

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

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| Date Finalized: 2020-07-08                | File(s): A146/20<br>Ward: 1 |
| To: Committee of Adjustment               |                             |
| From: Committee of Adjustment Coordinator | Meeting date:<br>2020-07-14 |

## Consolidated Recommendation

The City does not object to the requested variances; however recommend that variance #3 be removed to allow the applicant to submit a PIL application.

## Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a triplex on the subject property proposing:

1. A gross floor area - residential of 349.58sq.m (approx. 3,762.85sq.ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area - residential of 232.28sq.m (approx. 2,500.24sq.ft) in this instance;
2. Side yards of 1.20m and 1.20m (approx. 3.93ft and 3.93ft) whereas By-law 0225-2007, as amended, requires minimum side yards of 1.20m on one side and 3.00m on the other side (approx. 3.93ft and 9.84ft) in this instance; and
3. Three parking spaces (1.0 spaces per unit) whereas By-law 0225-2007, as amended, requires a minimum of four parking spaces (1.25 spaces per unit) in this instance.

## Background

**Property Address:** 43 Elmwood Avenue North

### Mississauga Official Plan

Character Area: Port Credit Neighbourhood (East)  
Designation: Residential Low Density II

### Zoning By-law 0225-2007

**Zoning:** RM7-5 (Residential)

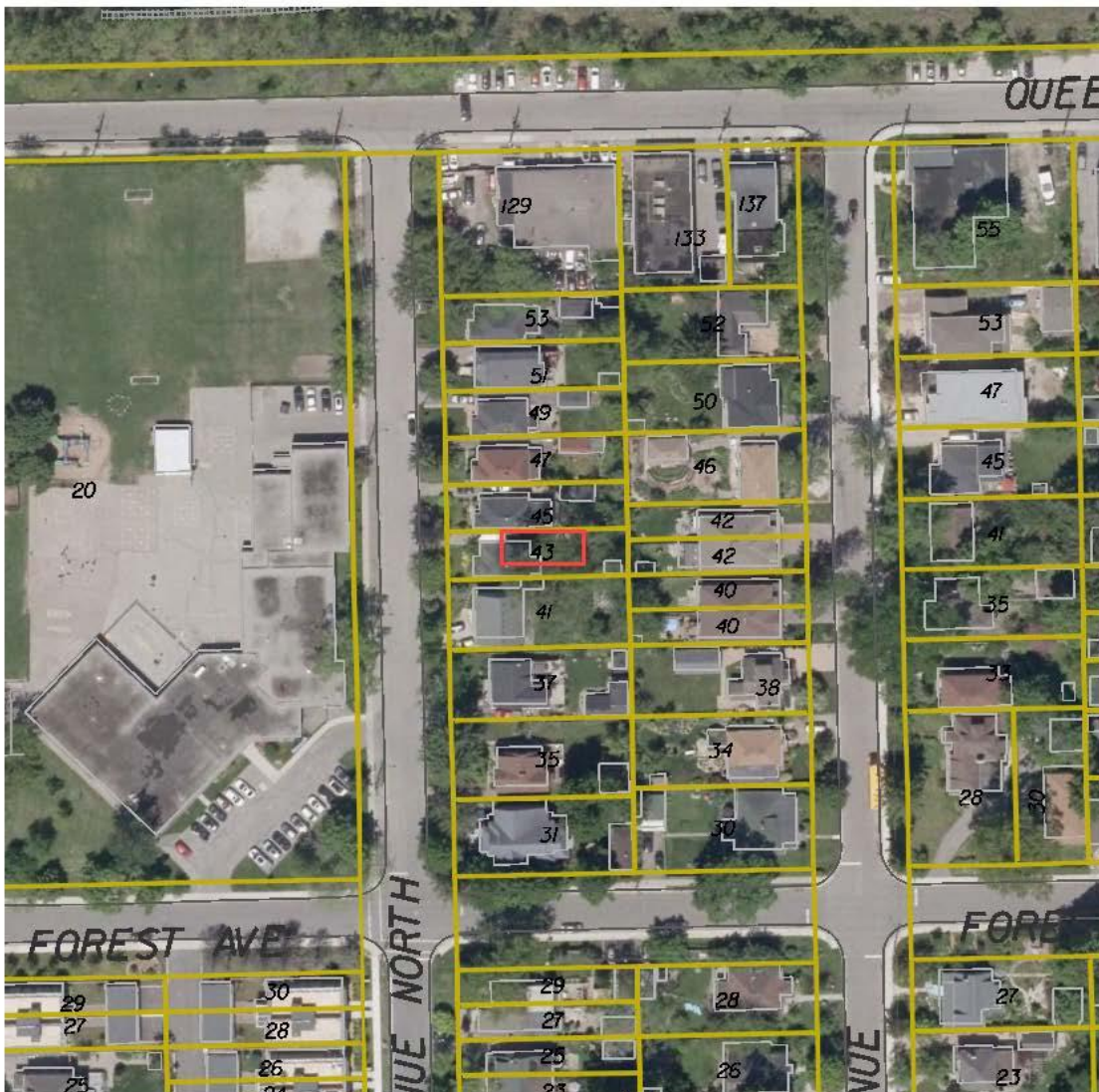
## Other Applications

Pre-Zoning Application: 18-88

## Site and Area Context

The subject property is located within Port Credit Neighbourhood Character Area, northeast of Hurontario Street and Lakeshore Road East. The neighbourhood is primarily residential, however, institutional and employment uses are situated within close proximity to the subject property. The residential uses consist of one and two storey detached dwellings and also semi-detached dwellings with mature vegetation. The subject property contains an existing one storey detached dwelling with vegetation within the front yard.

The application proposes to develop a triplex dwelling, requiring variances related to gross floor area (GFA), deficient side yard setback and parking.



## 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 designated “Residential Low Density II” in Schedule 10 of the Mississauga Official Plan (MOP) which permits detached, semi-detached and duplex, triplex and other forms of low rise dwellings with individual frontages. The official plan policies for lands within the Port Credit Neighbourhood Character Area are contained within the Port Credit Local Area Plan and are within the North Residential (Credit Grove) precinct. Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with: the existing site conditions; the surrounding context; and, the landscape of the character area. The subject property is located across a public school known as Forest Avenue Public School and the residential dwellings surrounding the subject property consists of deficient setbacks. Although the residential area consists of one and two storey detached dwellings, a maximum of three storeys is permitted within the official plan. Given the context of the surrounding area, the proposed triplex maintains the existing site conditions and preserves the intended vision of the Port Credit Neighbourhood. Staff is of the opinion that the general intent and purpose of the official plan is maintained.

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

The application proposes a GFA of 349.58 m<sup>2</sup> whereas a maximum of 232.28 m<sup>2</sup> is permitted. The intent in restricting GFA is to maintain compatibility between existing and new dwellings and to ensure the existing and planned character of a neighbourhood is preserved. In this instance, a majority of the GFA that is over the maximum permitted is attributed to the basement. The basement contains a GFA of 75.90 m<sup>2</sup> which is included in the overall calculation. Excluding the basement, the triplex would have a combined GFA of 273.68 m<sup>2</sup>. The increased GFA will not negatively impact the existing and planned character of the neighbourhood as this area of Port Credit envisions a mix of low density uses which contributes to the eclectic nature of the surrounding area. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #2 proposes a side yard of 1.20 m whereas 3 m is required. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between the massing of primary structures on adjoining properties, and that access to the rear yard ultimately remains unencumbered. The zoning by-law requires a 1.20 m side yard on one side of the dwelling and

3 m on the other for a triplex dwelling. Although the area mostly consists of detached and semi-detached dwellings, the immediate area is generally characterized by similar existing deficiencies related to side yard setbacks. The proposed setback preserves access to the rear yard and maintains a sufficient buffer to adjacent properties. Given the varied nature of the surrounding area, the proposed setback is appropriate in this instance and maintains the existing and planned character of the surrounding area. Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Regarding variance #3, the applicant has submitted a parking study dated September 18, 2018 prepared by CGE Transportation Consulting. The study does not attempt to show that the proposed development requires less than 4 parking spaces. The submitted study fulfills one of the tests used to justify the use of the Payment-in-lieu of Parking Program, whether the existing public parking supply in the surrounding area can accommodate the on-site parking deficiency. Considering the above information, staff requests that the parking deficiency not be dealt through a variance at the Committee of Adjustment but rather an application be made for Payment-in-Lieu (PIL) of parking. Through the PIL application process, the proponent contribution will be calculated for the requested deficiency.

**Is the proposal desirable for the appropriate development of the subject lands and minor in nature?**

The subject property is located in an area of Port Credit that contains an eclectic mix of housing and employment uses and is also across Forest Avenue Public School, resulting in the proposed dwelling having minimal impact on the character of the surrounding area. The increased GFA is partly due to the basement which does not contribute to any massing on the street and will not negatively impact neighbouring properties. The neighbourhood is characterized by similar existing deficient side yards, resulting in the proposed deficiency maintaining the planned and existing context of the neighbourhood. As such, the proposed application represents orderly development of the land and is minor in nature

## Conclusion

The Planning and Building Department has no objections to the requested variances #1 and 2. However, recommend that variance #3 be removed to allow the applicant to submit a PIL application.

Comments Prepared by: Lucas Petricca, 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 building will be addressed through the Site Plan Application process (SP18-124).

Comments Prepared by: David Martin, Supervisor Development Engineering

### Appendix 2 – Zoning Comments

The Planning and Building Department is currently processing a site plan approval application under file 18-124. Based on review of the information currently available for this application, the variances, as requested are correct.

Our comments are based on the plans received by Zoning staff on 11/25/2019 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.

Comments Prepared by: Adam McCormack, Zoning Examiner

### Appendix 3 – Region of Peel Comments

Development Engineering: Camila Marczuk (905) 791-7800 x8230

Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. All works associated with the servicing of this site will be at the applicant's expense. For more information, please call our Site Servicing Technicians at 905.791.7800 x7973 or by email at [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca)

For location of existing water and sanitary sewer Infrastructure please contact Records at 905-791-7800 extension 7882 or by e-mail at [PWServiceRequests@peelregion.ca](mailto:PWServiceRequests@peelregion.ca)

I trust this information is of assistance to you and the Committee. If you have any questions or concerns, please do not hesitate to contact me at (905) 791-7800 ext. 7190 or by email at [tracy.tang@peelregion.ca](mailto:tracy.tang@peelregion.ca)

Comments Prepared by: Tracy Tang, Junior Planner