

City of Mississauga Department Comments

Date Finalized: 2022-03-23	File(s): A285.21 Ward 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-03-31 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application, subject to the condition. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

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. 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 as identified in Schedule RA5-55 in this instances;
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, permits a 1.0m (approx. 3.3ft) projection of a balcony beyond a building face in this instance;
4. A maximum projection of a canopy or awning located at the ground floor, outside the buildable area of 2.0m (approx. 6.56ft), whereas By-law 0225- 2007, as amended, does not permit canopies or awnings projections outside of the buildable area, as identified in Schedule RA5-55, in this instance; and
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.

Recommended Conditions and Terms

Construction related to this variance shall be in general conformance with the plans approved by the Committee.

Background

Property Address: 91 Eglinton Avenue East

Mississauga Official Plan

Character Area: Uptown Major Node

Designation: Residential High Density, Residential Medium Density, Public Open Space

Zoning By-law 0225-2007

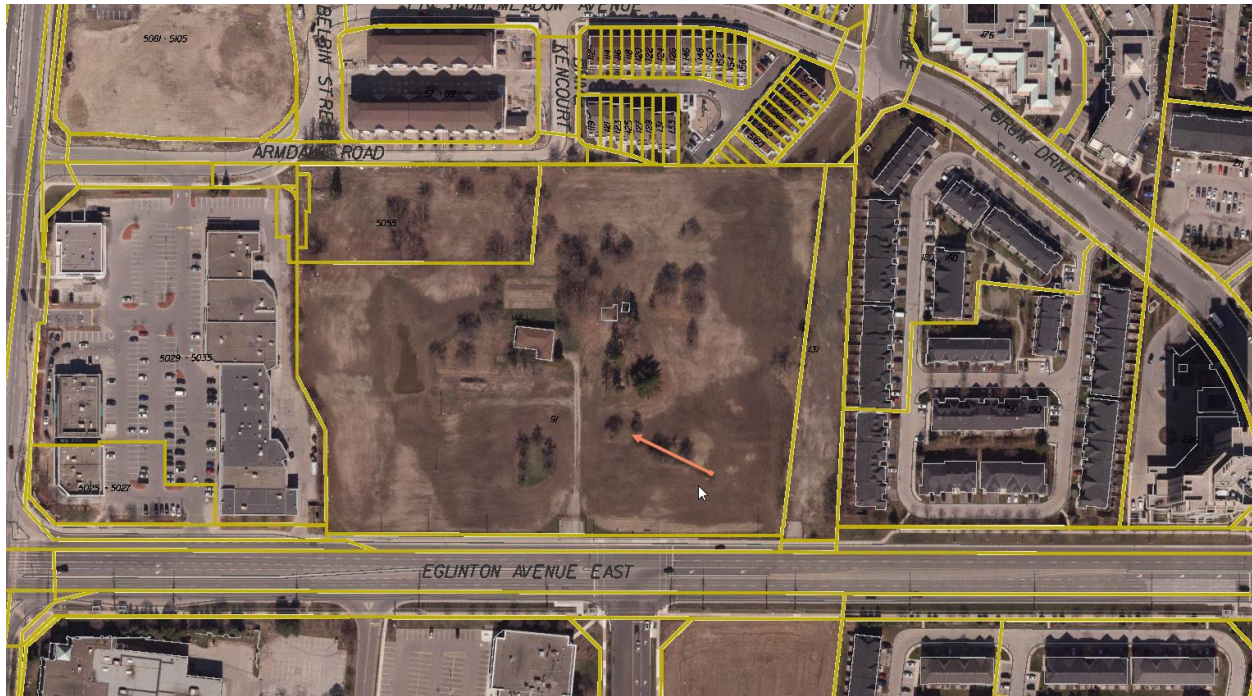
Zoning: H-RA5-55 - Holding Residential, OS1 - Open Space, & RM6-13 - Residential

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 and it 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 to a by-law schedule exception, projections, and amenity areas.



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 in the Uptown Major Node Character Area and is designated Residential High Density, Residential Medium Density, and Public Open Space in Schedule 10 of the Mississauga Official Plan (MOP). These designations permit apartment dwellings, townhouse dwellings, and open space uses, respectively, and are in line with the development proposal.

While the applicant has proposed several variances to the zoning regulations, Planning staff note that the nature of variances 1-4 are to facilitate a design which has been conceptually approved by both the Urban Design and Development Planning teams through their review of the Site Plan Approval application (SP 21-13). Staff are of the opinion that the requested variances represent 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.

Variance 5 requests a reduction in the contiguous amenity area. Staff note that this is mostly a result of the internal layout of the structure and that, overall, appropriate amenity areas are being provided for future residents.

Given the above, Planning staff are satisfied that the application maintains the general intent and purpose of both the official plan and zoning by-law. Furthermore the changes are minor in nature and represent appropriate development of the subject property. Planning staff therefore have no objections to the application, subject to the proposed condition.

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

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.

We advise that the recently provided statistics are not clearly legible and as such, staff are unable to confirm sufficient parking/accessible parking.

Our comments are based on the plans received by Zoning staff on 01/28/2022 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