

City of Mississauga Department Comments

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| Date Finalized: 2022-09-14 | File(s): A62.22 |
| To: Committee of Adjustment | Ward: 4 |
| From: Committee of Adjustment Coordinator | Meeting date:2022-09-22 1:00:00 PM |

Consolidated Recommendation

The City has no objections to the application.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a residential building with reduced setbacks and reduced parking rates proposing:

1. Hard surface materials and walkways within a landscaped buffer whereas By-law 0225-2007, as amended, does not permit hard surface materials and walkways within a landscaped buffer in this instance;
2. A porch encroachment of 2.0m (approx. 6.56ft) into the required yard with a porch width of 6.40m (approx. 21.00ft), whereas By-law 0225-2007, as amended, permits a porch to encroach a maximum of 2.0m (approx. 6.56ft) into the required yard provided that the porch has a maximum width of 6.0m (approx. 19.69ft) in this instance;
3. A setback of 10.5m (approx. 34.45ft) to the north side lot line as indicated on Schedule RA5-57, whereas the minimum required setback is 10.6m (approx. 34.78ft) to the north side lot line on Schedule RA5-57 in this instance; and,
4. 0.8 parking spaces per one-bedroom apartment dwelling unit whereas By-law 0225-2007, as amended, requires a minimum of 0.9 parking spaces per one-bedroom apartment dwelling unit in this instance;
5. 0.8 parking spaces per two-bedroom apartment dwelling unit and two-bedroom townhouse units whereas By-law 0225-2007, as amended, requires a minimum of 1.0 parking spaces per two-bedroom apartment dwelling unit and two-bedroom townhouse units in this instance;
6. 0.8 parking spaces per three-bedroom apartment dwelling unit whereas By-law 0225-2007, as amended, requires a minimum of 1.3 parking spaces per three-bedroom apartment dwelling unit in this instance; and,
7. 0.4 parking spaces per affordable one-bedroom apartment dwelling unit whereas By-law 0225-2007, as amended, requires a minimum of 0.8 parking spaces per affordable one-bedroom apartment dwelling unit in this instance.

Background

Property Address: 1 Fairview Road East

Mississauga Official Plan

Character Area: Downtown Fairview
Designation: Residential High Density

Zoning By-law 0225-2007

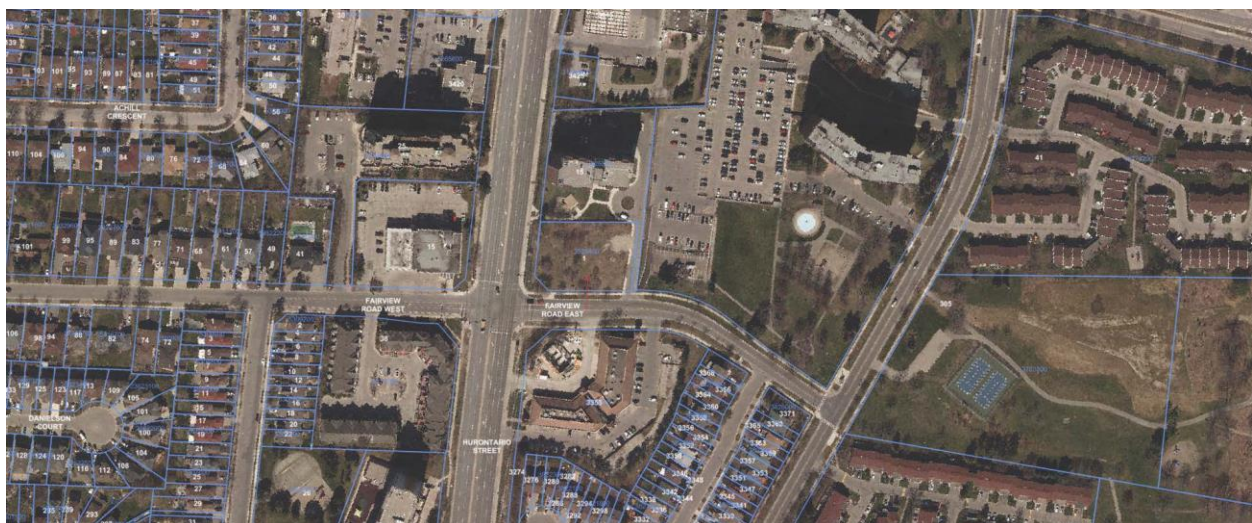
Zoning: H-RA5-57

Other Applications: SP 21-121

Site and Area Context

The subject property is located on the north-east corner of Hurontario Street and Fairview Road East in Downtown Fairview. It is currently a vacant site with a lot area of +/- 2,916m² (ft²). There are no landscaping elements present on the subject property. The surrounding area consists of a mix of uses, including commercial, open space, and various residential built forms.

The applicant is proposing a residential building requiring variances for a landscape buffer, porch width, a 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:

The subject property is located in the Downtown Fairview Character Area and is designated Residential High Density in Schedule 10 of the Mississauga Official Plan (MOP). The Residential High Density designation permits the proposed built form and uses.

Variance 1 requests to permit hard surface materials and walkways within a landscaped buffer. The intent of landscape buffer provisions are to ensure an appropriate visual buffer exists along lot lines. The proposed hardscaping and walkways create no massing issues and staff are satisfied that the site plan shows an appropriate amount of soft landscaping along the proposed walkway and hardscaping.

Variance 2 requests an increase in permissible porch width for the permitted encroachment. This variance only impacts the proposed townhouse units, and it is the opinion of Planning staff that the width and locations of the proposed porches are appropriate in this instance. The increase in width will result in attractive porches that maintain an appropriate setback and will not negatively impact the public realm.

Variance 3 requests a reduced setback to a lot line. The intent of setback provisions are to ensure that there is an appropriate buffer between the massing of structures on abutting properties. The requested reduction is exceedingly minor in nature and will not create any additional massing or separation concerns when compared to the as-of-right permissions.

Variances 4 through 7 request a reduction in parking rates on the subject property. The intent of the zoning by-law in quantifying the required number of parking spaces is to ensure that each lot is self-sufficient in providing adequate parking accommodations based upon its intended use. Section 8.4 of the official plan contemplates potential reductions in parking requirements and alternative parking arrangements in appropriate situations. Municipal Parking staff have reviewed the variance request and note as follows:

Staff note that the application is related to approved OZ/OPA 20-001 W4 and the resulting Zoning By-Law 0160-2021, site specific exception RA5-57, as well as the currently ongoing Site Plan Approval process SP 21-121 W4 and the Removal of H application under review (H-OZ 21-5 W4).

The Applicant submitted a Cover Letter, prepared by Sajecki Planning, dated September 1, 2022, and a Site Plan, reissued for Site Plan Approval by Core Architects Inc., dated July 15, 2022, in support of the submitted application.

The proposed development consists of a 32-storey residential building comprised of 418 residential units (including 18 affordable residential units), plus 2 guest suites, and 305.37 m² of at-grade retail space. Per the requested minor variance to the apartment dwelling unit parking rates, as well as the to be maintained site-specific exception RA5-57 visitor parking rate, a minimum of 390 parking spaces are required. The Applicant proposes to provide 399 parking spaces in this instance.

The Cover Letter explains that the apartment dwelling unit parking rates permitted through the site-specific by-law were approved at slightly higher rates in 2021. However, in 2022, new precinct parking rates were approved. The Cover Letter states that the proposed parking ratios are consistent with the new parking rates, however, minor variances are required to satisfy the older site-specific rates.

Given the above, Municipal Parking staff can support the proposed parking rate reduction in this instance.

Planning staff are in agreement with the comments from Municipal Parking staff and have no objections to the requested parking variances.

Given the above, Planning staff are of the opinion that the application maintains the general intent and purpose of both the official plan and zoning by-law, is minor in nature, and represents appropriate development of the subject property.

Comments Prepared by: Alexander Davies, 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 development are being addressed through the Site Plan Application Process, SP 21-121. We also note that there is a Rezoning Application, OZ-20/01 for this development.

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 SP 21-121. 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 07/25/2022 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 – Metrolinx

The subject lands are located adjacent to the planned Hurontario Light Rail Transit line (HULRT) that is being designed to operate at surface level within the Hurontario St. right-of-way.

- The applicant should be advised that Metrolinx and its contractors will be occupying much of the Hurontario right-of-way and its intersections during the LRT construction period. The applicant is advised that future development on the subject lands shall not impact construction and operations of the HULRT.
- It is kindly requested that Metrolinx is circulated on future applications of the subject lands for review and commenting purposes.

Comments Prepared by: Harrison Rong, Project Coordinator