

# City of Mississauga

Memorandum:

## City Department and Agency Comments

Date Finalized: 2020-06-30	File(s): A125/20 Ward: 4
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-07-09

### Consolidated Recommendation

The City has no objection to the variance, as amended

### Application Details

The Applicant requests the Committee to approve a minor variance to allow the installation of a generator on the subject property, proposing:

1. 123 resident parking spaces; whereas, By-law 0225-2007, as amended, requires a minimum of 129 resident parking spaces, in this instance;
2. 142 total parking spaces, including visitor spaces; whereasm By-law 0225-2007, as amended, requires a minimum of 148 total parking spaces, in this instance; and,
3. 2 accessible parking spaces; whereas, By-law 0225-2007, as amended, requires a minimum of 6 accessible parking spaces, in this instance.

### Amendments

Based upon the proposal, the Zoning Department notes that Variances 2 and 3, as requested, are redundant in this instance and are therefore not required. As such, the application should be amended to include only Variance 1.

### Background

**Property Address:** 15 Fairview Road East

### Mississauga Official Plan

Character Area: Downtown Fairview  
Designation: Residential High Density

**Zoning By-law 0225-2007****Zoning:** RA3-8 (Apartments), O (Open Space)**Other Applications:**

Building Permit: 19-5516

**Site and Area Context**

The subject lands are located south-east of the Central Parkway West and Hurontario Road intersection, and currently house a 10-storey, apartment unit structure. The immediate neighbourhood consists of a mixture of higher density residential uses, ranging from townhome units and apartment dwellings; to various low density, commercial strip mall plazas. The subject lands are bounded by an open space / vegetated area to the south.



## Comments

The Applicant is proposing to erect an external power generator upon a portion of the subject site. While the generator's location itself will not reduce overall parking; throughout the years, required parking spaces have been converted into surface storage area (garbage bin enclosures, etc.). As a result, the Applicant is required to seek the above-noted relief.

### Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment the authority to grant relief from requirements of the municipal Zoning By-law; provided such applications meet the requirements set out under Section 45(1) and/or 45(2) (a) or (b) of 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 site is located within the Downtown Fairview Character Area, and designated Residential High Density by the Mississauga Official Plan (MOP). Pursuant to Section 11.2.5.6 (a) (Residential), this designation shall permit apartment dwellings. The Applicant's proposal of an external power generator, to supplement the existing residential apartment, meets the general intent and purpose of the Official Plan.

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

As per Zoning By-law 0225-2007, the subject property is zoned RA3-8 (Apartments). In accordance with Table 3.1.2.1 (Required Number of Parking Spaces for Residential Uses), this zone regulates the required parking rates for various uses and dwelling types on this site. The intent in quantifying this amount is to ensure that each structure is self-sufficient in providing adequate parking accommodations based upon its intended use. As per the Parking Justification Letter (AR: Architects, Feb/2020) submitted by the Applicant, the proposed parking rates are suitable to adequately accommodate the peak parking demands of the subject lands. The variance, as amended, maintains the purpose and general intent of the Zoning By-law.

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

The subject property is well serviced by the public transit system and, as per the aforementioned Parking Justification Letter, has ample room to accommodate required parking based upon the intend use. The structure remains self-sufficient, with the majority of parking handled on-site, and with the amended variance serving to pose no significant negative impact to the surrounding neighbourhood, as a whole. The variance, as amended, results in both the orderly development of the lands, and whose impacts are minor in nature.

## Conclusion

Based upon the preceding information, it is the opinion of Planning Staff that the variance, as amended, meets the general intent and purpose of both the MOP and Zoning By-law; is minor in nature; and, is desirable for the orderly development of the lands. To this end, the Planning and Building Department has no objection to the variance, as amended.

Comments Prepared by: Roberto Vertolli, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

This department has no grading and drainage concerns with respect to the location where the new generator is to be constructed.

Comments Prepared by: David Martin, Supervisor Development Engineering

### Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit application under file 19-5516. Based upon review of this Application, Staff notes that the Minor Variance application should be amended as follows:

- Variances 2 and 3 should be removed.

### Appendix 3 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the April 2<sup>nd</sup>, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

**Deferred Applications:** DEF-A-011/20

**Minor Variance Applications:** A-118/20, A-119/20, A-121/20, A-122/20, A-123/20, A-124/20, A-125/20, A-126/20, A-127/20, A-128/20, A-129/20

Comments Prepared by: Tracy Tang, Junior Planner