

City of Mississauga Department Comments

Date Finalized: 2023-10-25	File(s): A391.23
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-11-02 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 the construction of buildings proposing:

1. A back-to-back townhouse dwelling use whereas By-law 0225-2007, as amended, does not permit a back-to-back townhouse dwelling use in this instance;
2. A height of 13.00m (approx. 42.65ft) on the west side of the block to allow for rooftop terrace access on the 4th storey whereas By-law 0225-2007, as amended, permits a maximum height of 11.00m (approx. 36.09ft) to allow for rooftop terrace access on the 3rd storey in this instance;
3. A porch, inclusive of stairs, to project into the required front yard 2.00m (approx. 6.56ft) whereas By-law 0225-2007, as amended, permits a maximum porch projection into the front yard of 1.80m (approx. 5.91ft) in this instance;
4. A balcony projection of 1.80m (approx. 5.91ft) into the required yard whereas By-law 0225-2007, as amended, permits a maximum balcony projection of 1.00m (approx. 3.28ft) in this instance;
5. A building separation distance of 0m to allow for above-grade pedestrian bridge connections between the building heights of 15.80m (approx. 51.84ft) to 22.50m (approx. 73.82ft) whereas By-law 0225-2007, as amended, permits a building separation distance of 9.00m (approx. 29.53ft) for the portion of the dwelling with heights between 13.00m (approx. 42.65ft) to 20.00m (approx. 65.62ft) and a building separation of 12.00m (approx. 39.37ft) between heights of 20.00m (approx. 65.62ft) and 26.00m (approx. 85.30ft) in this instance.

Background

Property Address: 253 Missinnihe Way, 90 The Brightwater Boulevard, 200 River Run Way, 75 Coveside Dr, 85 Coveside Dr, and 105 Coveside Dr

Mississauga Official Plan

Character Area: Port Credit Neighbourhood (West)
Designation: Residential High Density

Zoning By-law 0225-2007

Zoning: RA4-50 - Residential

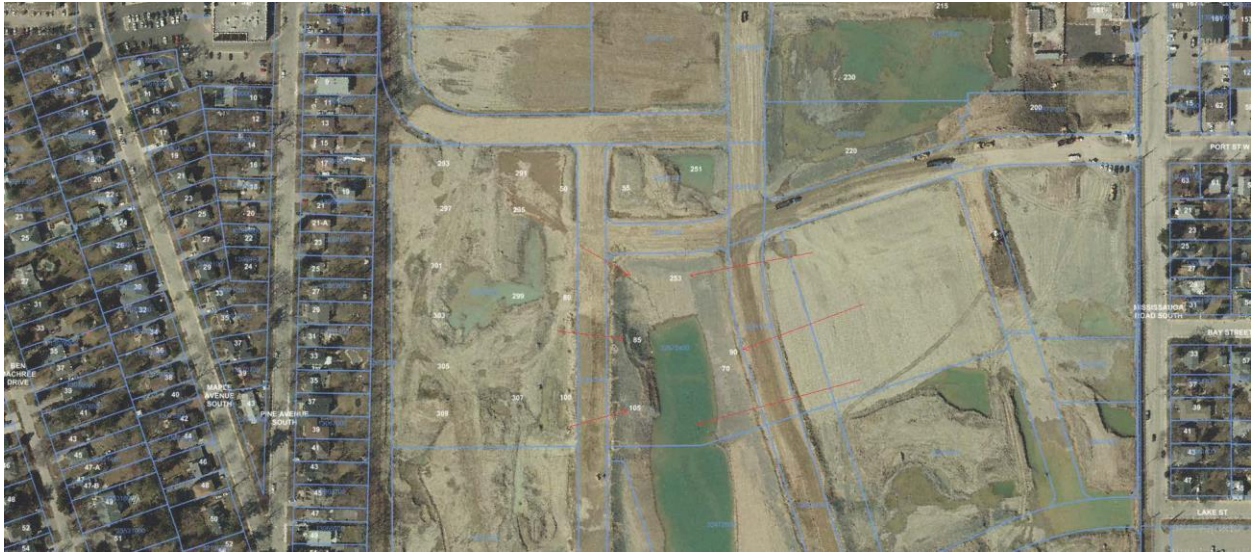
Other Applications: Site Plan application SP-21/130.

Site and Area Context

The subject site is located within the Port Credit Neighbourhood (West) Character Area and forms part of the 29 hectare (72 acre) "Brightwater" development, located south-west of the Mississauga Road and Lakeshore Road West intersection. The immediate area consists of a range of residential, commercial and recreational uses. The Local Planning Appeal Tribunal (LPAT) (now Ontario Land Tribunal) through a settlement agreement between the applicant and the City approved official plan and zoning amendments (OZ/OPA 17 12) permitted a variety of uses including townhouses, mid and high-rise condominiums, retail, parkland and institutional uses on the 29 hectare (72-acre) site. A block plan accompanied the official plan and zoning by-law amendments. The subject site is referred to as Block K.

Block K is bound by The Brightwater Boulevard to the north, Coveside Drive to the south, Missinnihe Way to the west, and River Run Way to the east. Block K includes 3 buildings at 15, 6 and 19-storeys with a total of 465 apartment units, 9 townhouses and 10 back-to-back townhouses.

The applicant has submitted the above noted application (A616.22) to facilitate the construction of buildings requiring variances to permit a back-to-back townhouse dwelling use; increased height for the back-to-back townhouses; porch and balcony projections; and, building separation distance of 0m.



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 are as follows:

The subject property is designated Residential High Density in Schedule 10 of the Mississauga Official Plan (MOP), which permits apartment dwellings; uses permitted in the Residential Medium Density designation, accessory to apartment dwellings on the same property; and uses permitted in the Convenience Commercial designation at grade in apartment dwellings, except for commercial parking facilities, gas bars, and drive-through facilities.

Planning staff note that the applicant is proposing a back-to-back townhouse use on the subject property (variance #1). Staff have been in correspondence with the Planner reviewing the associated site plan application who notes the proposed design of Block K incorporates block adjustments contemplated in the original master plan. The revised plan for Block K has combined the planned block of townhouses into one block of “back-to-back townhouse” dwelling units requiring variance to permit the use. As such, Planning staff are of the opinion that the requested variance is minor and technical in nature, as the applicant is still proposing a townhouse use.

Variance #2 is regarding the height of the back-to-back townhouses. A height variance is required to permit a mechanical penthouse, stairs and stair enclosure on the roof of the units. The proposed design will also allow for the back-to-back townhouses to have an additional rooftop private amenity space.

Staff note that the dwellings still appear to be three-storeys in height when viewed from the street and that the mechanical penthouse, stairs and stair enclosure do not add significant massing to the dwellings. Therefore, staff are of the opinion that the requested variance maintains the intent of the zoning by-law.

Variances #3 and 4 are for porch (inclusive of stairs) and balcony projections. Variance #3 requests an increased porch projection of 0.2m (0.66ft) where the by-law permits a maximum of 1.80m (5.91ft). Planning staff are of the opinion that this represents a minor and negligible increase. With respect to variance #4, Planning staff are of the opinion that the increased balcony projection of 1.80m (5.91ft) into the required yard a maximum balcony projection of 1.00m (3.28ft) is permitted, will improve outdoor space for the apartment dwelling units and increase the usability of the proposed balconies.

Variance #5 is required to accommodate a building separation distance of 0m to allow for an above-grade pedestrian bridge. Staff note that this variance is requested only to permit the above-grade pedestrian bridge. The proposed buildings maintain all other required separation distances, and heights. As such, Planning staff have no concerns with the requested variance.

Through a detailed review of the application, staff are 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

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposed development will be addressed through the current Site Plan application SP-21/130.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a site plan approval application under file SP 21-130. 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 02/27/2023 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: A. McCormack: Zoning Examiner

Appendix 3 – Region of Peel

We have no comments or objections.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner