

City of Mississauga Department Comments

Date Finalized: 2023-07-19	File(s): A246.23
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-07-27 1:00:00 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.

Application Details

The applicant requests the Committee to approve a minor variance to allow an underground parking structure proposing:

1. A parking aisle width of 6.87m (approx. 22.54ft) whereas By-law 0225-2007, as amended, requires a minimum parking aisle width of 7.00m (approx. 22.97ft) in this instance;
2. A parking aisle width of 6.90m (approx. 22.64ft) whereas By-law 0225-2007, as amended, requires a minimum parking aisle width of 7.00m (approx. 22.97ft) in this instance;
3. A parking aisle width of 6.93m (approx. 22.74ft) whereas By-law 0225-2007, as amended, requires a minimum parking aisle width of 7.00m (approx. 22.97ft) in this instance;
4. A parking aisle width of 6.85m (approx. 22.47ft) whereas By-law 0225-2007, as amended, requires a minimum parking aisle width of 7.00m (approx. 22.97ft) in this instance; and,
5. A parking space width of 2.50m (approx. 8.20ft) whereas By-law 0225-2007, as amended, requires a minimum parking space width of 2.75m (approx. 9.02ft) in this instance.

Amendments

We advise that the following variance(s) should be amended as follows:

1. A parking aisle width of 6.85m (approx. 22.47ft) whereas By-law 0225-2007, as amended, requires a minimum parking aisle width of 7.00m (approx. 22.97ft) in this instance;

Variance numbers 2, 3, and 4, are not required as they are covered by the above noted.

Variance 5 is correct, as identified.

Background

Property Address: 1060-1115 Douglas McCurdy Common

Mississauga Official Plan

Character Area: Lakeview NHD

Designation: Greenlands; Residential High Density

Zoning By-law 0225-2007

Zoning: RA4-31 - Residential and G1- Greenland

Other Applications: 21CDM-M 23-1 and 21-CDM-M 23-2

Site and Area Context

The subject property is located north-west of the Enola Avenue and Lakeshore Road East intersection in the Lakeview neighbourhood. It has a lot area of +/- 2.61ha (6.64ac) and is currently undergoing development with proposed townhouse units and apartment building. No vegetative elements are present on the subject property. The surrounding context is predominantly residential, consisting of a mix of built forms on lots of varying sizes. A commercial plaza is present to the east of the property. The property is subject to two draft plans of condominium.

The applicant is proposing variances for reduction in the parking aisle width and parking space 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 designated Residential High Density in Section 10 of the Mississauga Official Plan (MOP). This designation permits apartment dwellings as well as some commercial uses at grade. The property is subject to a special site policy in the Lakeview Local Area Plan permitting townhouses on the property.

The applicant is requesting variances pertaining to reduced parking aisle width and parking space width. Staff note that the deviation occurred during construction, with the errors resulting from the placement of wall assemblies incorrectly located. Staff consider these deficiencies to be a minor decrease from the intent of the zoning by-law regulations in effect. Furthermore through staff discussions, the development planner reviewing the associated development applications is satisfied that the variances are minor in nature and raise no concerns.

Through a detailed review of the application, staff is of the 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

This Department has no objections to the applicant's request. We advise that this Department has previously been circulated and commented on Condominium Registration Applications CDM-23/001 and CDM-23/002 for 2 Standard Condominiums for this property and are currently in process.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit application under file 21CDM-M 23-1 and 21-CDM-M 23-2. Based on review of the information currently available for this building permit, we advise that the following variance(s) should be amended as follows:

1. A parking aisle width of 6.85m (approx. 22.47ft) whereas By-law 0225-2007, as amended, requires a minimum parking aisle width of 7.00m (approx. 22.97ft) in this instance;

Variance numbers 2, 3, and 4, are not required as they are covered by the above noted.

Variance 5 is correct, as identified.

Our comments are based on the plans received by Zoning staff on 5/2/23 for the above captioned building permit 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: A. McCormack; Zoning Examiner

Appendix 3 – CVC Comments

Re: CVC File No. A23/246
Municipality File No. A246.23
Kingsmen (Lakeshore) Inc. (c/o Bruno Nazzicone)
1060 1115 Douglas Mccurdy Common
Part of Lot 12, Concession 2 W
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.

CVC REGULATED AREA

Based on our mapping, the property is partially regulated due to slope hazard associated. As such, the property is regulated by CVC under Ontario Regulation 160/06. As such, 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 is requesting the Committee to approve the following minor variances:

1. To reduce parking aisle width to 6.87m, whereas the by-law requires parking aisle width of 7.0m,
2. To reduce parking aisle width to 6.90m, whereas the by-law requires parking aisle width of 7.0m,
3. To reduce parking aisle width to 6.93m, whereas the by-law requires parking aisle width of 7.0m,
4. To reduce parking aisle width to 6.85m, whereas the by-law requires parking aisle width of 7.0m,
5. To reduce parking aisle width to 2.50m, whereas the by-law requires parking aisle width of 7.0m,

COMMENTS:

CVC staff have reviewed the minor variance application and have no concerns and no objection to the approval of this minor variances by the Committee at this time as the proposed works are located outside of the CVC regulated area.

CVC has previously reviewed and issued a permit for the proposed development as part of SP 18-71 W1.

The nature of the proposed works does not require a CVC permit.

I trust that these comments are sufficient. Please do not hesitate to contact the undersigned at stuti.bhatt@cvc.ca or 905-670-1615 (ext. 350) should you have any further questions. Please circulate CVC on any future correspondence or applications regarding this site.

Comments Prepared by: Stuti Bhatt, Junior Planner

Appendix 4 – Metrolinx

1060-1115 Douglas McCurdy Common

Metrolinx is in receipt of the minor variance application for 1060-1115 Douglas McCurdy Common to facilitate parking deficiencies within the as-built underground parking structure which is part of the development at the subject lands. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of Metrolinx's Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.
- As the requested variance has no implication on Metrolinx property (i.e. Oakville Subdivision) Metrolinx has no objections to the specified variances should the committee grant approval.
- The Proponent is advised the following:
 - **Warning:** Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. There may be alterations to or expansions of the rail or other transit 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 or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.
- Please note that Metrolinx is a stakeholder that has provided comments on the comprehensive application for the subject site and previous comments/requirements outlined for prior submissions are still applicable.

Comments Prepared by: Farah Faroque, Project Analyst

Appendix 5 – Region of Peel

Minor Variance: A-23-246M – 1060-1115 Douglas Avenue

Planning: Patrycia Menko (905) 791-7800 x3114

Comments:

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- The subject land is located in the regulated area of the Credit Valley Conservation Authority (CVC). We rely on the environmental expertise of the CVC or the review of development applications located within or adjacent to the regulated area in Peel and the impact of natural hazards on proposed development. We therefore request that City staff consider comments from the CVC and incorporate their requirements appropriately. Final approval of this application requires all environmental concerns to be addressed to the satisfaction of the CVC.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner