

City of Mississauga Department Comments

Date Finalized: 2023-04-19	File(s): A134.23 A135.23 Ward: 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-04-27 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 a drive aisle with a total width of 6.00m (approx. 19.69ft) to be shared with abutting lands zoned to permit back to back and stacked townhouses or apartments, or any combination thereof, whereas By-law 0225-2007, as amended, requires a minimum 7.00m (approx. 22.97ft) drive aisle and does not permit drive aisles to be shared in this instance.

Background

Property Address: 150 Paisley Blvd W and 2340 Confederation Parkway

Mississauga Official Plan

Character Area: Downtown Hospital
Designation: Residential High Density

Zoning By-law 0225-2007

Zoning: RA4-20 - Residential

Other Applications: SPM 19-135, BP 3NEW 21-6610

Site and Area Context

The subject property is located on the south-west corner of the Confederation Parkway and Paisley Boulevard West intersection. Currently the property contains a 16 storey apartment

building with surface parking and a parking structure under construction. The overall site has a frontage of +/- 88m (288.7ft) and a lot area of +/- 0.99ha (2.45ac). The property contains limited vegetation near the street lines and around Mary Fix Creek immediately to the west. The surrounding area contains a mix of high rise, detached, and semi-detached dwellings on varying lot sizes.

The applicant is proposing to finalize the severance to split the parcel as previously approved by the Committee, requiring a variance for sharing the drive aisle and the aisle width.



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 Hospital Character Area and is designated Residential High Density in Schedule 10 of the Mississauga Official Plan. This designation permits apartment dwellings.

While the applicant has proposed variances to the zoning regulations, Planning staff note that the nature of the variances are to facilitate a design which has been reviewed by the Development Planning team through their review of the approved site plan application. Staff are of the opinion that the requested variances represent minor changes that have already been reviewed in consultation with municipal staff and do not fundamentally change the intended design or functionality of the site.

To this end, the Planning and Building Department is of the opinion that the application is appropriate to be handled through the minor variance process. Staff are satisfied that the variances are minor in nature, represent appropriate development of the subject property, and maintain the general intent and purpose of both the zoning by-law and official plan.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We note that any Transportation and Works Department concerns/requirements with regards to the shared drive aisle for this property have been addressed under Consent Application 'B' 48/21.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

We note that a Building Permit is required. In the absence of a Building Permit we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed.

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

Comments Prepared by: Brooke Herczeg, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has no objections to the above noted minor variance application and advises as follows:

The lands adjacent to the property are owned by the City of Mississauga, identified as Not To Be Named (P-243) *(East of Antigua Rd), classified as a Significant Natural Area within the City's Natural Heritage System, and zoned G1. 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...;

Should the application be approved, Community Services provides the following notes:

1. Construction access from the adjacent park/greenlands is not permitted.
2. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.

3. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.

Should further information be required, please contact Nicholas Rocchetti, Park Planning Assistant, Community Services Department at 905-615-3200 ext. 4659 or via email Nicholas.Rocchetti@mississauga.ca.

Comments Prepared by: Nicholas Rocchetti, Park Planning Assistant

Appendix 4- CVC Comments

Credit Valley Conservation (CVC) staff have reviewed the subject application and offer comments based on the following roles and responsibilities:

1. Watershed Based Resource Management Agency and Public (commenting) Body under the *Planning Act* - providing comments based on CVC's Board approved policies;
2. Planning Advisory Services - providing environmental planning and technical advice/comments based on service agreements or memorandum of understanding;
3. Delegated Responsibilities – providing comments representing the provincial interest regarding natural hazards (except forest fires) as identified in Section 3.1 of the *Provincial Policy Statement (2020)*;

Site Characteristics:

The subject property is regulated for the floodplain and valley slope associated with Mary Fix Creek. It is the policy of CVC and the Province of Ontario to conserve and protect the significant physical, hydrological and biological features associated with the functions of the above noted characteristics and to recommend that no development be permitted which would adversely affect the natural features or ecological functions of these areas.

Ontario Regulation 160/06:

The property is subject to the Development, Interference with Wetlands, and Alterations to Shorelines & Watercourses Regulation (Ontario Regulation 160/06). This regulation prohibits altering a watercourse, wetland or shoreline and prohibits development in areas adjacent to the Lake Ontario shoreline, river and stream valleys, hazardous lands and wetlands, without the prior written approval of CVC (i.e. the issuance of a permit).

Proposal:

It is our understanding that the property owner of 150 Paisley Blvd W and 2340 Confederation Parkway, zoned RA4-20 – Residential, has applied for a minor variance under Section 45 of the Planning Act. The applicant requests the Committee to approve a minor variance to allow a drive aisle with a total width of 6.00m (approx. 19.69ft) to be shared with abutting lands zoned to permit back to back and stacked townhouses or apartments, or any combination thereof, whereas By-law 0225-2007, as amended, requires a minimum 7.00m (approx. 22.97ft) drive aisle and does not permit drive aisles to be shared in this instance.

Comments:

CVC staff have previously reviewed the proposed development through the Minor Variances and Severance files (A 21/333-334, B 21/048) as well as a Site Plan application (SP 19/135) and CVC permit (FF 21/339). Based on our review of the information, the natural hazards and features are located off-lot. As such, CVC staff have **no concerns** and **no objection** to the requested severance and minor variances by the Committee at this time.

Please be advised that a permit from CVC may be required for any future development proposed on the property.

I trust that these comments are sufficient. Please do not hesitate to contact the undersigned at 905-670-1615 (ext. 268) should you have any further questions or concerns.

Please circulate CVC any future correspondence regarding this application.

Comments Prepared by: Beata Pakulski, Junior Planner

Appendix 5- Region of Peel Comments**Minor Variance Application: A-134/23 & A-135/23 – 150 Paisley Boulevard West and 2340 Confederation Parkway**

Development Planning: Patrycia Menko (905) 791-7800 x3114

Comment:

- Please be advised that the subject property is located within the limits of the regulated area of the Credit Valley Conservation Authority (CVC). Regional Planning staff, therefore, request that the Committee and City staff consider comments from the CVC and incorporate their conditions of approval appropriately.

Comments Prepared by: Patrycia Menko, Junior Planner