

# City of Mississauga Department Comments

Date Finalized: 2024-07-03	File(s): A287.24
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2024-07-11 3:30:00 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. The Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

## Application Details

The applicant requests the Committee to approve a minor variance to allow parking on the subject property proposing:

1. A parking space length of 1.30m (approx. 4.27ft) for the parking spaces of Units 21, 22, and 23, Level A whereas By-law 0225-2007, as amended, requires a minimum parking space length of 5.20m (approx. 17.06ft) in this instance;
2. A parking space width of 2.60m (approx. 8.53ft) for the parking spaces of Units 8, 33 and 34 of Level A; Units V24, V25 and Unit 28 of Level B; Units 16, 47 and 48 of Level C; Units 24, 56 and 57 of Level D; Units 24, 56, 57 and 60 of Level E; and Unit 24 of Level F, 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 the parking space abuts a building, structure or part thereof, that extends more than 1.00m into the front and/or rear of the parking space in this instance; and,
3. A parking aisle width of 5.50m (approx. 18.05ft) whereas By-law 0225-2007, as amended, requires a minimum parking aisle width of 6.60m (approx. 21.65ft) in this instance.

## Recommended Conditions and Terms

Should the committee see merit in this application, Planning Staff recommend supporting the requested variances subject to the following condition:

The applicant shall include a warning clause in Condominium Declaration to advise owners and potential purchasers of Units 8, 21, 22, 23, 33 and 34 on Level A; Units V24, V25 and V25 on Level B; Units 16, 47 and 48 on Level C; Units 24, 56 and 57 on Level D; Units 24, 56, 57 and

60 on Level E; and, Unit 24 of Level F of the size deficiency. The applicant shall register on title a warning clause identifying the parking spaces that are substandard in size.

## Background

**Property Address:** 28 Ann St

### Mississauga Official Plan

Character Area: Port Credit Community Node  
Designation: Mixed Use

### Zoning By-law 0225-2007

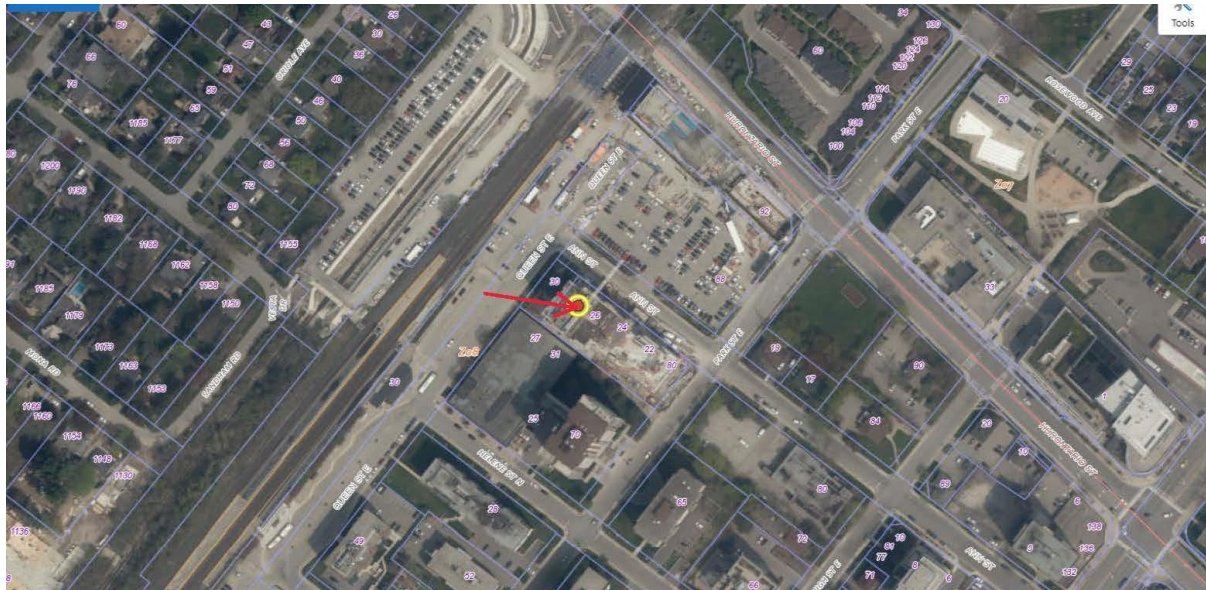
**Zoning:** RA5-53- Residential

**Other Applications: Official Plan Amendment and Zoning By-law Amendment OZ19-08;  
Site Plan – SP 20-51; Minor Variances A106-21, A494.21**

### Site and Area Context

The subject property is located within the Port Credit Community Node Character Area, northwest of Hurontario Street and Lakeshore Road East. The immediate area contains the Port Credit Go Station, commercial uses, parking structures and high-rise apartment buildings. On February 24, 2020 Council approved Zoning By-law Amendment Application OZ 19-18, permitting a 22-storey mixed use condominium building containing residential units above grade and commercial space at grade. In March of 2021, Site Plan Application SP 20-51 was approved followed by the approval of Hold Removal Application H-OZ 20 1 in September of 2021. Minor Variance applications to permit reduced parking rates, canopy and balcony projections were also approved in March, April 2021 and November of 2021, respectively. Finally, Draft Plan of Condominium Application 21CDM-M 23 3 is currently under review.

The applicant requires variances for reduced parking space dimensions and drive aisle 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 are as follows:

The subject property is designated Mixed Use in Schedule 10 of the Mississauga Official Plan (MOP). The Mixed-Use designation permits residential uses.

Variances #1 and 2 pertain to dimensions of parking spaces. The intent of this portion of the Zoning By-law is to ensure that each structure is self-sufficient in providing adequate parking accommodations. While staff have no concerns with this variance, we request that the following condition be approved to ensure that future owners of the properties are aware of the deficiencies:

The applicant shall include a warning clause in Condominium Declaration to advise owners and potential purchasers of Units 8, 21, 22, 23, 33 and 34 on Level A; Units V24, V25 and V25 on Level B; Units 16, 47 and 48 on Level C; Units 24, 56 and 57 on Level D; Units 24, 56, 57 and 60 on Level E; and, Unit 24 of Level F of the size deficiency. The applicant shall register on title a warning clause identifying the parking spaces that are substandard in size.

Variance #3 requests a reduction in the parking aisle width. The intent of the zoning by-law is to ensure there is adequate space for vehicle passage within a parking area. Staff are of the opinion that the reduction in the parking aisle width poses no major impact on the functioning of

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the vehicle passageway and that the necessary maneuverability can be maintained within the proposed parking aisle width.

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 and that 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 advise that this Department has reviewed multiple applications on this property (ie: OZ-19/008 and SP-20/051). All of our Department's comments have been addressed by the already approved Rezoning application or the current Site Plan application.

Comments Prepared by: John Salvino, Development Engineering Technologist







## Appendix 2 – Zoning Comments

In the absence of a Development application 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.

For scope of work that does not require Site Plan Approval/Building Permit/Zoning Certificate of Occupancy Permit, the applicant may consider applying for a Preliminary Zoning Review application. A detailed site plan drawing and architectural plans are required for a detailed zoning review to be completed. A minimum of 6-8 weeks is required depending on the complexity of the proposal and the quality of information submitted.

Comments Prepared by: Brooke Herczeg, Zoning Examiner

### Appendix 3 – Metrolinx

Metrolinx is in receipt of the Minor Variance application for 28 Ann St to facilitate various parking variances as follows:

- A parking space length of 1.30m for the parking spaces of Units 21, 22, and 23, Level A
- A parking space width of 2.60m for the parking spaces of Units 8, 33 and 34 of Level A; Units V24, V25 and Unit 28 of Level B; Units 16, 47 and 48 of Level C; Units 24, 56 and 57 of Level D; Units 24, 56, 57 and 60 of Level E; and Unit 24 of Level F.
- A parking aisle width of 5.50m
- As circulated on June 11th, 2024, and to be heard at Public Hearing on July 11, 2024 at 3:30 PM.

Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m, adjacent to, the Metrolinx Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service. The subject property is also within the Municipal Consent Review and Roadway Coordination Zone (MCR) and in proximity of the Hazel McCallion LRT.

#### GO/HEAVY-RAIL – ADVISORY COMMENTS

- Be advised that Metrolinx is a stakeholder that has provided comments on the comprehensive application of this development.
- Any previous comments/requirements previously provided by Metrolinx and/or our Technical Advisor are still applicable.
- As the requested variances have minimal impact on Metrolinx property (i.e. Oakville Subdivision), Metrolinx has no objections to the specified variances should the committee grant approval.
- Please keep Metrolinx engaged and circulate any subsequent related development applications.
- The Proponent is advised of 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.

#### GO/HEAVY-RAIL – ADVISORY COMMENTS

- The subject property is located in proximity of the proposed Hazel McCallion LRT (formerly Hurontario LRT).
- At this stage Metrolinx doesn't have any major comments but any work within Metrolinx ROW or within 60 m of the Hazel McCallion LRT will require approval and coordination with Metrolinx through circulation by the City of Mississauga.
- Please be advised that Metrolinx is a stakeholder that has provided comments on the comprehensive application of this site. Any comments/requirements previously provided by Metrolinx/our Technical Advisor are still applicable.

#### Construction Coordination (Advisory Comment)

- The applicant should be advised that Metrolinx and its contractors will be utilizing the Hurontario Street right-of-way, and its intersections, during the project's Construction Period. Based on the location of the subject property, there is potential for construction coordination and traffic staging conflicts.
  - Should construction of the Hazel McCallion LRT and the proposed development occur simultaneously, Metrolinx will require the developer to submit schedule or staging plans to coordinate access to both parties.

Should you have any questions or concerns, please contact [farah.faroque@metrolinx.com](mailto:farah.faroque@metrolinx.com).

Comments Prepared by: Farah Faroque, Project Analyst, Third Party Project Review

#### **Appendix 4 – Region of Peel**

We have no comments or objections.

Comments Prepared by: Petrele Francois, Junior Planner