

City of Mississauga Department Comments

Date Finalized: 2023-04-12	File(s): A77.23
To: Committee of Adjustment	Ward: 7
From: Committee of Adjustment Coordinator	Meeting date:2023-04-20 3:30:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

The applicant requests the Committee to approve a minor variance to allow the existing building proposing:

1. An encroachment of a balcony into the west side yard of 1.52m (approx. 4.99ft) whereas By-law 0225-2007, as amended, permits a maximum encroachment of 1.00m (approx. 3.28ft) in this instance;
2. Projection of a balcony from the outermost face of the building of 1.52m (approx. 4.99ft) whereas By-law 0225-2007, as amended, permits a maximum projection of 1.0m (approx. 3.28ft) in this instance;
3. Side lot lines setback to parking spaces or aisles of 0.00m whereas By-law 0225-2007, as amended, requires a minimum setback of 3.00m (approx. 9.84ft) in this instance;
4. A minimum landscaped area of 32% whereas By-law 0225-2007, as amended, requires a minimum landscaped area of 40% in this instance;
5. A depth of a landscape buffer abutting a Greenlands Zone of 2.30m (approx. 7.55ft) whereas By-law 0225-2007, as amended, requires a minimum depth of 4.50m (approx. 14.76ft) in this instance;
6. A landscape buffer depth along side lot lines of 0.00m whereas By-law 0225-2007, as amended, requires a minimum landscape buffer depth of 3.00m (approx. 9.84ft) in this instance;
7. An amenity area of 0.00sq m whereas By-law 0225-2007, as amended, requires a minimum amenity area of 199.00sq m (approx. 2142.02sq. ft) in this instance;
8. A contiguous amenity area of 0.00sq. m whereas By-law 0225-2007, as amended, requires a minimum contiguous amenity area of 98.00sq m (approx. 1054.86sq. ft) in this instance;
9. An outdoor amenity area of 0.00sq m whereas By-law 0225-2007, as amended, requires a minimum outdoor amenity area of 55.00sq m (approx. 592.02sq. ft) in this instance; and,
10. A parking spaces length of 4.50m (approx. 14.76ft) whereas By-law 0225-2007, as amended, requires a minimum parking space length of 5.20m (approx. 17.06ft) in this instance.

Background

Property Address: 3065 Jaguar Valley Dr

Mississauga Official Plan

Character Area: Downtown Cooksville
Designation: Residential High Density, Greenlands

Zoning By-law 0225-2007

Zoning: RA1-1 - Residential

Other Applications: None

Site and Area Context

The subject property is located north-east of the Hurontario Street and Dundas Street East intersection in Downtown Cooksville. It currently contains a three-storey apartment dwelling with associated surface parking. The driveway is shared with the property to the south. Some vegetative elements are present on the portion of the subject property which backs onto the Cooksville Creek. The surrounding area context includes a mix of residential and commercial uses with varying built forms and lot sizes.

The applicant is proposing to allow the existing building to remain requiring variances for balcony encroachments, setbacks, landscaped area, amenity area, and parking space length.



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 Cooksville Character Area and is designated Residential High Density in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits apartment dwellings. Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with the existing site conditions, the surrounding context, and the landscape of the character area.

The applicant is seeking to convert the existing building from a rental building to condominium ownership. No changes to the built form are being proposed and the requested variances all represent existing conditions on the subject property. Planning staff are of the opinion that it is appropriate for the building to remain. In regards to the amenity area variances, while staff would generally be unable to support such a reduction, staff note that the site currently contains no amenity area and that the provision of amenity area would come at the expense of either residential units or a further reduction in the landscaped area or buffers on the subject property.

Given the above Planning staff are of the opinion that the application is appropriate to be handled through the minor variance process. Furthermore the request raises no concerns of a planning nature.

Notwithstanding the above comments, Transportation and Works staff note that there are several outstanding items in the condominium conversion application that may impact the proposed variances. Staff therefore recommend that the application be deferred in order to allow the applicant to address these issues.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We are noting that Transportation and Works Department concerns/requirements for the proposed conversion of the existing rental building into a condominium are being addressed through City File 21CDM-M 18 3. A review of our comments provided for the condominium conversion file indicate that numerous requirements are still outstanding and will impact on the variances requested.

In addition to grading and drainage requirements for this property, any proposed works on the existing slope at the rear will be subject to CVC Approval, the approval of a slope stability report and the replacement of a retaining wall. Note that additional works/requirements could also be forthcoming as the required works relate to works on city owned lands.

The submitted Site Plan, Sheet No: ASP depicts a light grey hatched area which is the extent of an easement. Existing conditions are such that parking and the garbage enclosure are located within the limits of the easement. Should the parking and garbage enclosure not be supported by the City and CVC, then modifications would also be required to the property which will result in parking deficiencies.

The existing pavement structure layers are variable on this site as it was constructed in the 1960's and in order to achieve the new pavement structure recommended in the Pavement Investigation Report, additional discussions with city staff and information will be required.

In view of the above noted outstanding requirements pertaining to the condominium conversion application it is recommended that this application be deferred and the applicant first satisfy the requirements of City File 21CDM-M 18 3 which will impact on some of the variances requested.















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 to the rear of the property are owned by the City of Mississauga, identified as John C. Price Park (P-202), 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...;
- b) placing those areas identified for protection, enhancement, restoration and expansion in public ownership, where feasible.

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

1. If future construction is required, 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

Re: CVC File No. A 23/077
Municipality File No. A77.23, Ward 7
3065 Jaguar Inc.
3065 Jaguar Valley Drive
Part of Lot 15, Con 1 NDS
City of Mississauga

Credit Valley Conservation (CVC) staff have reviewed the subject application and offer comments

based on the following roles and responsibilities:

1. 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);

2. Regulatory Responsibilities providing comments to ensure the coordination of requirements under the Conservation Authorities Act Section 28 regulation, to eliminate unnecessary delay or duplication in process;
3. Source Protection Agency providing advisory comments to assist with the implementation of the CTC Source Protection Plan under the Clean Water Act, as applicable.

Site Characteristics:

The subject property is regulated for floodplain and valley slope associated with Cooksville 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 applicant requests the Committee to approve minor variances to allow the existing building proposing:

1. An encroachment of a balcony into the west side yard of 1.52m (approx. 4.99ft) whereas Bylaw 0225-2007, as amended, permits a maximum encroachment of 1.00m (approx. 3.28ft) in this instance;
2. Projection of a balcony from the outermost face of the building of 1.52m (approx. 4.99ft) whereas By-law 0225- 2007, as amended, permits a maximum projection of 1.0m (approx. 3.28ft) in this instance;
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Comments:

Based on our review of the information, CVC staff have no concerns with the majority of the items within this minor variance application.

Please note that item #5 requests a reduction in the existing buffer abutting the Greenlands Zone which provides protection to the adjacent Cooksville Creek. Based on best available information this the existing conditions of the subject site, CVC staff are addressing this matter through the Condominium application (CDM 18/003) as well as CVC permitting process. As such, CVC staff have **no objection** to the approval of this minor variance application to the Committee at this time.

I trust that these comments are sufficient. Please do not hesitate to contact the undersigned at 905- 670-1615 (ext. 220) should you have any further questions or concerns.

Comments Prepared by: Maricris Marinas, Senior Planner

Appendix 5 - Region of Peel Comments

Minor Variance Application: A-77/23 – 3065 Jaguar Valley Drive

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

Appendix 6 - Metrolinx

3065 Jaguar Valley Dr

At this stage Metrolinx does not have any major comments but any works within the Metrolinx ROW or within 60 m of the Hurontario LRT will require approval and coordination with Metrolinx.

Comments Prepared by: Farah Faroque, Intern