

City of Mississauga Department Comments

Date Finalized: 2022-08-10	File(s): A272.22
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2022-08-18 3:00:00 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. The applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Application Details

The applicant requests the Committee to approve a minor variance for the development of a 16 unit condominium townhome project proposing:

1. A minimum side yard setbacks of 2.75m (approx. 9.02ft) whereas By-law 0225-2007, as amended, requires minimum side yard setbacks of 3.00m (approx. 9.84ft) in this instance; and
2. A front yard setback of 4.00m (approx. 13.12ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 4.06m (approx. 13.32ft) in this instance.

Background

Property Address: 115-145 High St W

Mississauga Official Plan

Character Area: Port Credit Neighbourhood (West)
Designation: Mixed Use

Zoning By-law 0225-2007

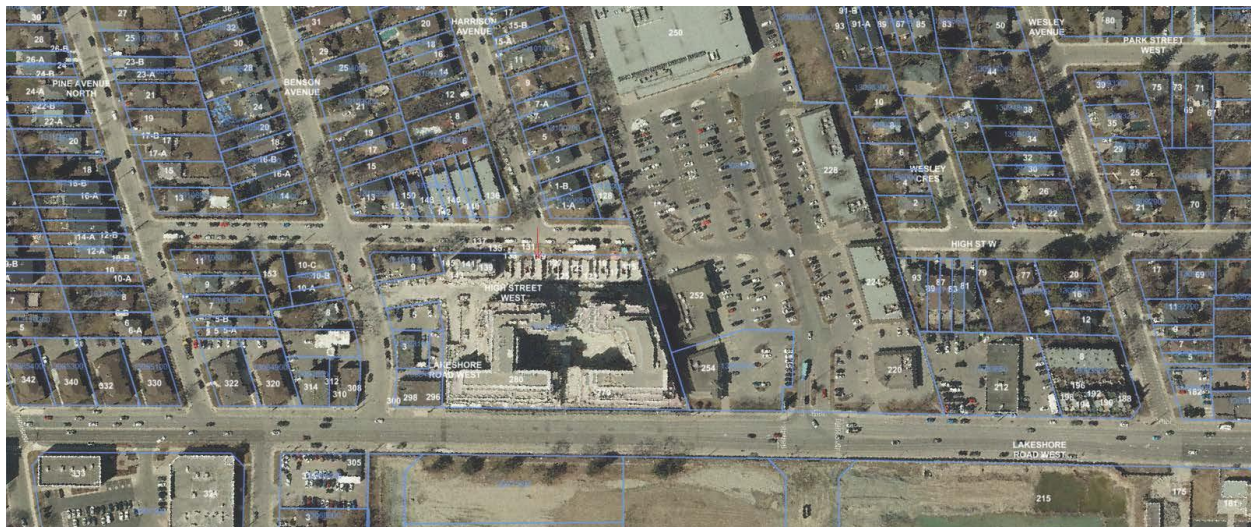
Zoning: C4-59, C4-66 - Commercial

Other Applications: Condominium application under file CDM 19-10.

Site and Area Context

The subject property is located within the Port Credit Neighbourhood Character Area, west of Lakeshore Road West and Mississauga Road North. The subject property received approval for official plan and zoning amendment (OZ/OPA 13/16) and a site plan application (SP 15/75) to permit 139 apartment units and 170 rental retirement units, retail uses and 16 townhouses. The townhouse dwellings are the subject of this application. The surrounding area contains a mix of detached and semi-detached dwellings north of High Street West and commercial uses abutting the subject property to the west and east.

The applicant is seeking a variance for reduced setbacks.



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 Committee of Adjustment deferred the above noted application on June 23rd, 2022, to allow a new notice of the application to be circulated as Variance #2 was added during the hearing.

Staff continue to have no concerns with Variance #1, as this variance remains unchanged. Variance #2 pertains to a front yard setback. The applicant is requesting a reduction of 6cm (2.36 inches) from the minimum front yard setback required. Staff is of the opinion that this variance is minor and negligible. Through a detailed review of the application, staff is of the

City Department and Agency Comments	File:A272.22	2022/08/10	3
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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 this property have been addressed through HOZ-16/002 and currently through Draft Plan of Condominium, CDM-19/010. We have no concerns with the proposed reduced side yard setback for the west limit of Block 1 and the east limit of Block 4.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Condominium application under file CDM 19-10. Based on review of the information currently available in this permit application, we advise that more information is required in order 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 permit 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: Brandon Eidner, Zoning Examiner

Appendix 3 – Metrolinx

Metrolinx is in receipt of the minor variance application for 115-145 High Street West to facilitate the development of a 16 unit condominium townhouse. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300 meters of Metrolinx's Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.
- As per section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, the Owner shall grant Metrolinx an environmental easement for operational emissions. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property. A copy of the

form of easement is included for the Owner's information. The applicant may contact Harrison.Rong@Metrolinx.com with questions and to initiate the registration process.

- The Proponent shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the Railway Corridor
 - **Warning:** Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand their operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.

Comments Prepared by: Harrison Rong, Project Coordinator