

# City of Mississauga Department Comments

Date Finalized: 2024-01-17	File(s): A33.24
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2024-01-25 1:00:00 PM

## Consolidated Recommendation

The City recommends that the application be deferred.

## Application Details

The applicant requests the Committee to approve a minor variance to allow a pool equipment shed with a side yard setback to the eaves of 0.05m (approx. 0.16ft) whereas the By-law 0225-2007, as amended, requires a minimum setback of 0.60m (approx. 1.97ft) in this instance.

## Background

**Property Address:** 350 Indian Valley Trail

### Mississauga Official Plan

Character Area: Mineola Neighbourhood  
Designation: Residential Low Density I

### Zoning By-law 0225-2007

**Zoning:** R1-2- Residential

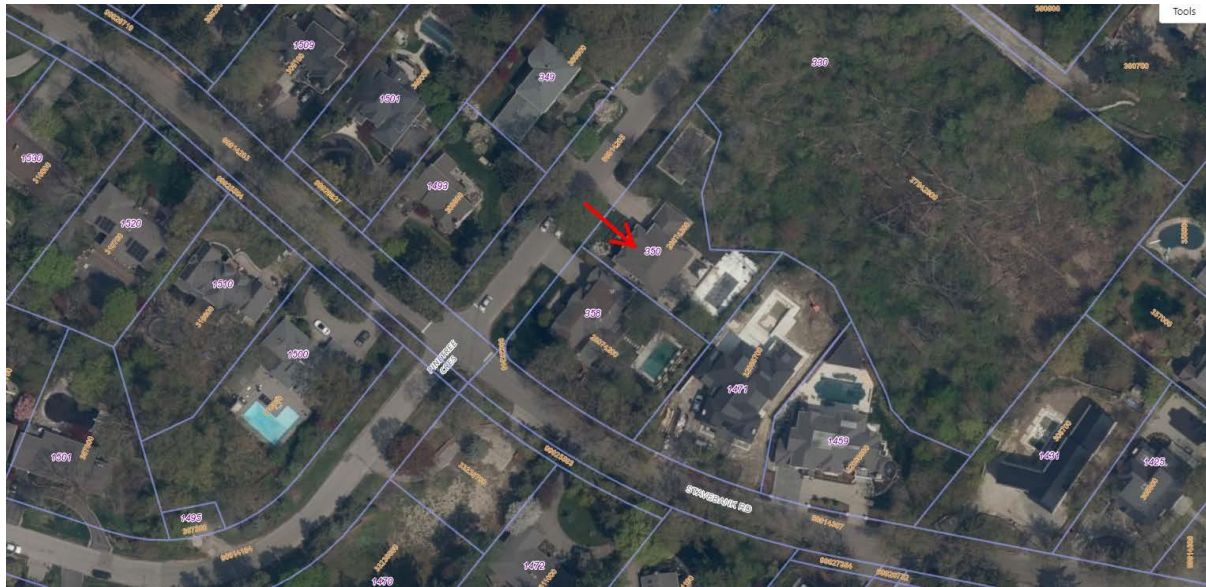
**Other Applications:** None

### Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, west of the Hurontario Street and Indian Valley Trail intersection. The immediate neighbourhood is entirely residential, consisting of one and two storey detached dwellings with significant mature

vegetation in the front yard. The subject property contains a two storey detached dwelling with little vegetation in the front yard.

The applicant is proposing a residential pool that requires a variance related to side 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 are as follows:

The subject property is located in the Mineola Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan. This designation permits detached, semi-detached and duplex dwellings.

While Planning staff are not in a position to complete a zoning review or provide interpretations of the zoning by-law, upon review of the application it appears that the minimum setback requirement for accessory structures located in the rear yard is incorrect in this instance and additional variances may be required.

Further, Planning staff are concerned that the location and positioning of the proposed accessory structure represents a major reduction from the minimum setback requirement. Staff are unable to verify the accuracy of the requested variance. Staff are of the opinion that as currently proposed, the side yard setback of 0.05m (approx. 0.16ft) measured to the eaves does not provide an adequate buffer to the structure for maintenance purposes. Furthermore, staff

are concerned that the proximity of the shed to the lot line may result in water runoff onto the adjacent property. Lastly, due to the closeness of the eaves to the lot line, the installation of an eaves trough, if required, may encroach onto the adjacent property. Staff recommend the application be deferred to allow the applicant an opportunity to submit a building permit application to allow Zoning staff an opportunity to review the requested variance for accuracy and to determine if additional variances are required. Staff also recommend deferral to address concerns identified above.

Comments Prepared by: Shivani Chopra, Planner in Training

## Appendices

### Appendix 1 – Transportation and Works Comments

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the pool shed will be addressed by our Development Construction Section through the future Building Permit process.



Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

We note that a Building Permit is required. In the absence of a Building 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: Minan Song, Planner in Training

### **Appendix 3 – Parks, Forestry & Environment**

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

The lands adjacent to the property are owned by the City of Mississauga, identified as Not Yet Named (P-510) \*(Between Indian Valley Trail and Kenolie Ave, East of Stavebank Rd) and zoned R1-2.

Should the application be approved, Community Services provides the following notes:

1. Construction access from the adjacent park/greenlands 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. No public trees shall be injured or removed. If public tree removal is required, a permit must be issued as per By-law 0020-2022.
5. No private trees shall be injured or removed. If a private tree with a diameter of 15 centimetres or greater on private property is to be injured or destroyed, a permit must be issued as per By-law 0021-2022.
6. Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, c.P. 13, as amended) and in accordance with the City's policies and by-laws.

Should further information be required, please contact Nicholas Rocchetti, Planner-in-Training/Park Assets, Community Services Department at 905-615-3200 ext. 4659 or via email [Nicholas.Rocchetti@mississauga.ca](mailto:Nicholas.Rocchetti@mississauga.ca).

Comments Prepared by: Nicholas Rocchetti, Planner-in-Training

### **Appendix 4 – Region of Peel**

#### **Minor Variance: A-24-033M / 350 Indian Valley Trail**

Planning: Ayooluwa Ayoola (905) 791-7800 x8787

#### **Comments:**

- The subject land is located within a Core Area of the Greenlands System in Peel as identified under policy **2.14.5** of the Regional Official Plan. Development and site

alteration are prohibited in Core Areas of the Greenlands System (ROP 2.14.15), which is subject to policy 2.14.16. The applicant must ensure Core Areas are not damaged or destroyed. If the Core Area is intentionally damaged or destroyed, the Region or City will require replacement or restoration of the ecological features, functions and/or landforms as a condition of development approval (ROP 2.14. 17).

Comments Prepared by: Ayooluwa Ayoola, Junior Planner