, Community Services Department at 905-615-3200 ext. 4659 or via email Nicholas.Rocchetti@mississauga.ca.

Comments Prepared by: Nicholas Rocchetti, Park Planning Assistant

Appendix 4 – Region of Peel

Development Planning: Patrycia Menko (905) 791-7800 x3114

Comments:

- The subject land is located in the regulated area of the Credit Valley Conservation Authority (CVC) and within a Core Area of the Greenlands System in Peel as identified under policy 2.3.2 of the Regional Official Plan. We rely on the environmental expertise of the CVC Authority for the review of development applications located within or adjacent to the regulated area in Peel and their potential impacts on the natural environment.
- We therefore request that the City of Mississauga Committee of Adjustment and staff consider comments from the CVC Authority and incorporate their requirements appropriately. Final approval of this application requires all environmental concerns to be addressed to the satisfaction of the CVC Authority.

Comments Prepared by: Patrycia Menko, Junior Planner

Appendix 5 - CVC

Credit Valley Conservation (CVC) staff have reviewed the subject application and offer comments based on the following roles and responsibilities:

1. Watershed Based Resource Management Agency and Public (commenting) Body under the *Planning Act* - providing comments based on CVC's Board approved policies;
2. Planning Advisory Services - providing environmental planning and technical advice/comments based on service agreements or memorandum of understanding;
3. Delegated Responsibilities – providing comments representing the provincial interest regarding natural hazards (except forest fires) as identified in Section 3.1 of the *Provincial Policy Statement (2020)*;

4. Regulatory Responsibilities – providing comments to ensure the coordination of requirements under the *Conservation Authorities Act Section 28 regulation*, to eliminate unnecessary delay or duplication in process;

5. Source Protection Agency – providing advisory comments to assist with the implementation of the *CTC Source Protection Plan* under the *Clean Water Act*, as applicable.

SITE CHARACTERISTICS:

Based on CVC mapping, the subject property is traversed by a valley slope associated with Fletcher's Creek. Additionally, the property is located within Peel Core Greenlands, and the Credit River Watershed NHS. As such, the property is subject to CVC Ontario Regulation 160/06: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses. A CVC permit is required for any proposed development prior to getting the building permit from the City.

ONTARIO REGULATION 160/06:

The property is subject to the Development, Interference with Wetlands, and Alterations to Shorelines & Watercourses Regulation (Ontario Regulation 160/06). This regulation prohibits altering a watercourse, wetland or shoreline and prohibits development in areas adjacent to the Lake Ontario shoreline, river and stream valleys, hazardous lands and wetlands, without the prior written approval of CVC (i.e. the issuance of a permit).

Proposal:

It is our understanding that the applicant requests the Committee to approve a minor variance to allow the construction of a pool with a reduced rear yard setback to a G2 Zone of 2.219m (approx. 7.28ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback to a G2 zone of 5.00m (approx. 16.40ft) in this instance.

Comments:

CVC staff have reviewed the provided information and have **no concerns** with the requested variance. CVC staff have reviewed the proposed development and a CVC Clearance has been issued (SP 22/Kardasz). As such, CVC staff have **no objection** to the approval of this minor variance by the Committee at this time.

Because a Clearance has been issued, a CVC permit is not required for the development as proposed.

Please circulate CVC any future correspondence regarding this application.

I trust that these comments are sufficient. Please do not hesitate to contact the undersigned at 905-670-1615 (ext. 268) should you have any further questions or concerns.

Comments Prepared by: Beata Pakulski, Junior Planner