

City of Mississauga Department Comments

Date Finalized: 2023-01-25	File(s): A714.22 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-02-02 1:00:00 PM

Consolidated Recommendation

The City has no objection to the minor variance application, as amended. The applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Application Details

The applicant requests the Committee to approve a minor variance to permit an existing pool and hardscaping proposing:

1. An interior side yard setback to the pool waterline of 1.37m (approx. 4.50ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback to the pool waterline of 1.50m (approx. 4.92ft) in this instance and,
2. An interior side yard setback to hardscaping of 0.43m (approx. 1.41ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback to hardscaping of 0.60m (approx. 2.00ft) in this instance.

Amendments

While Planning Staff are not in a position to provide an interpretation of the zoning by-law; Staff would note variance #2 should be amended as follows:

2. A setback to pool hardscaping of 0.43m (approx. 1.41ft) to any lot line whereas By-law 0225-2007, as amended, requires a minimum setback to pool hardscaping of 0.61m (approx. 2.00ft) to any lot line in this instance.

Background

Property Address: 1530 Ogden Ave

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

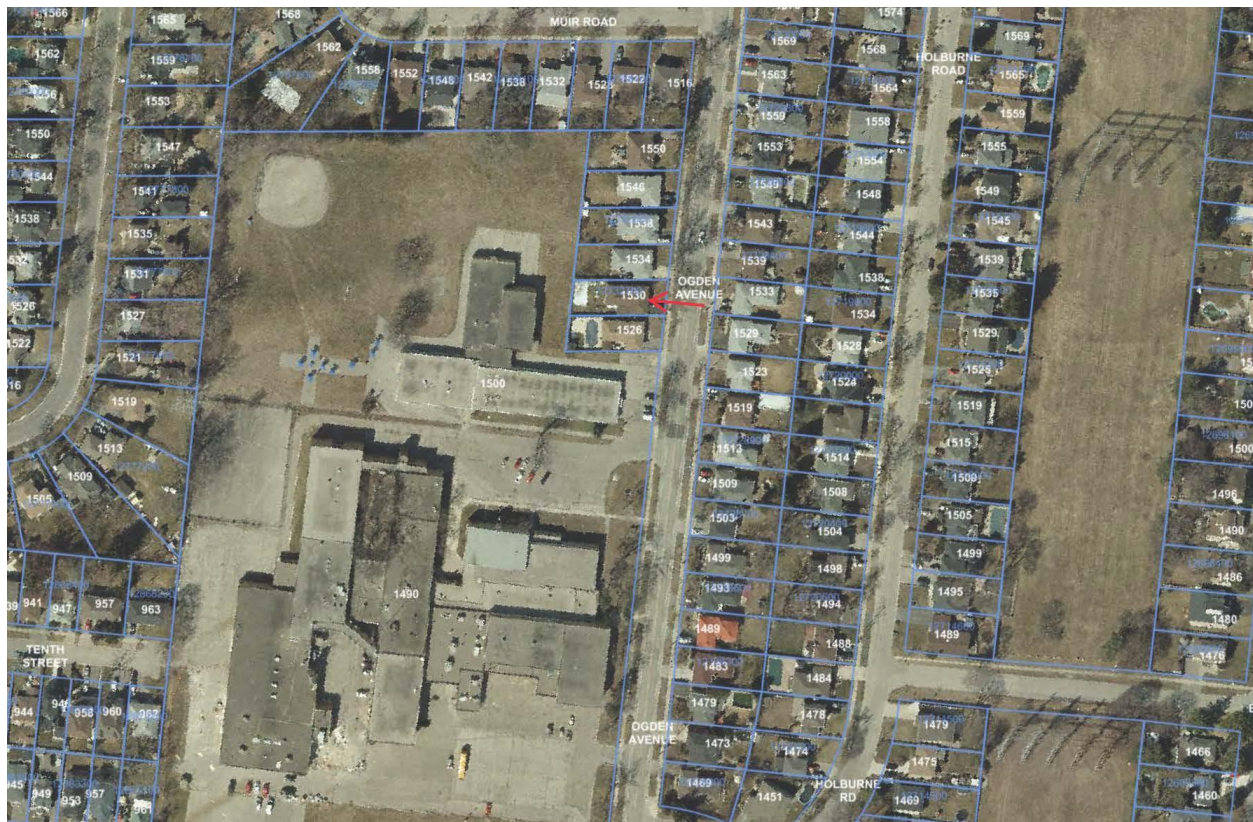
Zoning: R3-75 - Residential

Other Applications: POOL 22-177

Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, southeast of Cawthra Road and the Queen Elizabeth Way. The neighbourhood is primarily residential, consisting of one and two-storey detached dwellings with mature vegetation in the front yards. The subject property contains an existing one-storey detached dwelling with some mature vegetation in both the front and rear yards.

The applicant is proposing a swimming pool requiring variances related to pool and hardscaping 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 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 designated Residential Low Density II in Schedule 10 of the Mississauga Official Plan (MOP), which permits detached, semi-detached, duplex dwellings and triplexes. 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. The proposed pool is compatible with the surrounding area and is a permitted accessory use to the dwelling. Staff is of the opinion that the general intent and purpose of the official plan is maintained.

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

Variance #1 relates to a 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. Staff note that the requested setback reduction is required from the interior side lot line to the pool. The requested setback represents a minor deviation from the minimum required. Furthermore, a majority of the pool meets the required setbacks. Staff has no concerns with the applicant's proposal and is of the opinion that the proposed setback will provide sufficient space for maintenance or repairs to the pool.

Variance #2 relates to setbacks to pool hardscaping. The intent of this portion of the by-law is to ensure that an appropriate buffer exists between abutting properties to allow for adequate drainage. In this instance, the deck paving is sufficiently setback from all lot lines and can accommodate a swale to allow for proper drainage. Furthermore, the hardscape deck surface does not maintain a 0.43m (1.41ft) setback, as large portions of the hardscape deck surface exceed the minimum setback requirement.

As such, Planning staff have no concerns with the proposed variances and are of the opinion that the general intent and purpose of the zoning by-law is maintained.

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

Staff note the variances requested are nominal in nature, do not pose any significant negative impact to the streetscape, as they are located in rear yard and represent an appropriate use of

the amenity space. Through a detailed review, staff is of the opinion that the application raises no concerns of a planning nature.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committees easy reference are photos of the existing pool and patio. We have no drainage related concerns.







Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

We note that a Pool Enclosure Permit is required. In the absence of an updated Pool Enclosure Permit we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed.

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

Comments Prepared by: Andrea Patsalides, Zoning Examiner

Appendix 3 – Region of Peel

We have no comments or objections.

Comments Prepared by: Patrycia Menko – Junior Planner, Planning and Development Services