

City of Mississauga Department Comments

Date Finalized: 2024-05-08	File(s): A203.24
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2024-05-16 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 amended, 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:

1. An obstruction on one side of a parking space that is 2.60m (approx. 8.53ft) wide for 44 parking spaces of 1.36m (approx. 4.46ft) whereas By-law 0225-2007, as amended, permits a maximum obstruction on one side of a parking space of 1.00m (approx. 3.28ft) in this instance;
2. An obstruction on one side of a parking space that is 2.60m (approx. 8.53ft) wide for 1 parking space of 1.85m (approx. 6.07ft) whereas By-law 0225-2007, as amended, permits a maximum obstruction on one side of a parking space of 1.00m (approx. 3.28ft) in this instance;
3. A parking space width for 1 parking space of 2.52m (approx. 8.27ft) whereas By-law 0225-2007, as amended, requires a minimum parking space width of 2.60m (approx. 8.53ft) in this instance;
4. A parking space length for 4 parking spaces with a parking angle exceeding 15 degrees of 5.02m (approx. 16.47ft) whereas By-law 0225-2007, as amended, requires a minimum parking space length of 5.20m (approx. 17.06ft) in this instance;
5. A parallel parking space length for 1 parking space of 6.4m (approx. 21.0ft) whereas By-law 0225-2007, as amended, requires a minimum parking space length of 6.7m (approx. 21.98ft) in this instance;
6. An outdoor accessory patio in the RA3-36 zone whereas By-law 0225-2007, as amended, does not permit such a use in this instance; and
7. A setback of 0.0m to an outdoor patio in a RA3-36 zone from a residential zone whereas By-law 0225-2007, as amended, requires a minimum setback of 6.0m (approx. 19.69ft) in this instance.

Amendments

The Building Department is processing application 21CDM-M 23-6. Based on review of the information available in this application, Zoning staff advise that following amendments are required:

1. A parking space width of 2.60m (approx. 8.53ft) for parking space units #56, 57, 59, 62, 89, 90, 99, 100, 111, 112, 120, 121, 142, 143, 144, 145, 146, 147, 149, 150, 151, 152, 153, 154, 155, 156, 166, 167, 178, 179, 216, 224, 225, 229, 238, 239, 244, 245, 246, 248, 249, 258, 259, 264 & 265 on Level A, whereas By-law 0225-2007, as amended, requires a minimum parking space width of 2.75m (approx. 9.02ft) where the length of one side of parking space abuts a building, structure or part thereof, that extends more than 1.0 m into the front and/or rear of the parking space in this instance;
2. A parking space width of 2.52m (approx. 8.27ft) for parking space unit #7 on Level A, whereas By-law 0225-2007, as amended, requires a minimum parking space width of 2.60m (approx. 8.53ft) in this instance;
3. A parking space length of 5.02m (approx. 16.47ft) for parking space units #45, 46, 184 & 186 on Level A, whereas By-law 0225-2007, as amended, requires a minimum parking space length of 5.20m (approx. 17.06ft) in this instance;
4. A parallel parking space length of 6.4m (approx. 21.00ft) for parking space unit #54 on Level A, whereas By-law 0225-2007, as amended, requires a minimum parallel parking space length of 6.7m (approx. 21.98ft) in this instance;
5. Permanent outdoor patio accessory to a restaurant, convenience restaurant or take-out restaurant in RA3-36 zone whereas By-law 0225-2007, as amended, does not permit such a use in this instance; and
6. A setback of 0.0m measured from permanent outdoor patio to Residential Zones whereas By-law 0225-2007, as amended, requires a minimum setback of 6.0m (approx. 19.69ft) measured from permanent outdoor patio to Residential Zones in this instance.

Background

Property Address: 230 & 220 Missinnihe Way

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: C4-75 - Commercial

Other Applications: 21CDM-M 23-6

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) to the overall site. These applications added permissions for a variety of uses including townhouses, mid and high-rise condominiums, retail, parkland and institutional uses on the 29-hectare (72-acre) site. A Plan of Subdivision was also required to facilitate the total redevelopment of the site, with the final plan registered at the Land Registry Office and blocks created. This application pertains to the mixed use block that is located at the north east corner of the site.

The minor variance application is required to accommodate the as-built condition of residential parking spaces within the combined underground parking garage under Blocks 4 and 5, as well as to permit an outdoor patio accessory adjacent to Building H. These variances have been identified through the submitted and under review Condominium Application.



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.

The applicant is requesting minor variances to ensure zoning compliance in advance of Condominium Registration. Variances #1-4, as amended, pertain to 51 out of the total 268 residential parking spaces on-site. The 51 obstructed parking spaces have minor deficiencies with respect to the width and length required by the zoning by-law, due to minor modifications during the construction process with regards to the location of fire hose cabinets and vertical drainpipes adjacent to the parking spaces. Planning staff are satisfied that there will be no negative impact on the functionality of the parking spaces as the proposed dimensions represent minor deficiencies and can still accommodate vehicular parking.

Variances #5 and #6, as amended, pertain to an outdoor patio accessory use. The applicant is proposing an outdoor patio accessory use on the northeast corner of the subject property. While this use is not permitted, it was always envisioned; however, it was not captured in the site-specific zoning by-law amendment.

Staff have discussed these variances with the Planner reviewing the associated condominium application and have no planning concerns with these variances.

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: Shivani Chopra, Planning Associate

Appendices

Appendix 1 – Transportation and Works Comments

We are noting for Committee's information that the Transportation and Works Department has commented on previous Site Plan applications for this property, Files SP- 19/138 and SP- 19/155. We have no concern for the proposed Minor Variances.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is processing application 21CDM-M 23-6. Based on review of the information available in this application, we advise that following amendments are required:

7. A parking space width of 2.60m (approx. 8.53ft) for parking space units #56, 57, 59, 62, 89, 90, 99, 100, 111, 112, 120, 121, 142, 143, 144, 145, 146, 147, 149, 150, 151, 152, 153, 154, 155, 156, 166, 167, 178, 179, 216, 224, 225, 229, 238, 239, 244, 245, 246, 248, 249, 258, 259, 264 & 265 on Level A, whereas By-law 0225-2007, as amended, requires a minimum parking space width of 2.75m (approx. 9.02ft) where the length of one side of parking space abuts a building, structure or part thereof, that extends more than 1.0 m into the front and/or rear of the parking space in this instance;
8. A parking space width of 2.52m (approx. 8.27ft) for parking space unit #7 on Level A, whereas By-law 0225-2007, as amended, requires a minimum parking space width of 2.60m (approx. 8.53ft) in this instance;
9. A parking space length of 5.02m (approx. 16.47ft) for parking space units #45, 46, 184 & 186 on Level A, whereas By-law 0225-2007, as amended, requires a minimum parking space length of 5.20m (approx. 17.06ft) in this instance;
10. A parallel parking space length of 6.4m (approx. 21.00ft) for parking space unit #54 on Level A, whereas By-law 0225-2007, as amended, requires a minimum parallel parking space length of 6.7m (approx. 21.98ft) in this instance;
11. Permanent outdoor patio accessory to a restaurant, convenience restaurant or take-out restaurant in RA3-36 zone whereas By-law 0225-2007, as amended, does not permit such a use in this instance; and
12. A setback of 0.0m measured from permanent outdoor patio to Residential Zones whereas By-law 0225-2007, as amended, requires a minimum setback of 6.0m (approx. 19.69ft) measured from permanent outdoor patio to Residential Zones in this instance.

Our comments may no longer be valid should there be changes in the Committee of Adjustment application that have yet to be submitted and reviewed through the Building Division application. To receive updated comments, the applicant must submit any changes to information or drawings separately through the above application.

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Comments Prepared by: Alana Zheng, Planner Zoning Examination

Appendix 3 – Region of Peel

We have no comments or objections.

Comments Prepared by: Petrele Francois, Junior Planner