

City of Mississauga Department Comments

Date Finalized: 2021-10-20	File(s): A435.21
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2021-10-28 1:00:00 PM

Consolidated Recommendation

The City has no concerns with the requested variances, as amended.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of townhouse blocks and a commercial building proposing:

1. A rooftop terrace setback of 0.00m whereas By-law 0225-2007, as amended, requires a minimum rooftop terrace setback of 1.20m (approx. 3.94ft) in this instance;
2. A porch projection of 1.8m (approx. 5.9ft) from the building face whereas By-law 0225-2007, as amended, permits a maximum porch projection of 1.6m (approx. 5.2ft) from a building face in this instance;
3. A unit width of 4.57m (approx. 14.99ft) whereas By-law 0225-2007, as amended, requires a minimum unit width of 5.00m (approx. 16.40ft) in this instance;
4. An side yard setback of 1.9m (approx. 6.2ft) to the sidewalk whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 4.0m (approx. 13.1ft) to a sidewalk in this instance;
5. A landscape area of 21.0% whereas By-law 0225-2007, as amended, requires a minimum landscape area of 30.0% in this instance;
6. A road width of 8.0m (approx. 26.2ft) with on-street parking, whereas By-law 0225-2007, as amended, requires a minimum road width of 8.6m (approx. 28.2ft) in this instance; and
7. Parking and loading spaces to be located between a streetwall and a lot line that is a street line whereas By-law 0225-2007, as amended, does not permit parking and loading spaces to be located between a streetwall and a lot line that is a street line in this instance.

Amendments

While Planning staff are not in a position to provide an interpretation of the zoning by-law, staff note that variances #5 and 6 should be amended as follows:

4. An side yard setback of 2.7m (approx. 8.9ft) to the sidewalk whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 4.0m (approx. 13.1ft) to a sidewalk in this instance;

5. A landscape area of 25.0% whereas By-law 0225-2007, as amended, requires a minimum landscape area of 30.0% in this instance;

Planning staff also note that variances #2 and 6 should be removed:

2. A porch projection of 1.8m (approx. 5.9ft) from the building face whereas By-law 0225-2007, as amended, permits a maximum porch projection of 1.6m (approx. 5.2ft) from a building face in this instance;

6. A road width of 8.0m (approx. 26.2ft) with on-street parking, whereas By-law 0225-2007, as amended, requires a minimum road width of 8.6m (approx. 28.2ft) in this instance; and

Background

Property Address: 70 Mississauga Road
181 Lakeshore Road West

Mississauga Official Plan

Character Area: Port Credit Neighbourhood (West)
Designation: Mixed Use, Open Space, Residential High and Medium Density, Green Lands

Zoning By-law 0225-2007

Zoning: D - Development, G1 - Greenland, C4 - Commercial

Other Applications: Official Plan and Zoning By-law Amendment OZ/OPA 17 12; Plan of Subdivision 21T-M 17004; Site Plan Approval SP 19-155, SP 19-138, SP 20-48; Building Permit BP 21-5880, BP 21-6092, BP 21-6346.

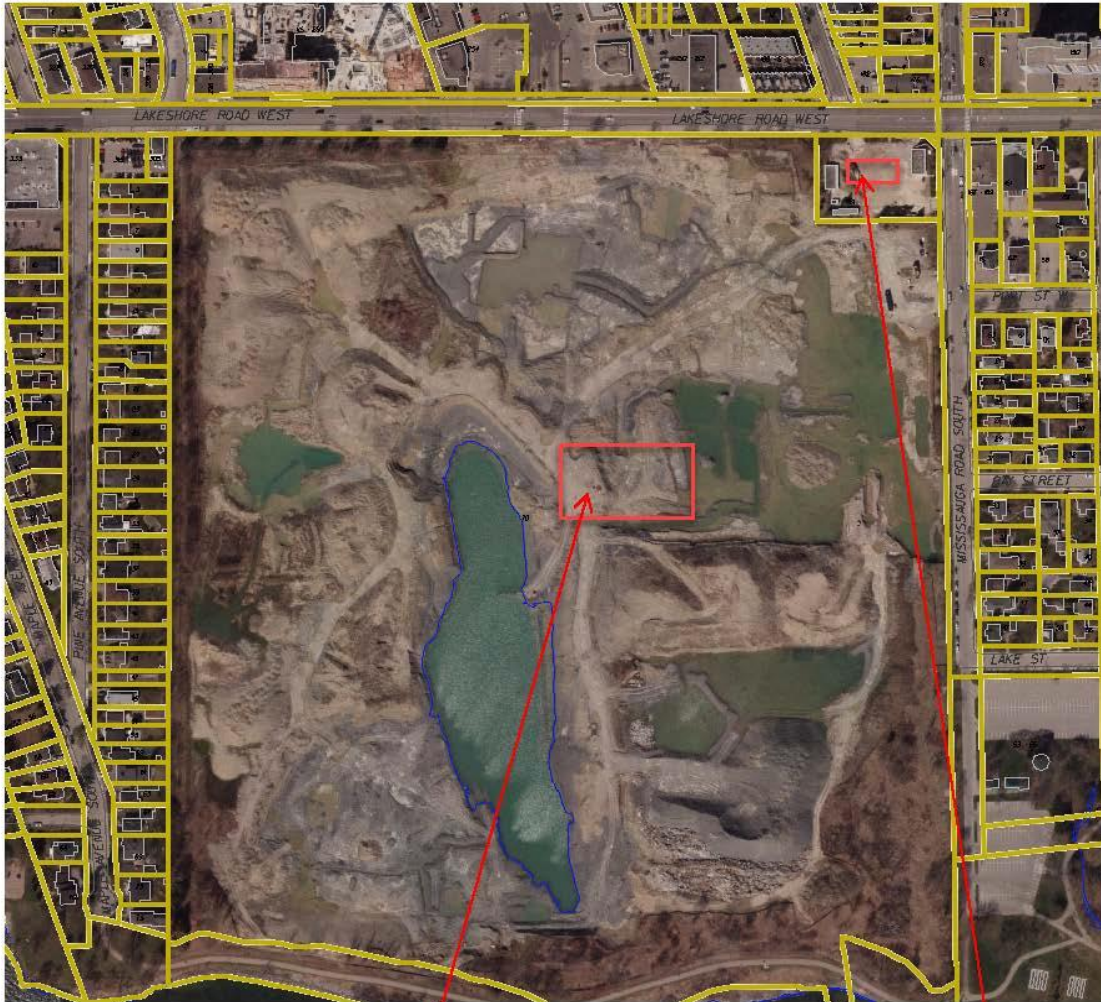
Site and Area Context

The subject property is located within the Port Credit Neighbourhood Character Area, in the south west quadrant of Mississauga Road South and Lakeshore Road West. The immediate area

consists of a range of residential, commercial, and recreational uses. The subject property is currently vacant.

The Local Planning Appeal Tribunal (LPAT) through a settlement agreement between the applicant and the City approved Official Plan and Zoning amendments. The amendments permit a variety of uses including townhouses, mid and high-rise condominiums, retail, parkland and institutional uses.

The applicant is proposing a townhouse and commercial block requiring variances relating to roof terrace setback, porch projection, unit width, side yard setback, landscape area and parking and loading spaces.



70 Mississauga Rd. S.

181
Lakeshore
Rd. W

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:

Planning Staff advise that the applicant has submitted a revised list of variances and drawings. Planning staff comments reflect the applicant's revised proposal. Zoning staff comments are based on outdated drawings submitted through a Site Plan application (SP20-48) and Building Permit (BP 3NEW 21-6346).

The subject property is designated Mixed Use, Open Space, Residential High and Medium Density and Green Lands in Schedule 10 of the Mississauga Official Plan (MOP), which permits commercial and residential uses.

Variances #1-5 pertain to townhomes in Block I, where variance #7 pertains to a commercial building in Block C.

Variance #1 pertains to a rooftop balcony setback. The purpose of a minimum rooftop balcony setback measured to the exterior edge of the dwelling is to ensure that rooftop balconies are not situated too close to property lines creating issues of privacy and overlook. This provision was added to the zoning by-law in response growing infill development issues resulting from building design. In this case, Planning staff have no concerns with the proposed 0 m rooftop balcony setback, as the proposed development a townhouse complex that has shared party walls. Furthermore, the four sides of the development are adjacent to proposed roads, a trail and pedestrian mews. Therefore, there are no overlook or privacy concerns.

Variances #,3,4 and 7 are of no concern to Planning staff. Variance #3 pertains to unit width. The applicant is proposing a unit width of 4.57m when a minimum unit width of 5m is required. This variance does not raise any concerns of a planning nature. Variance #4 pertains to side yard setback. A side yard setback of 2.7m (approx. 8.9ft) to the sidewalk is proposed where a minimum side yard setback of 4.0m (approx. 13.1ft) to a sidewalk is required. While the proposed side yard setback appears to be a significant deviation from the minimum requirement, Planning staff are of the opinion that 2.7m will provide an adequate buffer between the townhouse dwellings and sidewalks. Variance #7 pertains to the location of parking and loading spaces. The applicant is proposing for parking and loading spaces to be located between a street wall and lot line that is a street wall, which is not permitted. This variance is of no concern to staff, as the location of the parking and loading spaces was envisioned through

the applicant's rezoning application and the required variance is technical in nature. Furthermore, additional landscaping has been provided on the eastern edges of the parking area, to screen the parking and loading spaces from the public realm.

Variance #5 pertains to landscaped area. The applicant is proposing a landscaped area of 25.0%, where a minimum landscaped area of 30.0% is required. The intent of the landscaped area requirement is to ensure a proportionate amount of landscaped areas is provided on site, while balancing other site components such as hard surfaces and built form. Planning staff note that through the OLT approved rezoning process, the total amount of required landscaped areas was reduced from the general standard of 40% to 30%. Typically staff do not support further reductions in landscaped areas, especially in instances when the site specific zoning by-law already provides for a reduced standard. However, for this particular site plan application, staff are able to support the reduction for the following reasons: the applicant is unable to include the individual townhouse unit rear amenity spaces into the calculation due to the elevated nature of the area and the applicant is providing additional sidewalks to improve pedestrian circulation, outside of the City's standard, which would not be included in the overall landscaped calculation. In addition, this reduction would only be applicable to this particular site and would not be applied over the entire Brightwater project site. Given this, staff are able to support the reduction of the landscaped areas percentage to 25% as it pertains to the unique circumstances with the associated site plan application. We note that the staff will generally be pursuing the landscaped area zoning standard as additional site plans are processed for the balance of the project in order to ensure that there is a proportionate amount of landscaped areas for the entire project site.

As such, Planning staff has no concerns with the proposed variances.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This Department has no objection to the requests made through this Minor Variance application with exception to Variance #6 where the condo road width is requested to be reduced to 8.0m in width. This would leave a 2.0m width for the parking space which will result in parked vehicles encroaching into the 6.0m condo roadway. We have had further discussions with the applicant and reviewed revised drawings that will comply with all applicable by-law requirements for the condo road width and parking width. It is our understanding that variance request #6 regarding the condo road width will be withdrawn by the applicant. We concur with this request.

We also note for Committee's information that the City has approved Draft Plan of Subdivision T-17004 and we are currently in the process of finalizing the engineering works and Subdivision Agreement. We also note that site specific matters will be addressed through Site Plan application SP-19/138.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Site Plan application and a Building Permit under file SP 20-48 and BP 3NEW 21-6346. Based on review of the information currently available for this application, we advise that the following variance(s) should be amended as follows:

6. A parallel parking space with an unobstructed rectangular area with a width of 2.0m and a length of 6.7m, whereas By-law 0225-2007, as amended, requires a parallel parking space to have an unobstructed rectangular area with a minimum width of 2.6m and a length of 6.7m in this instance;

Our comments are based on the plans received by Zoning staff on 05/26/2021 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, Zoning Examiner

Appendix 4 – Heritage

The adjacent property is designated under the *Ontario Heritage Act*. Accordingly, an appendix to the 2018 ERA Heritage Impact Assessment is required to ensure that these specific elements of the proposed development do not negatively impact the heritage resource. The appendix must address the specific development under this application and its impact to the adjacent Heritage Conservation District. The terms of reference are available at https://www7.mississauga.ca/documents/culture/heritage/HeritageImpactAssessment_TermsOfReference2017.pdf. More comments may be forthcoming once the Heritage Impact Assessment is accepted.

Comments Prepared by: Andrew Douglas, Heritage Analyst