

City of Mississauga Department Comments

Date Finalized: 2022-04-27	File(s): A225.22 Ward 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-05-05 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application in order 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 a 28-storey residential development proposing:

1. 314 residential units whereas By-law 0225-2007, as amended, permits a maximum of 282 residential units in this instance;
2. A minimum exterior side yard setback of 2.8m (approx. 9.2ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 3.0m (approx. 9.8ft) in this instance;
3. A minimum rear yard setback of 16.8m (approx. 55.1ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 18.7m (approx. 61.4ft) in this instance;
4. A minimum setback of 0.0m from a lot line to surface parking whereas By-law 0225-2007, as amended, requires a minimum setback of 3.0m (approx. 9.8ft) in this instance; and
5. A maximum loading bay height of 8.5m (approx. 27.9ft) whereas By-law 0225-2007, as amended, permits a maximum loading bay height of 5.0m (approx. 16.4ft) in this instance.

Background

Property Address: 45 Agnes St

Mississauga Official Plan

Character Area: Downtown Cooksville
Designation: Residential High Density

Zoning By-law 0225-2007**Zoning: RA4-27****Other Applications:** SP 21-102**Site and Area Context**

The subject property is located on the north-east corner of the Agnes Street and Cook Street intersection. It has a lot area of +/- 3,193.7m² (34,376ft²) and is currently vacant with the exception of a paved driveway along the eastern property line serving adjacent developments. Very little vegetation or landscaping elements are present on the subject property. The surrounding area context contains a mix of residential and commercial uses with differing built forms and lot sizes, as well as T.L. Kennedy Secondary School in close proximity to the north.

The applicant is proposing a high-rise residential development on the subject property requiring variances for the number of units, side and rear yard setbacks, setback to surface parking, and loading bay height.

**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 Low Density II in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits apartment dwellings. The site is further subject to Special Site 3 policies, which limit the development of the residential tower to 28 storeys. Planning staff are satisfied that the proposal is consistent with the Downtown Cooksville policies, the Special Site 3 policies and general official plan policies. Staff are therefore 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?

Variance 1 requests an increase in the total unit count for the building. The proposed building integrates these additional units within the legally permitted height and FSI provisions, and no parking reduction is being requested. Planning staff are of the opinion that this request is minor in nature and will not significantly increase the intensity of the use to the detriment of the surrounding area.

Variance 2 requests a reduced exterior side yard setback. The intent of this provision is to ensure an adequate buffer between the massing of the structure and public realm. Staff note that the proposed reduction is only for a small portion of the structure adjacent to the transformer room and that the vast majority of the building complies with the required setback. The requested reduction is minor in nature, well landscaped, and will likely be imperceptible once constructed.

Variance 3 requests a reduced rear yard. The intent of this provision is to ensure an adequate buffer between structures on abutting properties. Staff note that only a portion of the rear wall of the structure does not comply, and that the portion that does not comply is limited to 3 storeys in height. The proposed reduction will not create a significant massing impact or separation issue between structures and does not have the same impact as if the entire height of the structure were to be located at the reduced setback.

Variance 4 requests a 0 metre setback to surface parking. Staff note that the proposed reduction is only in relation to 2 parking stalls which already exist on site along the existing driveway. Staff are of the opinion that the introduction of a buffer between the lot line and these parking spaces is unnecessary and will not lessen the impact to abutting properties compared to the existing condition.

Variance 5 proposes an increase in height for the loading bay. The applicant has indicated that this is due to a Region of Peel requirement. Cyrus Street represents an appropriate location for the loading bay as it is located towards the rear of the site and away from the Agnes Street and Cook Street frontages. It is also important to note that the height of the door does not reach the full height requested with a portion of the bay being masked by exterior materials matching other parts of the building.

Given the above Planning staff are of the opinion that the variances, both individually and cumulatively, maintain 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 proposed variances will facilitate a development that is appropriate for the subject property. Furthermore the proposed variances generally represent a mix of existing conditions or minor deviations that will not significantly alter the envisioned development, and therefore the impacts of the variances will be minor in nature.

Comments Prepared by: Alexander Davies, 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 proposed residential development will be addressed through Site Plan Application, File SP-21/102.

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 21-102. This application was originally submitted prior to the zoning being in place for the proposed development. A resubmission has been received but has not yet been reviewed. Until this examination has been completed we are not able to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Please note that comments reflect those provided through the above application and should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the application file noted above, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments.

Comments Prepared by: Richard Thompson, Zoning Examiner