

City of Mississauga Department Comments

Date Finalized: 2024-04-10	File(s): A168.24
To: Committee of Adjustment	Ward: 3
From: Committee of Adjustment Coordinator	Meeting date:2024-04-18 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application. 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 for the construction of a proposed swimming pool located in a required exterior side yard, whereas By-law 0225-2007, as amended, does not permit a swimming pool in a required exterior side yard in this instance.

Background

Property Address: 3494 Burninglem Cres

Mississauga Official Plan

Character Area: **Applewood Neighbourhood**
Designation: **Residential Low Density I**

Zoning By-law 0225-2007

Zoning: R3

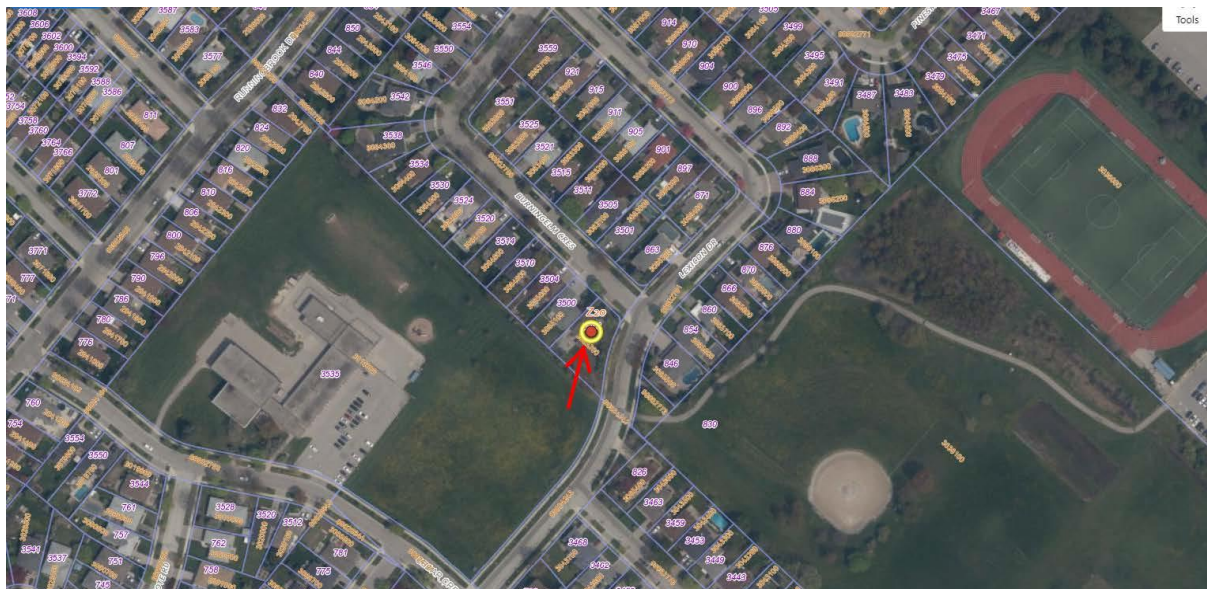
Other Applications: PREAPP 24-139

Site and Area Context

The subject property is located south-west of the Tomken Road and Runningbrook Drive intersection in the Applewood Neighbourhood Character Area. It is a corner property, containing

a detached dwelling with an attached garage. The subject property has a lot area of +/- 1,050.18m² (11,304.04ft²). Mature vegetation exists in the front, rear and exterior side yards of the subject property. The surrounding area context contains detached dwellings with the Silverthorn Public School abutting the property to the west. Staff note there is a Trans-Northern Pipeline easement located in the rear yard. The easement is approximately 9.08m (29.79ft) wide and runs parallel to the rear property line of the subject property.

The applicant is proposing a new pool on the property, requiring a variance for its location in the exterior side 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:

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject property is located in the Applewood Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). 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 does not directly abut other residential properties. Staff note the applicant

is proposing to locate the pool in the exterior side yard due to the Trans-Northern Pipeline easement encompassing a large portion of the rear yard. Furthermore, wood fencing screens the proposed pool from public view in the exterior side yard of the property. Staff are 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 the regulations regarding pools in the by-law is to ensure that they are appropriately located on the property, do not impact the streetscape, and provide adequate drainage around the pool. Staff note there is an existing fence that would screen the swimming pool from the streetscape providing the necessary privacy while maintaining a typical exterior side yard streetscape. It is worth noting that the variance is to permit a pool in the exterior side yard only and that the pool meets the setback requirements from the established lot lines. Staff are satisfied that the request meets the general intent and purpose of the zoning by-law.

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

Staff note that the swimming pool meets all other required setbacks. The exterior side yard where the pool is proposed does not directly abut any other residential properties. The variance does not pose any significant negative impact to the streetscape and is an appropriate use of the amenity space. Staff are satisfied that the proposal is minor in nature and represents appropriate development of the subject lands.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

There is an existing Transnorthern Pipeline Easement in the rear yard. We note that this is a corner lot and do not foresee drainage related concerns with the location of the proposed swimming pool within the side yard.

Comments Prepared by: John Salvino, Development Engineering Technologist





Appendix 2 – Zoning Comments

The Building Department is processing Preliminary Zoning Review application PREAPP 24-139. Based on review of the information available in this application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Please note that comments reflect those provided through the above application. These comments may no longer be valid should there be changes contained within this Committee of Adjustment application that have not been submitted and reviewed through the application noted above. The applicant must submit any changes and/or updates to information and/or drawings separately through the above application in order to receive updated comments.

Comments Prepared by: Andrew Wemekamp, Zoning Plans Examiner.

Appendix 3 – Region of Peel

Comments of Conditions for Approval

Minor Variance/ Consent: A-24-168M / 3494 Burningelm Cres

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

Comments:

- There is a Regional water easement on the subject property. Please be advised that unauthorized encroachments on Regional easements will not be permitted. Certain restrictions apply with respect to Regional easements as per the documents registered on title.
- The applicant shall verify the location of the existing service connections to the subject site and the contractor shall locate all existing utilities in the field. Requests for underground locates can be made at <https://www.ontarioonecall.ca/portal/>
- For location of existing water and sanitary sewer Infrastructure please contact Records at 905-791-7800 extension 7882 or by e-mail at PWServiceRequests@peelregion.ca

Conditions:

- Existing easements dedicated to the Region of Peel for the purpose of sanitary sewer and/or watermain, must be maintained to the satisfaction to the Region of Peel. The applicant shall notify the Region of any proposed encroachments on the easement, including structures, signs, landscaping, walkways, parking and servicing.

In order to ensure that the proposed works do not encroach on our easement; the applicant is required to provide us with a site plan and grading & landscape drawing so that we can complete a high-level review to determine if a full encroachment review is required with the appropriate Regional departments.

Comments Prepared by: Andrew Wemekamp, Zoning Plans Examiner.