

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-01-06	File(s): A408.20 Ward: 10
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-01-14 1:00 PM

Consolidated Recommendation

The City has no objection to the variance(s), as requested. 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 the construction of a pool proposing a waterline setback from enclosure of 0.60m (approx. 1.96ft) whereas By-law 0225-2007, as amended, requires a minimum waterline setback from the enclosure of 1.50m (approx. 4.92ft) in this instance.

Background

Property Address: 3464 Sunlight Street

Mississauga Official Plan

Character Area: Churchill Meadows Neighbourhood Character Area
Designation: Residential Low Density II

Zoning By-law 0225-2007

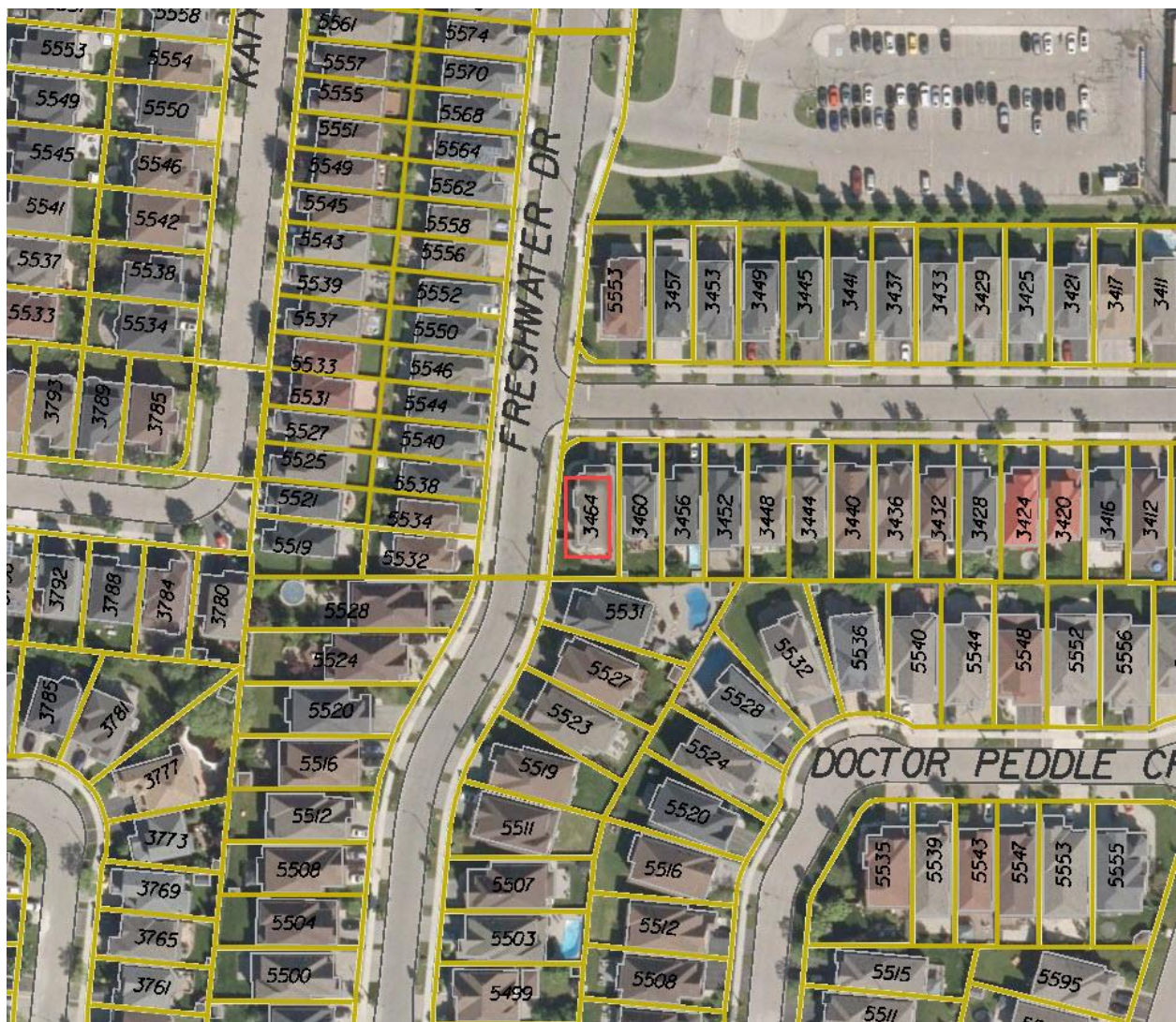
Zoning: R7-6 - Residential

Other Applications: None

Site and Area Context

The subject property is located within the Churchill Meadows Neighbourhood Character Area, at the south-east corner of Sunlight Street and Freshwater Drive. The property consists of a two-storey detached dwelling with minimal vegetation and landscaping in the front and rear yard. The surrounding neighbourhood consists exclusively of detached dwellings with lot frontages of +/-10.00m and minimal vegetative / natural landscaped elements present in the front yards.

The subject property is an exterior parcel, with a lot area of +/- 459.0m² and a lot frontage of +/- 13.06m. The applicant is proposing a new pool, requiring variances related to 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 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 located in the rear of the property and cannot be seen from the street. The proposed pool is compatible with the surrounding area and does not pose significant impact to the abutting property. 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?

The general intent of this portion of the by-law is to ensure that an adequate buffer exists between the abutting properties and accommodate an adequate swale for drainage purposes. Section 4.1.4.1 (swimming pool) permits an accessory outdoor swimming pool for a detached dwelling, requiring a minimum setback of 1.5m from all lot lines measured to the inside wall of the outdoor pool. The Applicant has proposed a reduced setback of 0.6m to a waterfall feature (located on the east side of the proposed pool). The Applicant's proposed waterfall feature results in a setback large enough to accommodate a drainage swale, if required in the future. The pool itself meets the setback requirements and there is no massing concern. Staff would note that the variance, as requested, meets the general purpose or intent of the Zoning By-law.

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

Staff note, the swimming pool proposes an adequate setback which maintains the rear yard setback and drainage requirements. The variance is nominal in nature and does not pose any significant negative impact. Through a detailed review, Staff is of the opinion that the application raises no concerns of a planning nature.

Conclusion

Based upon the preceding information, it is the opinion of Staff that the variances, as amended, meet the general intent and purpose of both the MOP and Zoning By-law; are minor in nature;

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and, are desirable for the orderly development of the lands. The Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Comments Prepared by: Brooke Herczeg RPP, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

From our site inspection of the property and review of the sketch plan submitted we note that we do not foresee any drainage related concerns with the proposal requesting a pool waterline setback of 0.60m. We would suggest that no gardens be proposed along the rear and side yard property lines as this will impact existing drainage swales.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is not in receipt of any permit applications at this time and the applicant is advised that a zoning review has not been completed. We are unable to confirm the accuracy of the requested variance(s) or determine whether additional variance(s) may be required.

The applicant is advised that a completed zoning review may identify additional instances of zoning non-compliance. The applicant may consider applying for a preliminary zoning review application and submit working drawings for a detailed zoning review to be completed. A minimum of 6-8 weeks will be required to process a preliminary zoning review application depending on the complexity of the proposal and the detail of the information submitted.

Comments Prepared by: Brandon Eidner, Planner in Training, Zoning Examination

Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the January 14th, 2021 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Minor Variance Applications: A-395/20, A-408/20, A-410/20, A-411/20, A-412/20, A-417/20, A-418/20, A-2/21, A-4/21, A-6/21.

Comments Prepared by: Diana Guida, Junior Planner