

City of Mississauga Department Comments

Date Finalized: 2022-03-02	File(s): A112.22
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-03-10 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application, as amended.

Application Details

The applicant requests the Committee to approve a minor variance to allow a mixed-use building with a floor plate size greater than 1,000sq.m (approx. 10,764sq.m) above a 12th storey; whereas By-law 0225-2007, as amended, permits a maximum floor plate size of 1,000sq.m (approx. 10,764sq.ft) above the 12th storey in this instance.

Amendments

The variance should be amended as follows:

1. A Gross Floor Area – Apartment Zone greater than 1,000sq.m (approx. 10,764sq.m) for each storey above the 12th storey; whereas By-law 0225-2007, as amended, permits a maximum Gross Floor Area – Apartment Zone of 1,000sq.m (approx. 10,764sq.ft) for each storey above the 12th storey in this instance.

Furthermore, we note that the following variance is required:

2. A Gross Floor Area – non-residential of 270.9sq.m, located within the first storey; whereas By-law 0225-2007, as amended, permits a maximum Gross Floor Area – non-residential of 270sq.m in this instance.

Background

Property Address: 3009 Novar Rd

Mississauga Official Plan

Character Area: Downtown Cooksville
Designation: Residential High Density

Zoning By-law 0225-2007

Zoning: H-RA4-53 - Residential; C4 - Commercial; D-1 - Development

Other Applications: H-OZ 21-3

Site and Area Context

The subject property is located on the north-east corner of the Dundas Street West and Noval Road intersection in Downtown Cooksville. It has a lot area of +/- 4,149.08m² (1.03ac) and contains no significant landscaping elements, but does have some mature vegetation scattered throughout the property. The surrounding area context includes a mix of residential and commercial properties of various sizes and built forms.

The applicant is proposing to construct a high rise residential building requiring a variance for floor plate size.



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 Downtown Cooksville Character Area and is designated Residential High Density in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits apartment dwellings as well as some commercial uses at grade. In June 2021 Council passed MOPA 118, designating the entirety of the property as Residential High Density. The variance requested is necessary to facilitate the approval given to the project under MOPA 118, and therefore staff are satisfied that the application maintains the general intent and purpose of the Official Plan.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

The applicant is requesting a variance to allow an increased floor plate size above the 12th floor of the proposed structure. Planning staff note that the nature of the variance is to facilitate a design which has been conceptually approved by City staff through their review of the rezoning and Official Plan amendment application (OZ/OPA 19-17). Staff are of the opinion that the requested variance represents minor changes that have already been reviewed in consultation with municipal staff and do not fundamentally change the intended design or functionality of the site.

In addition to the requested variance, Zoning has identified an additional variance relating to the non-residential gross floor area on the first floor. Staff note that the request is exceedingly minor in nature, representing less than one square metre, and would likely be imperceptible once constructed.

To this end, the Planning and Building Department is of the opinion that the variance maintains 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?

Planning staff are satisfied that the proposal represents appropriate development of the subject lands. Furthermore the potential impacts to abutting properties and the streetscape have been addressed through the previous rezoning and Official Plan amendment applications, and the requested variance will not create any additional impacts beyond those approvals.

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 the Site Plan Application Process (SP20-52). We also note that the City is currently processing Rezoning Application OZ-19/17 for this development.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Site Plan application under file SP 20-52. Based on review of the information currently available for this application, we advise that the variance should be amended as follows:

1. A Gross Floor Area – Apartment Zone greater than 1,000sq.m (approx. 10,764sq.m) for each storey above the 12th storey; whereas By-law 0225-2007, as amended, permits a maximum Gross Floor Area – Apartment Zone of 1,000sq.m (approx. 10,764sq.ft) for each storey above the 12th storey in this instance.

Furthermore, we note that the following variance is required:

2. A Gross Floor Area – non-residential of 270.9sq.m, located within the first storey; whereas By-law 0225-2007, as amended, permits a maximum Gross Floor Area – non-residential of 270sq.m in this instance.

Lastly, we advise that more information is required to determine whether additional variance(s) may be required.

Our comments are based on the plans received by Zoning staff on 11/15/2021 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: Adam McCormack, Zoning Examiner