

City of Mississauga Department Comments

Date Finalized: 2024-10-03	File(s): A431.24
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2024-10-10 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, as requested, meets the requirements of Section 45(1) of the Planning Act. 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 allow a pool proposing:

1. A rear yard setback to an inground pool in a G1 zone of 2.50m (approx. 8.20ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback in a G1 zone of 5.00m (approx. 16.41ft) in this instance;
2. A rear yard setback to a concrete pad for pool equipment in a G1 zone of 3.04m (approx. 9.97ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback to a concrete pad for pool equipment in a G1 zone of 5.00m (approx. 16.41ft) in this instance.

Background

Property Address: 826 Calder Rd

Mississauga Official Plan

Character Area: Clarkson-Lorne Park Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

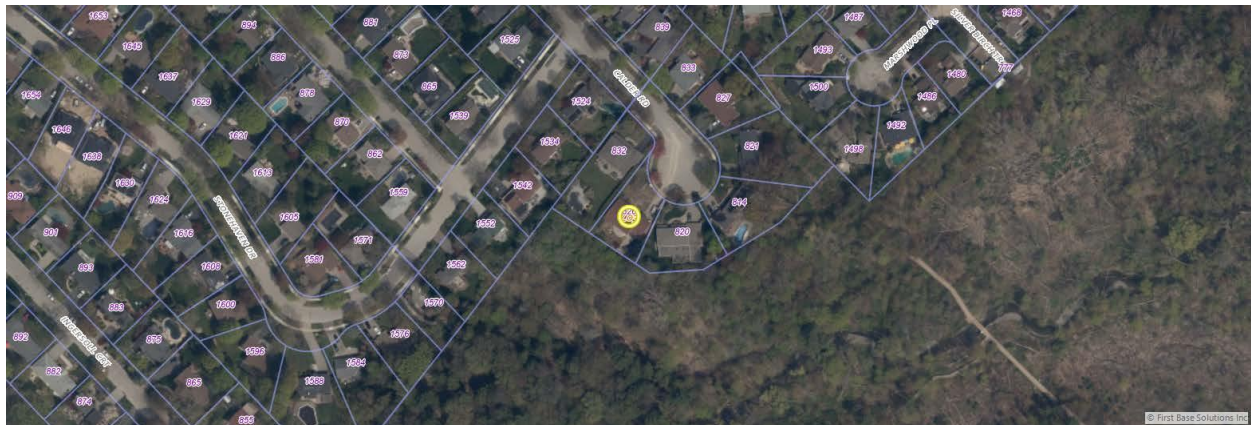
Zoning: R2-4 - Residential

Other Applications: None

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, southeast of the Lakeshore Road West and Meadow Wood Road intersection. The immediate area consists of one and two-storey single detached dwellings on large lots with significant mature vegetation in both the front and rear yards. The subject property contains a one-storey detached dwelling with mature vegetation in the front yard.

The application proposes the construction of a pool requesting variances for setbacks 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 are as follows:

The subject property is located within the Clarkson-Lorne Park Neighbourhood Area and is designated Residential Low-Density I. This designation permits only detached dwellings in this instance.

The subject property was before the Committee of Adjustment on July 18, 2024, under file A295.24 for variances pertaining to an accessory structure in the rear yard. The application was amended to include a variance for setback from the cabana to the G1 zone during the hearing and was approved by the Committee. Variances regarding setbacks measured from the pool to the G1 zone were not included at the time.

Variances #1 and #2 seek relief from the setbacks to the G1 zone measured to an inground pool and a concrete pad for pool equipment respectively. The subject property backs onto a G1 zone, which encompasses Rattray Marsh Conservation Area. Staff note that the deficient setback is measured to a pinch point, with the setback increasing along the length of the pool to 4.33m (14.20ft). Additionally, the property is regulated by Credit Valley Conservation and Planning staff rely on their expertise surrounding matters in regulated areas. CVC staff have reviewed the proposal and have identified no concerns. Through a review of the application, 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: Shivani Chopra, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed are pictures of the rear yard area. We advise that these lands are under The Credit Valley Conservation Regulatory area. As such, all approvals should come from them.

Comments Prepared by: John Salvino, Development Engineering Technologist





Appendix 2 – Zoning Comments

We note that a Pool Permit is required. In the absence of a Pool 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: Sibila Lass Weldt, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

Park Planning

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 Credit Valley Conservation, leased by the City of Mississauga, identified as Rattray Marsh Park (P-126), classified as a Significant Natural Area within the City's Natural Heritage System, and zoned G1. 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 measure(s):

- 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...

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. Do not dig or trench within the dripline (TPZ) of City owned trees.
5. Do not stockpile materials and/or equipment within the TPZ of City owned trees.

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

Comments Prepared by: Nicholas Rocchetti, Planner

Forestry

The Forestry Section of the Community Services Department has reviewed the above noted minor variance application and advises as follows:

1. No public trees shall be injured or removed. If public tree injury or removal is required, a permit must be issued as per By-law 0020-2022.
2. 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.
3. Please note if a tree is identified as a shared tree with the adjacent property owner, and the applicant intends to apply for a Tree Removal Permit, written consent must be obtained by both parties.

A Tree Removal Application to Permit the Injury or Destruction of Trees on Public and Private Property can be found at <https://www.mississauga.ca/publication/application-to-permit-the-injury-or-destruction-of-trees-on-public-and-private-property/>.

Should further information be required, please contact Jamie Meston, Landscape Technician, Forestry Section, Community Services Department at 905-615-3200 ext. 4264 or via email jamie.meston@mississauga.ca.

Comments Prepared by: Jamie Meston, Landscape Technician

Appendix 4 – CVC

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

1. 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);
2. 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;
3. Source Protection Agency – providing advisory comments to assist with the implementation of the CTC Source Protection Plan under the *Clean Water Act*, as applicable.

CVC REGULATED AREA

Based on our mapping, the subject property is regulated due to slope hazard associated with Sheridan Creek. As such, the property is subject to the Prohibited Activities, Exemptions, and Permits Regulation (Ontario Regulation 41/24). 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 is requesting the Committee to approve a minor variance to allow a pool proposing.

1. A rear yard setback to an inground pool in a G1 zone of 2.50m (approx. 8.20ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback in a G1 zone of 5.00m (approx. 16.41ft) in this instance;
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COMMENTS:

CVC has reviewed and issued permit for the proposed works as part of permit application FF 24/132 and FF 23/045 and as such has no objection to the proposed minor variance at this time.

The applicant is to note that the subject property is regulated by CVC and any new development proposed on the property will require a CVC permit.

The applicant is to note that CVC has not received payment of the review fee of \$478 for this Minor Variance application. The applicant should forward this directly to CVC at the earliest convenience.

I trust that these comments are sufficient. Please do not hesitate to contact the undersigned at stuti.bhatt@cvc.ca or 905-670-1615 (ext. 350) should you have any further questions. Please circulate CVC on any future correspondence or applications regarding this site.

Comments Prepared by: Stuti Bhatt, Junior Planner

Appendix 5 – Region of Peel

Minor Variance Application: A-24-431M / 826 Calder Road

Development Engineering: Brian Melnyk (905) 791-7800 x3602

Comments:

- Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Site Servicing approvals are required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections by email at siteplanservicing@peelregion.ca.
- All unutilized water and sanitary services shall be abandoned in accordance with Region of Peel design specifications. For more information, please contact Servicing Connections by email at siteplanservicing@peelregion.ca.

Planning: Petrele Francois (905) 791-7800 x3356

Comments:

- Please be advised that the subject lands are located in the regulated area of the Credit Valley Conservation Authority (CVC). We request that City staff consider comments from the CVC and incorporate their conditions of approval appropriately.

Comments Prepared by: Petrele Francois, Junior Planner