

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-07-13	File(s): A285.21 Ward 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-07-22 1:00 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 the construction of a 25 storey residential building and townhouses proposing:

1. Construction not in accordance with Zoning By-law Schedule RA5-55, whereas By-law 0225-2007, as amended, requires construction in accordance with Zoning By-law Schedule RA5-55 in this instance;
2. An encroachment of porches and/or patios inclusive of stairs, outside of the buildable area, into a landscape buffer abutting a streetline of 2.5m (approx. 8.20ft), whereas By-law 0225-2007, as amended, does not permit any encroachment beyond the buildable area or obstruction to the landscape buffer area;
3. A maximum of projection of a balcony beyond a building face, outside of the buildable area 1.5m (approx. 4.92ft) whereas By-law 0225-2007, as amended, does not permit any projections outside of the buildable area in this instance;
4. A maximum projection of a canopy or awning located at the ground floor from the building face of 2.0m (approx.6.56ft), whereas By-law 0225-2007, as amended, permits a maximum projection of a canopy or awning located at the ground floor from the building face of 0.61m (approx. 2.00ft) in this instance;
5. A contiguous amenity area of 35%, whereas the By-law 0225-2007, as amended, requires a minimum contiguous amenity area of 50% in this instance;
6. A landscape buffer abutting an Open Space Zone of 1.0m (approx. 3.28ft) whereas By-law 0225-2007 as amended, requires a 3.5m minimum landscape buffer abutting an Open Space zone of 3.5m (approx. 11.48ft) in this instance.

Background

Property Address: 91 Eglinton Avenue East

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Mississauga Official Plan

Character Area: Uptown Major Node
Designation: Residential High Density, Residential Low Density & Public Open Space

Zoning By-law 0225-2007

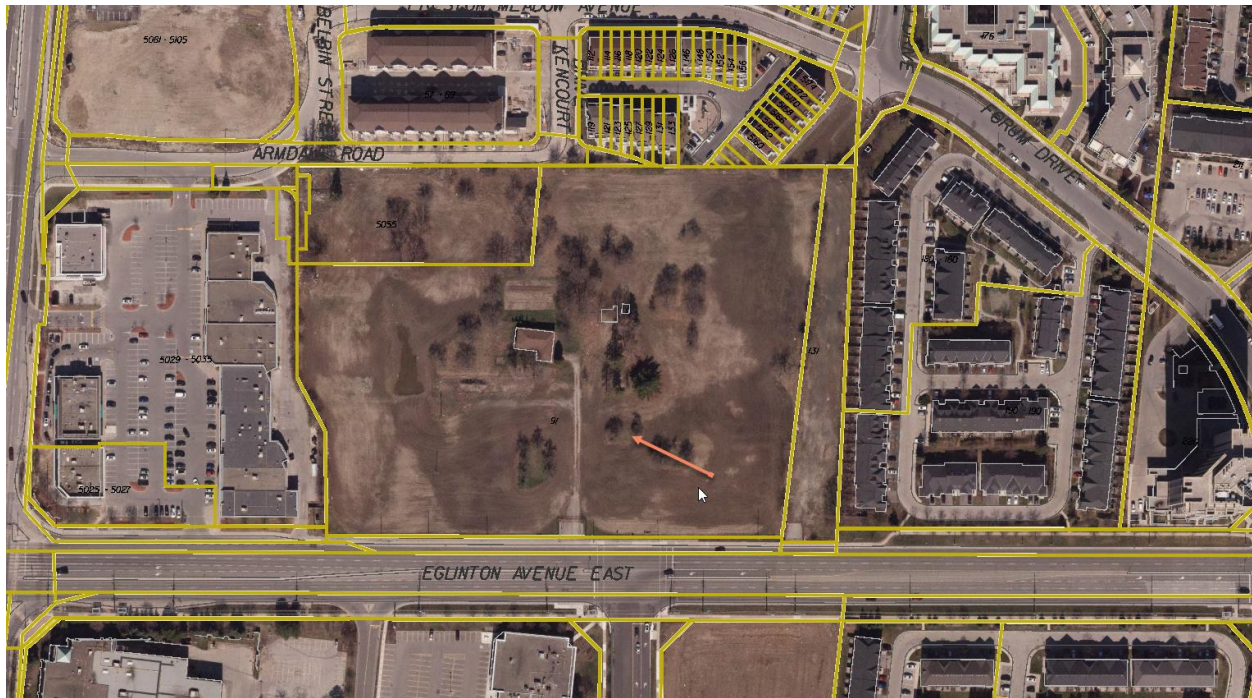
Zoning: H-RA5-55 - Holding Residential, OS1 - Open Space, & RM6-13 - Residential

Other Applications: SP 21-13, 21T-M 18-5 & OZ 18-16

Site and Area Context

The submitted application is for a portion of the property that is currently under site plan review. The subject site is located north-east of the Hurontario Street and Eglinton Avenue intersection and has direct frontage onto Eglinton Avenue. There is little vegetation on the property, which is surrounded by townhome developments and commercial plazas. Condominium towers are also present in the surrounding context.

The applicant is proposing a condominium development with multiple forms of residential dwellings that require variances for a By-law schedule exception, encroachments, projections, amenity areas and landscape buffers.



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 within the Uptown Major Node Character Area and is designated Residential High Density, Residential Low Density, and Public Open Space. The portion of the site currently under application, being the southeastern most portion of the lot, is designated entirely Residential High Density. This designation permits apartment dwellings, accessory Residential Medium Density built forms and commercial uses at grade.

Based on the review of the application and its supporting documents staff have determined that there is insufficient information to evaluate the impacts of wind and shadow effects stemming from the proposed amendments on not only the abutting properties, but also the subject property itself. Additionally, staff have concerns that the wording of the variances do not accurately reflect the variances required, requiring the wording of the variances to be refined. Further review is required in this regard.

The proposal, as submitted, represents substantial changes to a recently approved (November 2020) Zoning By-law schedule. Additionally the draft plan of subdivision for the site has not been finalized or registered, and an H provision remains on the zoning for the site. Staff are also of the opinion that the Site Plan Approval process has not reached a satisfactory stage at this time to properly review and make a recommendation on the application. Staff recommend that the application be deferred in order to allow staff to continue to work with the applicant and refine the proposed application.

Conclusion

The Planning and Building Department recommends that the application be deferred.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We are noting that any Transportation and Works Department concerns/requirements for the proposed development are being addressed through Site Plan Application SP-21/13 as well as Rezoning Application OZ-18/16 for this development.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

SP RECEIVED, MORE INFO

The Building Department is currently processing a site plan approval application under file SP 21-13. Based on review of the information currently available for this application, we advise that more information is required to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Our comments are based on the plans received by Zoning staff on 05/05/2021 for the above captioned site plan application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: A. McCormack

Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has reviewed the minor variance application, and advises as follows:

- Comments and conditions are under review through an active Plan of Subdivision Application (TM 18-05), Zoning Amendment Application (OZ 18-16) and Site Plan Application (SP 21-13). Given the subject lands are currently under review through the above noted development applications, Park Planning Staff recommend the application be deferred until these applications reach a satisfactory stage. Staff note that these requested variances are substantial and the proposal should continue to be refined with the applicant prior to granting variances.

Should further information be required, please contact Jim Greenfield, Park Planner, Community Services Department at 905-615-3200 ext. 8538 or via email jim.greenfield@mississauga.ca

Comments Prepared by: Jim Greenfield, Park Planner

Appendix 4 – Heritage

N/A

Appendix 5 – Region of Peel Comments

We have no comments or objections.

Comments Prepared by: Diana Guida, Junior Planner