

City of Mississauga Department Comments

Date Finalized: 2024-02-07	File(s): A75.24
To: Committee of Adjustment	Ward: 9
From: Committee of Adjustment Coordinator	Meeting date:2024-02-15 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 renovations to the existing building proposing:

1. An interior side yard setback of 24.80m (approx. 81.36ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 25.50m (approx. 83.66ft) in this instance;
2. A setback to the below grade parking structure of 2.42m (approx. 7.94ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 3.00m (approx. 9.84ft) in this instance;
3. A Floor Space Index of 1.52 whereas By-law 0225-2007, as amended, permits a maximum Floor Space Index of 1.00 in this instance;
4. 0.9 spaces per unit for residents whereas By-law 0225-2007, as amended, requires a minimum of 1.0 spaces per unit for residents in this instance; and,
5. 0.14 spaces per unit for visitors whereas By-law 0225-2007, as amended, requires 0.2 spaces per unit for visitors in this instance.

Background

Property Address: 6515 Glen Erin Drive

Mississauga Official Plan

Character Area: **Meadowvale Neighbourhood**
Designation: **Residential High Density**

Zoning By-law 0225-2007

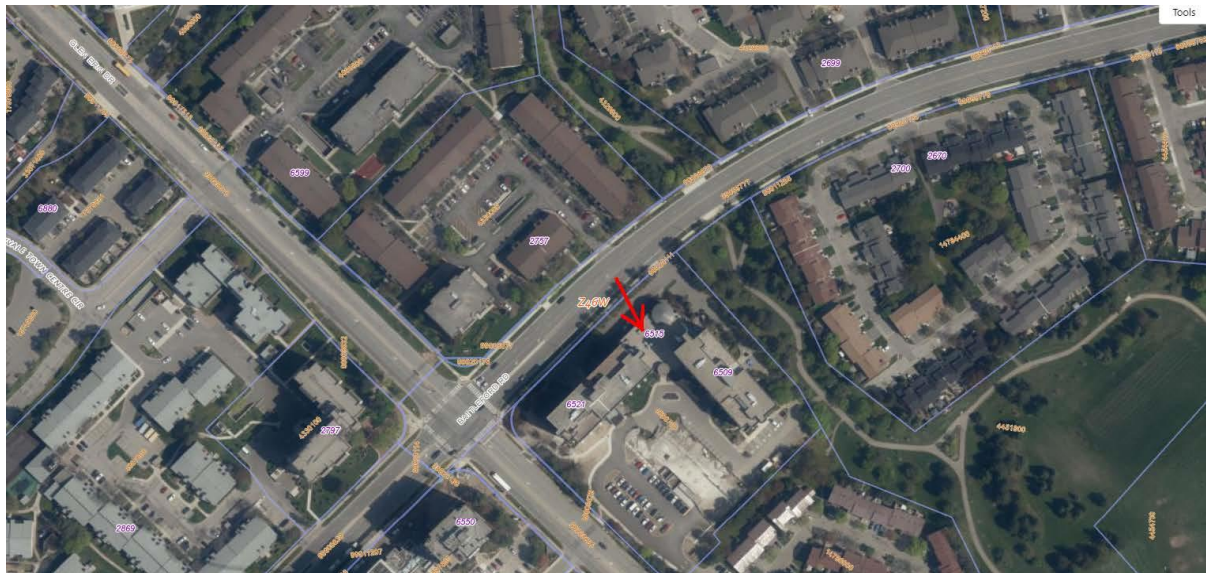
Zoning: RA3- Residential

Other Applications: None

Site and Area Context

The subject property is located on the south-east corner of the Glen Erin Drive and Battleford Road intersection in the Meadowvale Neighbourhood Character Area. It currently contains two 10-storey residential buildings that are linked together by a two-storey portico and a surface parking lot. The subject property has an approximate lot area of +/- 1.67ha (4.14ac) and contains mature vegetation along the street frontages and east and south property lines. The surrounding area context is predominantly residential consisting of detached homes, townhomes and apartments. Additionally, Plowman's Park directly abuts the property to the east.

The applicant is proposing to renovate and update the residential apartment dwellings requiring variances for side yard setbacks, floor space index and parking deficiencies.



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 Meadowvale Neighbourhood 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. Furthermore, Section 16.16.2.2 states existing and new building heights of up to 12 stores may be permitted on lands designated Residential High Density and will not exceed a maximum floor space index (FSI) of 2.0. Additionally, Section 16.16.5.1 states Meadowvale will expand on the range of housing options in new developments by promoting housing options, including appropriately sized units that meet the need of young adults, older adults and families. Staff note the renovation of the existing apartment buildings will result in no changes to the built form and the requested variances are represented in the existing conditions on the subject property. Staff are satisfied that the general intent and purpose of the official plan is maintained.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

Variances 1 and 2 relate to the side yard setbacks to the existing apartment dwellings and below grade parking structure. The intent of the side yard setback regulation is to ensure an adequate buffer between structures on abutting properties, appropriate drainage can be maintained and unencumbered access is provided to different areas on the subject property. Staff note there are no material changes to the footprint of the existing apartment dwelling or below grade parking structure. The variances are a result of existing conditions on the subject property. Staff note the setback reductions are negligible and are satisfied that an adequate buffer is maintained between the abutting townhomes subdivision to the south.

Variance 3 pertains to an increase in floor space index (FSI). Staff note the variance is a result of the existing apartment dwellings currently on site. Although the proposed renovation will add more units to the apartment building, staff note the increased FSI does not fundamentally change the intended design or functionality of the site.

Variances 4 and 5 request a parking reduction. The intent of the zoning by-law in quantifying the required number of parking spaces is to ensure that each lot is self-sufficient in providing adequate parking accommodations based upon its intended use. Section 8.4 of the official plan contemplates potential reductions in parking requirements and alternative parking arrangements in appropriate situations. Municipal Parking staff have reviewed the variance request and note as follows:

With respect to Committee of Adjustment application 'A' 75.24, 6515 Glen Erin Drive, the Applicant is requesting the Committee to approve a minor variance to allow reduced parking for the subject property and proposing:

1. 0.9 spaces per unit for residents whereas By-law 0225-2007, as amended, requires a minimum of 1.0 spaces per unit for residents in this instance;
2. 0.14 spaces per unit for visitors whereas By-law 0225-2007, as amended, requires 0.2 spaces per unit for visitors in this instance.

Per the materials provided by the Applicant, the subject property currently functions as a Retirement Building with two ten-storey buildings. The requested variance is triggered by the applicant's intention to convert this property to a Rental Apartment that caters to all age groups. The subject property is located within RA3 Zoning Area, Parking Precinct 4.

Per Section 3.1.1.2 of Mississauga Zoning By-law, Rental Apartment uses located in Parking Precinct 4 require a minimum of 1.0 resident space per unit and 0.2 visitor spaces per unit. Therefore, with 331 residential units being proposed, a minimum of 331 resident spaces and 66 visitor spaces with a total of 397 parking spaces would be required. The Applicant proposes a total of 346 parking spaces, including 298 resident spaces, 46 visitor spaces, and 2 unallocated spaces. As such, 397 parking spaces are required whereas 346 parking spaces can be accommodated, which generates a parking deficiency of 51 spaces or 12.8%.

As the proposed parking deficiency exceeds 10%, a satisfactory Parking Utilization Study (PUS) is required as per the City's Parking Terms of Reference provision.

The Applicant submitted a Parking Utilization Study dated December 2023, prepared by BA Group. A six-day survey at three proxy sites was undertaken from October to November 2023. The results of the survey indicate that the peak demand for resident parking at 2645 Battleford Road was observed on a Tuesday at 1 a.m., with a total of 146 occupied parking spaces on site, which represents a utilization rate of 80% and a demand ratio of 1.05 spaces per residential unit. The peak demands of two other proxy sites were observed to be 0.38 and 0.9 space per unit. In addition, the peak demand for visitor parking was observed at 2797 & 2859 Battleford Road on a Sunday at 8 p.m., with 64 occupied spaces, which represents a utilization rate of 55% and a demand ratio of 0.14 space per unit.

Staff advise that although compared to the proposed resident parking rate of 0.9 space per unit, the observed peak parking ratio at one of the proxy sites suggests a higher parking demand for a comparable development, given the number of residential unit types being proposed and the deficiency rate of resident parking is 9.9%, which is slightly below the 10% threshold, it is staff's opinion that the resident parking variance is relatively minor in nature and would not have a significant impact on the parking supply in the future. Furthermore, the survey results suggest an equivalent or lower demand for visitor parking for a comparable development.

Zoning staff have advised that the accuracy of the requested variance can not be confirmed.

Given the above, Municipal Parking staff can support 0.9 spaces per unit for residents whereas By-law 0225-2007, as amended, requires a minimum of 1.0 spaces per unit for residents in this instance; and 0.14 spaces per unit for visitors whereas By-law 0225-2007, as amended, requires 0.2 spaces per unit for visitors in this instance.

Planning staff are of the opinion that the proposed variances maintain the general intent and purpose of the zoning by-law.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

Staff are satisfied that the variances, both individually and cumulatively, are minor in nature. They will not have significant impacts to either the surrounding context or streetscape. Staff are also of the opinion that the application represents appropriate development of the subject property.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This Department has no objections to the applicant's request.



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: Minan Song, Planner in Training

Appendix 3 – Parks, Forestry & Environment

The Parks and Culture 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 Lake Aquitaine Trail (P-130), 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.
4. Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, c.P. 13, as amended) and in accordance with the City's policies and by-laws.

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

Comments Prepared by: Nicholas Rocchetti, Planner in Training

Appendix 4 – Region of Peel

We have no comments or objections.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner