

City of Mississauga Department Comments

Date Finalized: 2024-10-16	File(s): A436.24 Ward: 10
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-10-24 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application, subject to the amendment.

Application Details

The applicant requests the Committee to approve a minor variance to allow a swimming pool and hardscaping proposing:

1. A pool setback from a G1 zone of 1.5m (approx. 4.9ft) whereas By-law 0225-2007, as amended, requires a minimum pool setback from a G1 zone of 5.0m (approx. 16.4ft) in this instance;
2. A hardscape setback from a G1 zone of 0.6m (approx. 2.0ft) whereas By-law 0225-2007, as amended, requires a minimum hardscape setback from a G1 zone of 5.0m (approx. 16.4ft) in this instance; and
3. A side yard measured to pool equipment of 0.3m (approx. 1.0ft) whereas By-law 0225-2007, as amended, requires a minimum side yard measured to pool equipment of 0.6m (approx. 2.0ft) in this instance.

Amendments

The Building Department is currently reviewing a Pool Enclosure Permit. Based on review of the information currently available in this permit application:

- Variance number 2 "A hardscape setback from a G1 zone of 0.6m (approx. 2.0ft) whereas By-law 0225-2007, as amended, requires a minimum hardscape setback from a G1 zone of 5.0m (approx. 16.4ft) in this instance" is not required as there is no requirement for additional setbacks for decorative paving to a G1 zone. The other 2 variances, as requested are correct.

Background

Property Address: 6204 Maple Gate Cir

Mississauga Official Plan

Character Area: Lisgar Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

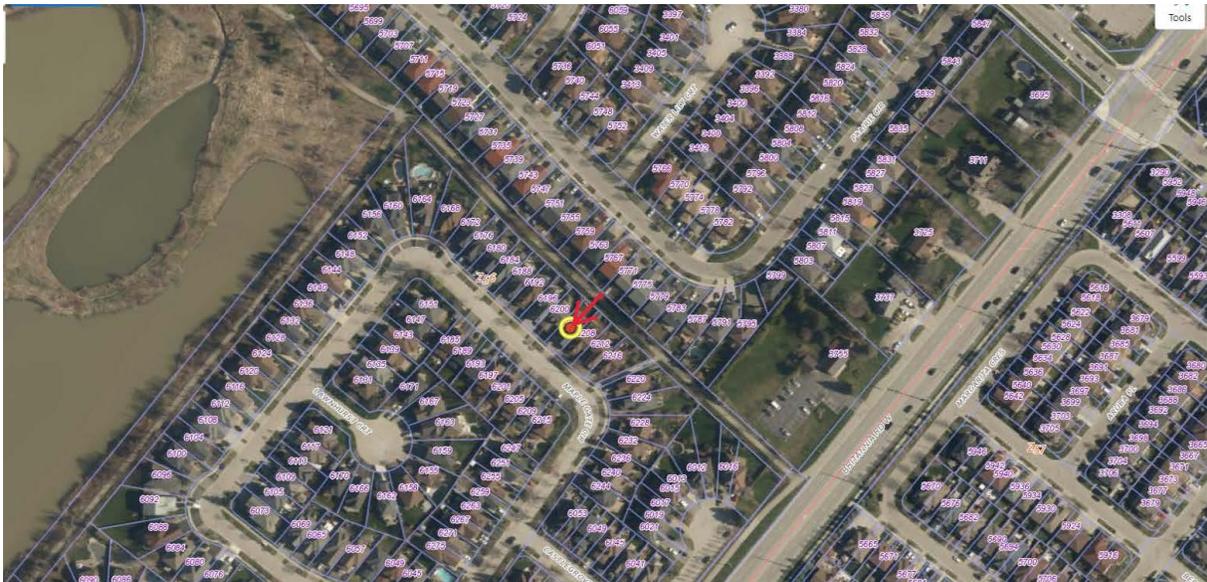
Zoning: R5 - Residential

Other Applications: POOL 24-69

Site and Area Context

The subject property is located north-east of the Britannia Road West and Ninth Line intersection in the Lisgar Neighbourhood Character Area. It is an interior lot containing a two-storey detached dwelling with an attached garage. Limited landscaping and vegetative elements are present on the subject property. The surrounding context is exclusively residential, consisting of detached and semi-detached dwellings on similar sized lots.

The applicant is proposing to construct a pool requiring variances for pool setback to a G1 zone and a side yard setback to the pool equipment in the rear yard.



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 Lisgar Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP).

The subject property backs onto a G1 zone, which encompasses City owned lands and the Lisgar Meadow Brook Trail. Variance 1 relates to a reduced setback for the proposed pool to the Lisgar Meadow Brook Trail. Through a detailed review of the application no significant concerns were identified regarding the location of the proposed pool. Staff note this portion of the Lisgar Meadow Brook Trail is not regulated by any Conservation Authority. Staff are satisfied the application is appropriate to be handled through the minor variance process and presents no concerns of a planning nature.

Planning staff note Zoning staff's amendment to the application removing the requirement for a hard surfaced landscape material setback variance to a G1 zone. Variance 2 is no longer required.

Variance 3 relates to a reduced side yard setback for the associated pool equipment in the rear yard. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between the abutting properties and to accommodate an adequate swale for drainage purposes. Transportation and Works staff advise that the existing drainage pattern along the side lot line is not to be impacted.

Planning staff are of the opinion that the proposal maintains the general intent and purpose of the official plan and zoning by-law, is minor in nature and contributes to orderly development of the subject property.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

From our site inspection of this property, we do not foresee any drainage-related concerns with the proposal to allow a swimming pool, pool equipment, and associated hardscaping on the subject property. Variance #1 is requesting a pool setback to a G1 zone at the rear of this property. We have attached a photo depicting the G1 zone behind this property and note that the area has a walkway and drainage swales with catch basins to accommodate drainage.





Comments Prepared by: Tony Iacobucci, Development Engineering

Appendix 2 – Zoning Comments

The Building Department is currently reviewing a Pool Enclosure Permit. Based on review of the information currently available in this permit application, Variance number 2 "A hardscape setback from a G1 zone of 0.6m (approx. 2.0ft) whereas By-law 0225-2007, as amended, requires a minimum hardscape setback from a G1 zone of 5.0m (approx. 16.4ft) in this instance" is not required as there is no requirement for additional setbacks for decorative paving to a G1 zone. The other 2 variances, as requested are correct. 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: Andrea Dear MCIP, RPP

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 to the rear of the property are owned by the City of Mississauga, identified as Lisgar Meadow Brook (P-334), 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 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...;

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 excess water from swimming pool shall be drained into the Significant Natural Area at the rear of the property.

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 – Region of Peel

We have no comments or objections.

Comments Prepared by: Petrele Francois, Junior Planner