

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2024-10-25	File(s): A208.24 Ward 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:10/31/2024 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 the construction of a townhouses proposing:

1. A townhouse height of 4 storeys whereas By-law 0225-2007, as amended, permits a maximum townhouse height of 3 storeys in this instance;
2. A townhouse rooftop balcony setback of 0.00m (approx. 0.00ft) whereas By-law 0225-2007, as amended, requires a minimum townhouse rooftop balcony setback of 1.20m (approx. 3.94ft) in this instance;
3. A townhouse balcony built outside of the buildable area of 1.50m (approx. 4.92ft) whereas By-law 0225-2007, as amended, does not permits a townhouse balcony outside of the buildable area in this instance;
4. A guest suite area of 49.00sq m (approx. 527.44sq ft) whereas By-law 0225-2007, as amended, permits a maximum guest suite area of 30.00sq m (approx. 322.92sq ft) in this instance;
5. An amenity space of 4.00sq m per unit (approx. 43.06sq ft) whereas By-law 0225-2007, as amended, requires a minimum amenity space of 4.50sq m per unit (approx. 48.44sq ft) in this instance.

Background

Property Address: 125 Eglinton Avenue East, 5115 Thornwood Drive & 5125 Thornwood Drive

Mississauga Official Plan

Character Area: Uptown Major Node
Designation: High Density

Zoning By-law 0225-2007

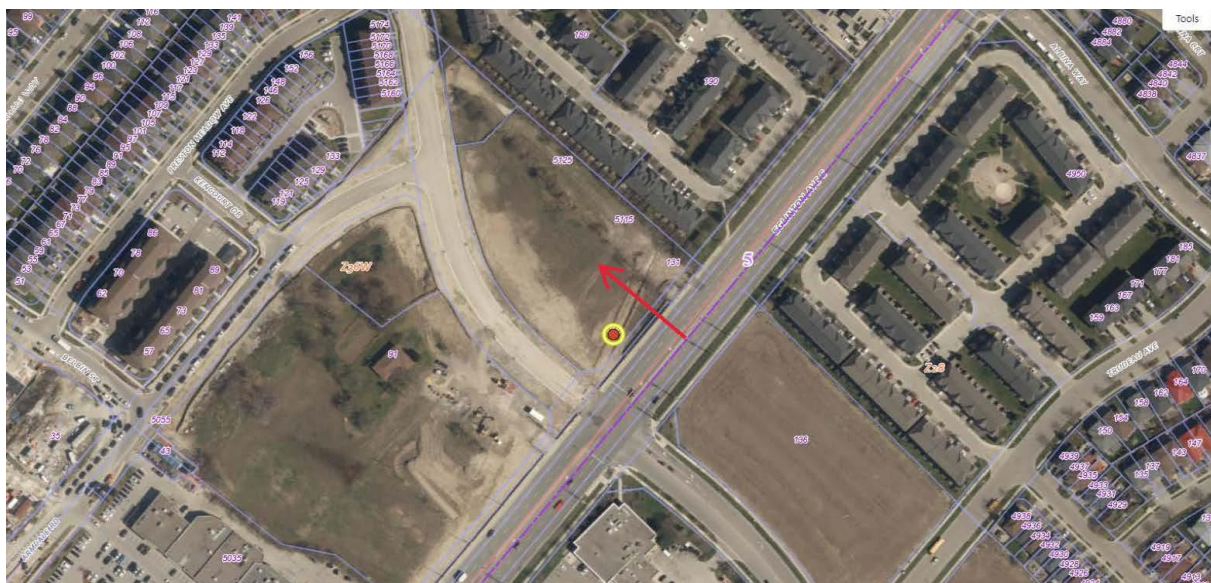
Zoning: H-RA5-55- Residential

Other Applications: SP 21-13 W5

Site and Area Context

The subject property is located on the north side of Eglinton Avenue East, east of the Hurontario Street and Eglinton Avenue East intersection in the Uptown major Node Character Area. It is currently a vacant site with a lot area of approximately +/- 1.04ha (2.58ac). The proposal aims to construct two residential towers with heights of 12 and 25 storeys connected by a 6-storey podium, as well as 4-storey townhouse dwellings on the east side of the subject property. Limited landscaping and vegetative elements are present on the subject property. The immediate neighbourhood includes a mix of residential uses with varying built forms and lot sizes with commercial uses present along Hurontario Street and Eglinton Avenue.

The applicant requires variances for townhouse dwelling height, rooftop balcony setback, townhouse balconies located outside of the buildable area, reduced guest suite area and amenity space area.



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 Uptown Major Node Character Area and is designated Residential High Density in Schedule 10 of the Mississauga Official Plan (MOP).

Variance 1 requests an increase in height from 3 storeys to 4 storeys. Staff note the variance is technical in nature, as the fourth storey contains the outdoor terrace amenity area for the townhouse dwellings and is not fully enclosed. The only area that is enclosed on the fourth storey is the internal space dedicated to the stairway leading from the dwelling to the outdoor terrace amenity area. Staff note the massing impacts of the additional storey are mitigated as the outdoor amenity area remains open and not enclosed.

Variance 2 requests a reduced setback for the outdoor amenity area to the exterior edges of the townhouse dwelling. The intent of the by-law regulation is to prevent privacy and overlook concerns. Staff note the subject property abuts a residential neighbourhood to the east which consists of 3-storey townhouse dwellings. Staff are of the opinion the townhouse dwellings being considered are setback appropriately from the existing residential neighbourhood. Staff are satisfied that the reduced setback will not contribute to privacy and overlook concerns.

Variance 3 requests the third-storey balconies for the townhouse dwellings to be built outside of the required buildable area, as noted in the site-specific zoning schedule RA5-55. Upon review, staff note that the request is for a limited number of areas within the proposal. The requested variance represents a minor change that have already been reviewed in consultation with municipal staff and do not fundamentally change the intended design or functionality of the site. Planning staff are satisfied that the proposed variance will continue to facilitate a development that is appropriate for the subject property.

Variance 4 requests an increased guest suite area. The intent of the by-law regulation is to ensure the guest suite is not created as a separate dwelling unit. Staff note there is no kitchen proposed and are of the opinion the unit will function as a guest suite.

Variance 5 proposes a reduction in amenity area per residential unit. The applicant is proposing both indoor and outdoor amenity areas. The intent of maintaining amenity area is to provide residents in a high-density neighbourhood with outdoor space to accommodate an active lifestyle. Amenity areas are one of the most significant contributors to an area's character and quality of

life. The requested variance represents a minor change that have already been reviewed in consultation with municipal staff and do not fundamentally change the intended design or functionality of the site. Staff are of the opinion that the reduction in amenity area will meet the needs of future residents of the building.

Planning staff are satisfied that the impacts of the variances, both individually and cumulatively, are minor in nature. Furthermore, staff are of the opinion that the proposal maintains the general intent and purpose of the official plan and zoning by-law and will result in appropriate development of the subject property.

Comments Prepared by: Daniel Grdasic, 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 subject property will be addressed through the Site Plan Approval and Building Permit process. We also note that Rezoning Application OZ/18/016 was also processed for this property.





Comments Prepared by: Tony Iacobucci, Development Engineering

Appendix 2 – Zoning Comments

The Building Department is currently processing a Site Plan under file SP 21-13 W5. Based on review of the information currently available in this permit application, the variances, as requested are correct.

Please note that comments reflect those provided through the above permit application and should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the application file noted above, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments.

Comments Prepared by: Tage Crooks, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

Park Planning Comments

The Parks & Culture Planning Section of the Community Services Department has no objections to the above noted minor variance application and notes:

The lands adjacent to the property are owned by the City of Mississauga, identified as Not Yet Named – Associated with 91 Eglinton Ave – Liberty Dev – (F-464) and zoned OS1 – Open Space – Community Park.

Should the application be approved, Community Services provides the following notes:

1. Given that the property is subject to a development application, SP 21 13, all of Community Services' comments and/or requirements are being addressed through the development application.
2. 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 – Park Planning, Community Services Department at 905-615-3200 ext. 4659 or via email nicholas.rocchetti@mississauga.ca.

Comments Prepared by: Nicholas Rocchetti, Planner

Appendix 4 - Region of Peel Comments

Please note that our previous comments still apply.

Comments Prepared by: Petrele Francois, Junior Planner