

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2020-10-21	File(s): A334/20 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-10-29

## Consolidated Recommendation

The City has no objections to the requested variances.

## Application Details

The applicant requests the Committee to approve a minor variance to permit a residential building proposing:

1. A maximum balcony projection of 5.20m (approx. 17.06ft) whereas By-law 0225-2007, as amended, permits a maximum balcony projection of 1.00m (approx. 3.28ft) in this instance;
2. An encroachment into a required yard of 3.00m (approx. 9.84ft) whereas By-law 0225-2007, as amended, permits a maximum encroachment into a required yard of 1.80m (approx. 5.90ft) in this instance;
3. To permit a path of egress and vent shaft within the landscape buffer abutting open space lands, whereas By-law 0225-2007, as amended, does not permit a path of egress and vent shaft within the landscape buffer abutting open space lands in this instance;
4. To permit an exit stairwell within a landscape buffer abutting open space lands, whereas By-law 0225-2007, as amended, does not permit an exit stairwell within a landscape buffer abutting open space lands in this instance; and
5. To permit an exit stairwell with a 0m setback in the south east corner, whereas By-law 0225-2007, as amended, does not permit an exit stairwell with a 0m setback in the south east corner in this instance.

## Background

**Property Address:** 55 Port Street East

### Mississauga Official Plan

**Character Area:** Port Credit Community Node

Designation: Residential High Density

**Zoning By-law 0225-2007**

Zoning: RA2-33 (Residential)

**Other Applications**

Site Plan Application: 20-25

**Site and Area Context**

The subject property is located within the Port Credit Community Node, southwest of Hurontario Street and Lakeshore Road West. The immediate area contains a mix of mid-rise condominiums, townhouse dwellings and commercial uses which front onto Lakeshore Road East. The subject property backs onto St. Lawrence Park and the Waterfront Trail and contains an existing office building. The subject property received Official Plan and Zoning by-law Amendment approval for a nine storey condominium building on September 16, 2019.

The subject property is currently undergoing the site plan approval process. During this review process, variances have been identified for a balcony projection, encroachments into a required yard and landscape buffer.



## 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 currently undergoing the site plan review process for the plans that were approved by Council through the Official Plan and Zoning By-law Amendment applications. Through the site plan process, additional details regarding the proposed plans were submitted resulting in additional deficiencies that were not captured through the rezoning process. However, the plans submitted for the site plan approval are the same as those presented at and approved by Council.

The proposed balcony projection and encroachment are due to the design of the condominium. The largest balcony projections face Helene Street and do not pose any negative impact to residential buildings regarding privacy/overlook due to the location of the balconies and building separation. The encroachment into the required yard is due to the terrace fronting Port Street East. The terrace makes up a minor portion of the front yard and does not encroach throughout the entirety of the front yard. Variances #3 and 4 relate to the pathway, vent shaft and stairwell within the landscape buffer which is required for the design of the site. The proposed variances would bring the original layout of the site into conformance with the plans previously approved by Council. Regarding variance #5, although staff does not support 0 m setbacks, the applicants have entered into an agreement with the neighbouring property which allows construction access and maintenance onto neighbouring lands for the proposed exit stairwell. As such, staff is of the opinion that the proposed variances meet the requirements of Section 45(1) of the Planning Act.

## Conclusion

The Planning and Building Department has no objections to the requested variances.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

We are noting that any Transportation and Works Department concerns/requirements for the proposed development are being addressed through the Site Plan Application SP-20/025 as well as Rezoning Application OZ-18/007 for this development.

Comments Prepared by: David Martin, Supervisor Development Engineering

### Appendix 2 – Zoning Comments

The Planning and Building Department is currently processing a site plan approval application under file 20-25. 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 20-25 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.

Comments Prepared by: Kevin Barry, Zoning Examiner

### Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has no objections to the minor variance application and advises as follows:

In addition, Community Services notes the following:

- Comments and conditions are being addressed through the active Site Plan Application (SP 20 25) and Consent to Enter Agreement for access to St. Lawrence Park.

Should further information be required, please contact Jim Greenfield, Park Planner, Community Services Department at 905-615-3200 ext. 8538 or via email [jim.greenfield@mississauga.ca](mailto:jim.greenfield@mississauga.ca)

Comments Prepared by: Jim Greenfield, Park Planner

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**Appendix 5 – Region of Peel Comments**

Regional Planning staff have reviewed the applications listed on the October 29<sup>th</sup>, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

**Deferred Applications:** DEF-A-425/19, DEF-A-201/20, DEF-A-202/20

**Consent Applications:** B-49/20, B-50/20

**Minor Variance Applications:** A-330/20, A-331/20, A-334/20

Comments Prepared by: Diana Guida, Junior Planner