

City of Mississauga Department Comments

Date Finalized: 2022-04-20	File(s): A189.22 Ward 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-04-28 1:00:00 PM

Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the Applicant and area residents when assessing if the application, as requested, meets the requirements of Section 45(1) of the Planning Act.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of three purpose-built residential apartment buildings proposing:

1. A setback of 2.40m (approx. 7.87ft) between the surface parking spaces (including lay-by) and Building A; whereas By-law 0225-2007, as amended, requires a minimum setback of 6.00m (approx. 19.69ft) in this instance;
2. A setback of 2.41m (approx. 7.91ft) between the surface parking spaces (including lay-by) and Building B; whereas By-law 0225-2007, as amended, requires a minimum setback of 6.00m (approx. 19.69ft) in this instance;
3. A setback of 5.40m (approx. 17.72ft) between the surface parking spaces (including lay-by) and Building C Main Entrance; whereas By-law 0225-2007, as amended, requires a minimum setback of 6.00m (approx. 19.69ft) in this instance;
4. A setback of 3.59m (approx. 11.78ft) between the surface parking spaces (including lay-by) and Building C North Visitor Parking; whereas By-law 0225-2007, as amended, requires a minimum setback of 6.00m (approx. 19.69ft) in this instance;
5. A maximum bay window projection of 0.6m (approx. 2.0ft) beyond the buildable area whereas By-law 0225-2007, as amended, permits a bay window projection of 0.0m beyond the buildable area in accordance with Schedule RA3-14 in this instance;
6. A maximum ground floor patio projection of 2.0m (approx. 6.6ft) beyond the buildable area whereas By-law 0225-2007, as amended, permits a ground floor patio projection of 0.0m beyond the buildable area in accordance with Schedule RA3-14 in this instance;
7. To permit balconies to project 1.6m (approx. 5.2ft) from the outermost face of the building, whereas By-law 0225-2007, as amended, permits balconies to project a maximum of 1.0m (approx. 3.3ft) from the outermost face of the building in this instance;
8. A minimum setback of 4.2m (approx. 13.8ft) from a waste enclosure/loading area whereas By-law 0225-2007, as amended requires a minimum setback of 10.0m (approx. 32.8ft)

in this instance;

9. A minimum depth of landscape buffer of 0.0m along an interior side lot line whereas By-law 0225-2007, as amended, requires a minimum depth of landscape buffer of 4.5m (approx. 14.8ft) in this instance;

10. To permit a bay window and ground floor patio to encroach into the landscape buffer whereas By-law 0225-2007, as amended, does not permit a bay window and patio to encroach into a landscape buffer in this instance;

11. Non-compliance with Schedule RA3-14 with regards to maximum number of storeys, proposing a maximum of 8-storeys for Building A, 8-storeys for Building B, and 9-storeys for Building C; whereas By-law 0225-2007, as amended, requires a maximum of 4- and 6-storeys for Building A, 6-storeys for Building B, and 6-storeys for Building C, in compliance with Schedule RA3-14, in this instance;

12. To permit 432 dwellings whereas By-law 0225-2007, as amended, permits a maximum of 410 dwellings in this instance;

13. A below grade parking structure setback of 0.0m whereas By-law 0225-2007, as amended, requires a minimum below grade parking structure setback of 3.0m (approx. 9.8ft) in accordance with Schedule RA3-14 in this instance;

14. An accessory structure (glass house) area of 38.5sq.m (approx. 414.4sq.ft) and height of 4.0m (approx. 13.1ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 20.0sq.m (approx. 215.3sq.ft) and height of 3.0m (approx. 9.8ft) in this instance;

15. An accessory structure (shade structure) area of 91.0sq.m (approx. 979.5sq.ft) whereas By-law 0225-2007, as amended, permits a maximum accessory area of 20.0sq.m (approx. 215.3sq.ft) in this instance;

16. An accessory structure (shade structure) area of 72.0sq.m (approx. 775.0sq.ft) and height of 4.0m (approx. 13.1ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 20.0sq.m (approx. 215.3sq.ft) and height of 3.0m (approx. 9.8ft) in this instance;

17. An area combined for all accessory structures of 201.5sq.m (approx. 2,168.9sq.ft) whereas By-law 0225-2007, as amended, permits a maximum area combined for all accessory structures of 60.0sq.m (approx. 645.8sq.ft) in this instance;

18. Two play structures with an area of 8.0sq.m (approx. 86.1sq.ft) and 21.0sq.m (approx. 226.0sq.ft) and a height of 5.5m (approx. 18.0ft) each; whereas By-law 0225-2007, as amended, permits a maximum play structure of 5.5sq.m (approx. 59.2sq.ft) and a maximum play structure height of 3.0m (approx. 9.8ft) in this instance; and

19. A minimum setback of 2.0m (approx. 6.6ft) to the Atwater and Parkwest Place sight triangle whereas By-law 0225-2007, as amended, requires a minimum setback of 3.0m (approx. 9.8ft) in accordance with Schedule RA3-14 in this instance.

Amendments

City Department and Agency Comments	File:A189.22	2022/04/20	3
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The Building Department is currently processing a Site Plan Approval application under file SP 17/131. Based on review of the information currently available for this application, the variances, as requested, are correct.

Furthermore, we advise that the following variance(s) should be added as follows:

20. Excessive encroachment of 1.82m to the patio, for Building 'B', at the sight triangle, whereas By-law 0225-2007, as amended, permits a maximum encroachment of 1.80m in this instance;

21. Insufficient setback of 0.80m to the exhaust shaft adjacent to Village Green Blvd, whereas By-law 0225-2007, as amended, requires a minimum setback of 3.0m as per the Buildable Area identified in schedule RA3-14, in this instance;

Background

Property Address: 1205 Cawthra Rd, 738 Atwater Ave, 1225 Yeadon Place

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential High Density

Zoning By-law 0225-2007

Zoning: RA3-14 - Residential

Other Applications: Site Plan Approval application under file SP 17/131

Site and Area Context

The subject site is located within the Lakeview Neighbourhood Character Area, in the southeast quadrant of Cawthra Road and Atwater Avenue. The surrounding neighbourhood contains a mix of institutional, open space and residential uses. The residential uses mainly consist of varying forms of townhouses (1-3 storeys), detached dwellings (1-2 storeys) and two residential apartment buildings (12-storeys).

The subject site is currently vacant. In 2017, a site plan application was submitted by the applicant that proposed a residential development of 171 stacked townhouses. In 2018, a minor variance application was approved by the Committee of Adjustment to facilitate the development of 171 stacked townhouses. The applicant has since revised their submission following discussions with the Mayor, area councillor and staff.

The proposed development now consists of 432 rental apartment units within three purpose built rental apartment buildings (Buildings A and B: 7 to 8-storeys and Building C: 9-storeys). Based on a review of historic building permits, staff have determined that the majority of lands surrounding the subject property were developed in the 1990s, with the exception of the subject property.

During the 1990's, the City of Mississauga refused an application (OZ/OPA 8925) to rezone the property to permit additional housing types in combination with commercial, retail and open space uses. The Ontario Municipal Board (now Ontario Land Tribunal) issued an approval order of the appeal on June 23rd, 1993, creating a site-specific zone (RA3-14) that permits a range of housing types in combination with commercial, retail and open space uses.

In addition to expanding the permitted list of uses on the property, the site-specific amendment also establish specific provisions regulating the number of permitted units, identified block locations, building heights and minimum setbacks.

A second zoning amendment application (OZ/OPA 979) was approved by the City on February 2, 1998, to remove unit size regulations in order to be compliant with a new affordable dwelling definition that had been recently added to the by-law.

Based on the current zoning, Zoning staff has identified additional variances required for the construction of the three purpose built rental apartment buildings through the site plan application process. Variances include setbacks, projections, a landscape buffer, heights and accessory structures.



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:

The subject site is designated Residential High Density on Schedule 10 of the Mississauga Official Plan. The Residential High Density designation permits an apartment dwelling use. The subject site is also subject to Special Policy 3 under the Lakeview Local Area Plan, which permits all types of multiple family dwellings; including townhouses, apartments or any combination of these uses. Furthermore, the site is subject to a maximum height of 12-storeys under Lakeview Local Area Plan (Map 3).

Staff note that a majority of the variances requested are technical in nature and are required to accommodate technical setbacks, projections, setback buffers and accessory structures. In addition to these, the applicant is requesting to permit 432 dwelling units, where a maximum of 410 are permitted and to redistribute building heights shown on Schedule RA3-14 across the site.

Specifically, the applicant's proposal is to reduce the maximum allowable 12-storey height at the rear of the subject property adjacent to the townhouses to 9-storeys and redistribute height along Cawthra Road and Atwater Avenue. Furthermore, the RA3-14 zoning currently permits a maximum of 4 to 6 storeys along Cawthra Road and 4 to 8 storeys along Atwater Avenue. The proposed variances would permit a maximum of 8-storeys along Cawthra Road and a maximum of 8-storeys along Atwater Avenue.

All floors above the 6th floor in buildings A and B, and the 7th floor in building C, are designed to provide an additional step backs in order to create an appropriate street wall and to further breakup the massing of the buildings.

Staff has reviewed the proposed variances extensively with the planner reviewing the applicant's site plan application, and urban design staff. Staff have no concerns with the applicant's proposal as a majority of the variances are technical and are a result of site plan discussions with the applicant and staff. Furthermore, the number of dwelling units proposed represents a minor increase from the maximum permitted. The proposed maximum heights are permitted in the Lakeview Local Area Plan and provide a better built form transition from the established uses. Lastly, the use proposed is permitted in the official plan and zoning by-law.

Through a detailed review of the application, staff is of the opinion that the application is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning nature.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the property are being addressed through the Site Plan approval process, SP-17/131.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Site Plan Approval application under file SP 17/131. Based on review of the information currently available for this application, the variances, as requested, are correct.

Furthermore, we advise that the following variance(s) should be added as follows:

20. Excessive encroachment of 1.82m to the patio, for Building 'B', at the sight triangle, whereas By-law 0225-2007, as amended, permits a maximum encroachment of 1.80m in this instance;

21. Insufficient setback of 0.80m to the exhaust shaft adjacent to Village Green Blvd, whereas By-law 0225-2007, as amended, requires a minimum setback of 3.0m as per the Buildable Area identified in schedule RA3-14, in this instance;

Our comments are based on the plans received by Zoning staff on 03/18/2022 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

Appendix 3 – Region of Peel

Minor Variance Application: A-189/22

Comments: Please be advised that the subject property is located within the limits of the regulated area of the Credit Valley Conservation (CVC).

The Region relies on the environmental expertise of the CVC for the review of development applications located within or adjacent to this regulated area in Peel and their potential impacts on the natural environment. Regional Planning staff therefore, request that the Committee and city staff consider comments from the CVC and incorporate their conditions of approval appropriately.

Comments Prepared by: Joseph Filice, Junior Planner

Appendix 4 – Credit Valley Conservation Authority

It is our understanding that a minor variance application for 1205 Cawthra Rd, 738 Atwater Ave, 1225 Yeadon Place has been requested to the Committee, for the allowance of the construction of three mid-rise condominiums proposing:

1. A setback of 2.40m (approx. 7.87ft) between the surface parking spaces (including lay-by) and Building A; whereas By-law 0225-2007, as amended, requires a minimum setback of 6.00m (approx. 19.69ft) in this instance;
2. A setback of 2.41m (approx. 7.91ft) between the surface parking spaces (including lay-by) and Building B; whereas By-law 0225-2007, as amended, requires a minimum setback of 6.00m (approx. 19.69ft) in this instance;
3. A setback of 5.40m (approx. 17.72ft) between the surface parking spaces (including lay-by) and Building C Main Entrance; whereas By-law 0225-2007, as amended, requires a minimum setback of 6.00m (approx. 19.69ft) in this instance;
4. A setback of 3.59m (approx. 11.78ft) between the surface parking spaces (including lay-by) and Building C North Visitor Parking; whereas By-law 0225-2007, as amended, requires a minimum setback of 6.00m (approx. 19.69ft) in this instance;
5. A maximum bay window projection of 0.6m (approx. 2.0ft) beyond the buildable area whereas By-law 0225-2007, as amended, permits a bay window projection of 0.0m beyond the buildable area in accordance with Schedule RA3-14 in this instance;
6. A maximum ground floor patio projection of 2.0m (approx. 6.6ft) beyond the buildable area whereas Bylaw 0225-2007, as amended, permits a ground floor patio projection of 0.0m beyond the buildable area in accordance with Schedule RA3-14 in this instance;

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7. To permit balconies to project 1.6m (approx. 5.2ft) from the outermost face of the building, whereas Bylaw 0225-2007, as amended, permits balconies to project a maximum of 1.0m (approx. 3.3ft) from the outermost face of the building in this instance;
 8. A minimum setback of 4.2m (approx. 13.8ft) from a waste enclosure/loading area whereas By-law 0225-2007, as amended requires a minimum setback of 10.0m (approx. 32.8ft) in this instance;
 9. A minimum depth of landscape buffer of 0.0m along an interior side lot line whereas By-law 0225-2007, as amended, requires a minimum depth of landscape buffer of 4.5m (approx. 14.8ft) in this instance;
 10. To permit a bay window and ground floor patio to encroach into the landscape buffer whereas By-law 0225-2007, as amended, does not permit a bay window and patio to encroach into a landscape buffer in this instance;
 11. Non-compliance with Schedule RA3-14 with regards to maximum number of storeys, proposing a maximum of 8-storeys for Building A, 8-storeys for Building B, and 9storeys for Building C; whereas By-law 0225-2007, as amended, requires a maximum of 4- and 6-storeys for Building A, 6-storeys for Building B, and 6-storeys for Building C, in compliance with Schedule RA3-14, in this instance;
 12. To permit 432 dwellings whereas By-law 0225-2007, as amended, permits a maximum of 410 dwellings in this instance;
 13. A below grade parking structure setback of 0.0m whereas By-law 0225-2007, as amended, requires a minimum below grade parking structure setback of 3.0m (approx. 9.8ft) in accordance with Schedule RA3-14 in this instance;
 14. An accessory structure (glass house) area of 38.5sq.m (approx. 414.4sq.ft) and height of 4.0m (approx. 13.1ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 20.0sq.m (approx. 215.3sq.ft) and height of 3.0m (approx. 9.8ft) in this instance;
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3.0m (approx. 9.8ft) in this instance;

17. An area combined for all accessory structures of 201.5sq.m (approx. 2,168.9sq.ft) whereas By-law 0225-2007, as amended, permits a maximum area combined for all accessory structures of 60.0sq.m (approx. 645.8sq.ft) in this instance;
18. Two play structures with an area of 8.0sq.m (approx. 86.1sq.ft) and 21.0sq.m (approx. 226.0sq.ft) and a height of 5.5m (approx. 18.0ft) each; whereas By-law 0225-2007, as amended, permits a maximum play structure of 5.5sq.m (approx. 59.2sq.ft) and a maximum play structure height of 3.0m (approx. 9.8ft) in this instance; and
19. A minimum setback of 2.0m (approx. 6.6ft) to the Atwater and Parkwest Place sight triangle whereas By-law 0225-2007, as amended, requires a minimum setback of 3.0m (approx. 9.8ft) in accordance with Schedule RA3-14 in this instance.

CVC staff have reviewed the proposal. Based on updated floodmapping, CVC staff have **no concerns** with the flood hazard for the subject property. Therefore, CVC staff have **no objections** to this file.

CVC does not need to be circulated on any future correspondence regarding this application and no future permitting is required.

Should you have any questions, please contact the undersigned.

Comments Prepared by: Elyssa Pompa, Junior Planner