

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2024-11-14	File(s): A503.24 Ward: 10
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:11/21/2024 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 new building proposing:

1. A balcony projection on the fifth floor towards the front lot line of 5.10m (approx. 16.73ft) whereas By-law 0225-2007, as amended, permits a maximum balcony projection on the fifth floor towards the front lot line of 4.60m (approx. 15.09ft) in this instance;
2. A balcony projection on the fifth floor towards the southerly interior side lot line of 6.00m (approx. 19.69ft) whereas By-law 0225-2007, as amended, permits a maximum balcony projection on the fifth floor towards the southerly interior side lot line of 5.80m (approx. 19.03ft) in this instance.

Background

Property Address: 5180 Ninth Line

Mississauga Official Plan

Character Area: Ninth Line Neighbourhood
Designation: Medium Density

Zoning By-law 0225-2007

Zoning: H-RA2-24 - Holding/ Residential Apartment
Other Applications: OZ 22-4, H-OZ 23-10, SP 24-20 & IZR SP 24-1931

Site and Area Context

The subject property is located along the west side of Ninth Line, north of the Eglinton Avenue West and Ninth Line intersection in the Ninth Line Neighbourhood Character Area. It is an interior lot that is currently comprised of three parcels municipally known as 5160, 5170, 5180 & 0 Ninth Line. A two-storey detached dwelling with attached garage is located on the site municipally known as 5170 Ninth Line and a one-storey temporary sales office building for the proposed apartment building is located on the site municipally known as 5160 Ninth Line. Limited vegetation and landscaping elements are present on the subject property. The surrounding area context is mostly residential, consisting of townhouse dwellings directly abutting the subject property to the west and south, while semi-detached dwellings are located across Ninth Line to the east. Additionally, the vacant parcel directly abutting the site to the north is owned by the City of Mississauga and designated Greenlands and Parkway Belt West.

The applicant is proposing to construct a six-storey residential apartment building requiring variances for balcony projection.



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:

Planning staff note a concurrent rezoning application to remove the 'H' holding symbol and site plan application are being reviewed by development planning staff to facilitate an appropriate development for the subject lands.

The subject property is located in the Ninth Line Neighbourhood Character Area and is designated Medium Density in Schedule 10 of the Mississauga Official Plan. Section 16.20.3 of the MOP identifies the Ninth Line Neighbourhood to be subdivided into precincts in order to reflect differences in their planned function and character. The subject property forms part of Precinct 5, the Community Park/Residential Area, which will provide a Community Park and related facilities, as well as a mix of housing forms to serve residents of the local and broader communities. Furthermore, MOP policy 16.20.4.1.1 permits low-rise and mid-rise apartment dwellings on lands designated Residential Medium Density in the Ninth Line Neighbourhood Character Area.

The proposed variances relate to increased balcony projections on the east and south sides of the fifth floor of the proposed apartment building. Staff note the proposed variances are due to an increase in balcony size for those individual units. The intent of the by-law regulation is to ensure that an appropriate buffer between the balcony and lot lines are maintained as well as limiting privacy and overlook issues. Section 4.1.2(k) of the City of Mississauga's 'Shaping Ninth Line Urban Design Guidelines' states where apartment buildings abut low-rise residential forms (i.e. townhouses), an appropriate transition should be provided. At the rear of the site, a 45-degree angular plane should be applied 7.5m (24.60ft) from the property at a height at 10.5m (34.44ft). The intent of maintaining the 45-degree angular plane is to limit shadow and noise impacts to abutting low-density residential properties while providing an appropriate transition between different residential built forms and densities.

Planning staff note both balcony projections at the east and south sides of the proposed apartment building are negligible compared to the as-of-right balcony projection permissions in the by-law. Staff note the proposed balcony projection on the east side of the proposed apartment building fronts onto Ninth Line and are satisfied that an appropriate buffer will be maintained between the balcony and Ninth Line frontage. Additionally, the balcony projection proposed on the south side of the proposed apartment building faces low-rise townhouse dwellings. Staff note this proposed balcony projects into the south angular plane marginally, however staff are satisfied that shadow, overlook and noise impacts would be no greater than if the balconies were built as of right. Furthermore, Development Planning and Urban Design staff have reviewed the application and

are satisfied that the proposal will maintain an appropriate transition between the townhouse dwellings and proposed apartment building.

Planning staff are of the opinion that the requested variances represent minor changes 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 have no objections to the proposed variances as they meet the general intent and purpose of the official plan and zoning by-law, are minor in nature and result in orderly development of the subject property.

Comments Prepared by: Daniel Grdasic, 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 24-20 as well as Rezoning Application OZ 22-04 for this development.



Comments Prepared by: Tony Iacobucci, Development Engineering

Appendix 2 – Zoning Comments

The Building Division is processing Independent Zoning Review application IZR SP 24-1931. Based on the review of the information available in this application, the requested variances are correct.

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.

Comments Prepared by: Minan Song, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

Park Planning Comments

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 to the rear of the property are owned by the City of Mississauga, identified as Not Yet Named (P-460) *(West of Erin Centre Blvd along Ninth Line), classified as a Significant Natural Area within the City's Natural Heritage System, and zoned G2. 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. Given that the property is subject to a development application, SP 24-20, all of Community Services' comments and/or requirements are being addressed through the development application.
2. Construction access from the adjacent park/greenlands is not permitted.
3. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
4. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.
1. 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

We have no comments or objections.

Comments Prepared by: Petrele Francois, Junior Planner