

City of Mississauga Department Comments

Date Finalized: 2022-02-23	File(s): B15.22 A91.22 Ward 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-03-03 1:00:00 PM

Consolidated Recommendation

The City recommends that consent application B15/22 be deferred, and that variance application A91/22 be refused.

Application Details

The applicant requests the approval of the Committee to sever a parcel of land for the purposes of a lot addition. The parcel has a frontage of approximately 4.9m (16.1ft) and a depth of approximately 15.38m (50.46ft). The new parcel will be added to the property immediately to the north known as 150 Rutledge Road.

The applicant requests the Committee to approve a minor variance to allow the construction of a residential apartment, being the retained lands of application B15/22, proposing:

1. To permit construction of an apartment in compliance with the RA2 Zone (Residential) regulations; whereas By-law 0225-2007, as amended, requires all construction to be in compliance with the RA2-26 Exception Zone (Residential) regulations in this instance;
2. A minimum front yard setback to Tannery Road of 4.4m (approx. 14.4ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 8.5m (approx. 27.9ft) in a RA2 Zone (Residential) in this instance;
3. A minimum front yard setback to a parking structure of 4.4m (approx. 14.4ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 3.0m (approx. 9.8ft) to a parking structure completely below finished grade and 7.5m (approx. 24.6ft) to a parking structure above or partially above finished grade in a RA2 Zone (Residential) in this instance;
4. A minimum exterior side yard setback of 3.3m (approx. 10.8ft) to the above grade building, 1.5m (approx. 4.9ft) to the main entry feature and 0.0m to the accessible access ramp; whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 8.5m (approx. 27.9ft) in a RA2 Zone (Residential) in this instance;
5. A minimum exterior side yard setback of 3.3m (approx. 10.8ft) to a parking structure; whereas By-law 0225-2007, as amended, requires a minimum setback of 3.0m (approx. 9.8ft) to a parking structure completely below finished grade and 7.5m (approx. 24.6ft) to a parking structure above or partially above finished grade in a RA2 Zone (Residential) in this instance;

6. A minimum interior side yard setback of 4.0m (approx. 13.1ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 6.0m (approx. 19.7ft) in a RA2 Zone (Residential) in this instance;
7. A minimum interior side yard setback of 4.0m (approx. 13.1ft) to a parking structure whereas By-law 0225-2007, as amended, requires a minimum setback of 3.0m (approx. 9.8ft) to a parking structure completely below finished grade and 7.5m (approx. 24.6ft) to a parking structure above or partially above finished grade in a RA2 Zone (Residential) in this instance;
8. A minimum 4.0m (approx. 13.1ft) setback from the roof overhang to a sight triangle whereas By-law 0225-2007, as amended, requires a minimum front and exterior side yard setback of 8.5m (approx. 27.9ft) in a RA2 Zone (Residential) in this instance;
9. A maximum Floor Space Index of 1.16 whereas By-law 0225-2007, as amended, permits a maximum Floor Space Index of 1.0 in a RA2 Zone (Residential) in this instance;
10. A setback of 4.0m (approx. 13.1ft) to lands zoned G1 (Greenlands) whereas By-law 225-2007, as amended, requires a minimum setback of 6.0m (approx. 19.7ft) to lands zoned G1 (Greenlands) in this instance;
11. A setback of 3.1m (approx. 10.2ft) from surface parking spaces and aisles to a street whereas By-law 0225-2007, as amended, requires a minimum 4.5m (approx. 14.8ft) setback from surface parking spaces and aisles to a street in a RA2 Zone (Residential) in this instance;
12. To provide a minimum of 0.9 resident spaces per dwelling unit and a minimum of 0.15 visitor spaces per dwelling unit, whereas Bylaw 225-2007, as amended, requires a minimum of 1.25 resident parking spaces per one bedroom dwelling unit and 1.40 resident parking spaces per two bedroom dwelling unit and a minimum of 0.20 visitor spaces per dwelling unit in this instance; and,
13. To provide the following landscape buffers: 4.4m (approx. 14.4ft) to the lot line abutting Tannery Street; 3.3m (approx. 10.8ft) from the building; 1.5m (approx. 4.9ft) from the main entry feature and 0.0m from the accessible access ramp to the lot line abutting Rutledge Road; and 4.0m (approx. 13.1ft) to the west lot line abutting the G1 Zone (Greenlands); whereas By-law 0225-2007, as amended, requires a minimum landscape buffer of 4.5m (approx. 14.8ft) to all lot lines in a RA2 Zone (Residential) in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent

Background

Property Address: 180 Rutledge Road

Mississauga Official Plan

Character Area: Streetsville Community Node

Designation: Residential High Density

Zoning By-law 0225-2007

Zoning: RA2-26 - Residential

Other Applications: SP 21-155

Site and Area Context

The subject property is located on the north-west corner of Tannery Drive and Rutledge Road in the Streetsville Community Node. It has a lot area of +/- 5,584.86m² (1.38ac) and currently contains a foundation for future development. There is currently no vegetation or landscaping on the subject property, however mature vegetation is present immediately to the west abutting Mullet Creek. The surrounding area context includes a mix of residential and industrial uses, as well as vacant lands.

The applicant is proposing a lot addition as well as the construction of a 5-storey apartment building on the property requiring variances for the exception zone, front and side yard setbacks, floor space index, parking, and landscape buffers.



Comments

Planning

Provincial Matters

The Provincial Policy Statement 2014 (PPS 2014) and Growth Plan for the Greater Golden Horseshoe promote efficient development and land use, directing the focus towards intensification and redevelopment. The proposal is consistent with the general directive in provincial policy.

Planning Act

Consent

Section 51 (24) of the *Planning Act* sets out the criteria for land division in the Province of Ontario. In evaluating such requests, the Committee needs to be satisfied that the proposal meets not only the criteria set out under Section 51(24), but also municipal requirements identify in local legislation.

Staff comments concerning the application for consent are as follows:

The subject property is located in the Streetsville Community Node Character Area and is designated Residential High Density in Schedule 10 of the Mississauga Official Plan (MOP). The applicant is proposing to sever a parcel of land for the purposes of a lot addition. The parcel has an area of 149.6m² (approx. 1,610.3ft²) and will be added to the property immediately to the north, known as 150 Rutledge Road. The applicant has indicated that the purpose of the proposed addition is to facilitate a future entry ramp for below grade parking at 150 Rutledge Road. At this time staff are unclear on how the two sites will function and coordinate once development is completed, and note that development proposals for both sites are still being developed. Staff therefore recommend that the application be deferred until such a time as the development proposals have reached a satisfactory stage.

Minor Variance

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. In evaluating such requests, the Committee needs to be satisfied that the proposal meets the four tests set out in the *Planning Act*.

Staff comments concerning the four tests to the minor variance request are as follows:

The subject property is located in the Streetsville Community Node Character Area and is designated Residential High Density in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits apartment dwellings, as well as some accessory commercial uses. The property forms part of the Streetsville Community Node's Special Site 3, which dictates that a maximum of 397 dwelling units are permitted in low profile buildings ranging from 3 storeys near Mullet Creek to 6 storeys near the railway tracks. The proposed 5 storeys is near the upper limit of the heights envisioned for the area and would be located immediately adjacent to the Mullet Creek, which does not maintain the intent of policy 14.10.6.3.2(c) in the Official Plan.

The applicant is proposing multiple variances relating to the property's exception zone, setbacks, landscape buffers, Floor Space Index, and parking. As proposed, the development represents a deviation from the 3-storey sky-light apartment units use permitted as of right. Variance #1 introduces a significant number of changes to the "as of right" permissions that need to be considered, including increasing the maximum permitted height from 11m (approx. 36ft) currently to 26m (approx. 85ft) under the RA2 zone. Some of the other changes include Floor Space Index permissions and parking requirements. Planning staff are of the opinion that the proposed changes are not minor and that the proposal would be more appropriately considered through the rezoning process.

Furthermore, Municipal Parking staff have reviewed the application and note as follows:

A Parking Review Letter (PRL) was submitted by NexTrans Consulting Engineers dating December 22, 2021 to provide rationale and justification for a lower vehicle parking rate in order to support the proposed development minor variance application.

The proposed development was already approved and under construction, however, it was paused in 2018. The development consists of a 5-storey mid-rise residential building with 79 units (44 one-bedroom units and 35-two bedroom units). The PRL states that this proposal is similar to the previous development proposal, and therefore a Transportation Impact Study is not required.

Proposed parking reductions are consistent with the staff recommended Precinct 2 rates as per the draft Parking Regulations Study; a blended rate of 0.90 spaces/unit for residential and 0.15 spaces/unit for visitor. On the other hand, the site is currently subject to Site-Specific Zoning By-Law RA2-26 and under the "Sky-light Apartment Dwelling" description; a rate of 1.75 spaces/unit for residential and 0.20 spaces/unit for visitors are required. As such, there is a 46% parking deficiency that is being proposed for this development.

Staff recommend deferral of this application. Staff advise that a satisfactory Parking Utilization Study is required to be submitted. Please refer to the City's Parking [Terms of Reference](#) for parking justification requirements to be included with a formal submission. The consultant should confirm the survey methodology with staff prior to conducting parking surveys. Details can also be found in the above hyperlink, under the City's Parking Terms of Reference.

Given the above, Planning staff are of the opinion that the minor variance application should be refused.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This Department has no objections to the applicant's request where intent is to attach the severed parcel to the property immediately to the north. A Site Plan application is currently being processed for the residual lands (SP 21-155) for a proposed 5 storey apartment (Vic 1, 180 Rutledge Road). Kings Mill Homes Development Inc. currently owns both properties and the parcel being severed is required for the second phase (Vic 2, 150 Rutledge Road) to accommodate an entry ramp from Rutledge Road. We also note that the second phase, Vic 2 will require a future Rezoning and Site Plan Application where any conditions/requirements of development will be addressed.

In view of the above, we have no objections to the request provided that the applicant is satisfied that there are no existing underground services which would require private servicing easements.

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 21-155. 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 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

Appendix 3 – Parks, Forestry and Environment Comments

The Park Planning Section of the Community Services Department has reviewed the above noted Consent application and advises as follows:

1. The lands adjacent to the property are City owned lands, identified as Mullet Creek (P-252) and within the Natural Hazard Lands, zoned G-1, that are also classified as a naturally significant area within the City's Natural Heritage System. Section 6.3.24 of the Mississauga Official Plan states that the Natural Heritage System will be protected, enhanced, restored and expanded through the following measures:
 - a) ensuring that development in or adjacent to the Natural Heritage System protects and maintains the natural heritage features and their ecological functions through such means as tree preservation, appropriate location of building envelopes, grading, landscaping...;
 - b) placing those areas identified for protection, enhancement, restoration and expansion in public ownership, where feasible.

Given the property is subject to site plan control, should the application be approved, Community Services provides the following notes:

1. Protection of Greenlands will be secured through the associated site plan application (SP 21-155).
2. Construction access from the adjacent park/greenlands is not permitted.
3. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.

Should further information be required, please contact Jim Greenfield, Park Planner, Community Services Department at 905-615-3200 ext. 8538 or via email jim.greenfield@mississauga.ca

Appendix A – CONDITIONS OF PROVISIONAL CONSENT

SHOULD THE COMMITTEE GRANT A PROVISIONAL CONSENT, THE FOLLOWING IS A LIST OF THE RECOMMENDED CONDITIONS TO BE ATTACHED TO THE DECISION AND THESE CONDITIONS MAY BE REVISED BY THE COMMITTEE AT THE PUBLIC MEETING.

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the conveyed land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no services easement(s) and/or right(s)-of-way, are necessary.
3. A letter shall be received from the City of Mississauga, Manager of Zoning Plan Examination, indicating that the conveyed land and retained lands comply with the provisions of the Zoning By-law, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding (A91.22).