

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2020-10-21	File(s): A265/20 Ward: 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-10-29

## Consolidated Recommendation

The City has no objection to the variances, as requested. 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 a mid-rise rental apartment and above grade parking garage, proposing:

1. A floor space index of 1.82; whereas, By-law 0225-2007, as amended, permits a maximum floor space index of 1.50, in this instance;
2. An exterior side yard of 7.00m (approx. 22.96ft) for a portion of the dwelling with a height greater than 26.00m (approx. 85.30ft); whereas, By-law 0225-2007, as amended, requires a minimum exterior side yard of 10.50m (approx. 34.45ft) for a portion of the dwelling with a height greater than 26.00m (approx. 85.30ft), in this instance;
3. A centre line setback of 17.70m (approx. 58.07ft); whereas, By-law 0225-2007, as amended, requires a minimum centre line setback of 25.50m (approx. 83.66ft), in this instance;
4. A balcony projection above the first storey of 2.30m (approx. 7.55ft); whereas, By-law 0225-2007, as amended, permits a maximum balcony projection above the first storey of 1.00m (approx. 3.28ft), in this instance;
5. A balcony encroachment of 5.88m (approx. 19.29ft); whereas, By-law 0225-2007, as amended, permits a maximum balcony encroachment of 1.00m (approx. 3.28ft), in this instance;
6. A balcony encroachment into the exterior side yard of 4.31m (approx. 14.14ft); whereas, By-law 0225-2007, as amended, permits a maximum balcony encroachment into the exterior side yard of 1.80m (approx. 5.91ft), in this instance;
7. A setback measured from a parking structure to an interior side yard lot line of 4.94m (approx. 16.21ft); whereas, By-law 0225-2007, as amended, requires a minimum setback measured from a parking structure to an interior side yard lot line of 7.50m (approx. 24.61ft), in this instance;
8. A landscaped area of 33.63%; whereas, By-law 0225-2007, as amended, requires a minimum landscaped area of 40%, in this instance;

9. A landscape buffer (southeast lot line) of 1.65m (approx. 5.41ft); whereas, By-law 0225-2007, as amended, requires a minimum landscape buffer of 3.00m (approx. 9.84ft), in this instance;
10. 212 residential parking spaces; whereas, By-law 0225-2007, as amended, requires a minimum of 263 residential parking spaces, in this instances; and,
11. 27 visitor parking spaces; whereas, By-law 0225-2007, as amended, requires a minimum of 41 visitor parking spaces, in this instance.

## Amendments

Based upon review of this Application, Staff notes that the Minor Variance application should be amended as follows, permitting:

10. 208 residential parking spaces; whereas, By-law 0225-2007, as amended, requires a minimum of 264 residential parking spaces, in this instance; and,
11. 31 visitor parking; whereas, By-law 0225-2007, as amended, requires a minimum of 41 visitor parking spaces, in this instance.

## Background

**Property Address:** 150 Paisley Boulevard West

### Mississauga Official Plan

Character Area: Downtown Hospital  
Designation: Residential High Density

### Zoning By-law 0225-2007

**Zoning:** RA4-20 (Residential)

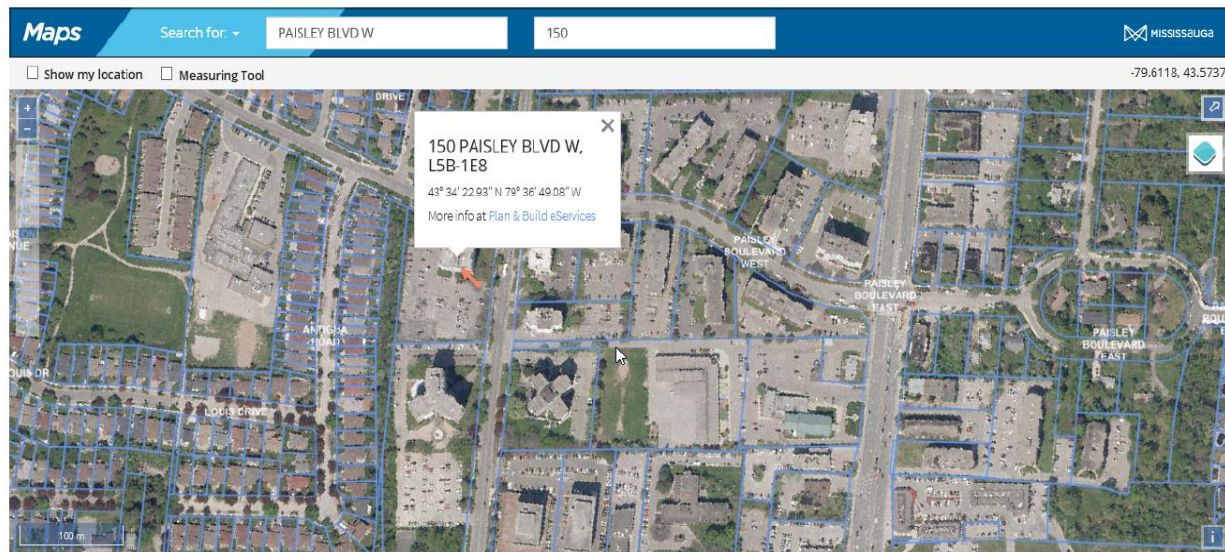
### Other Applications:

Site Plan: 19-135

### Site and Area Context

The subject property is located north-west of the Confederation Parkway and the Queensway West intersection and currently houses a sixteen-storey apartment complex. In general, the subject lands provide a mid-rise transitional buffer between the high-density residential uses located on the east side of Confederation Parkway and the residential semi-detached structures that dominate the lands to the west.

The subject property is an exterior parcel, with a lot area of 9,834m<sup>2</sup> and a lot frontage of +/- 85m.



## Comments

Section 45 of the *Planning Act* provides the Committee of Adjustment the authority to grant relief from the requirements stipulated by the municipal Zoning By-law, provided that such applications meet the requirements set out under Section 45(1) and/or 45(2) (a) or (b) of the *Planning Act*.

Staff comments concerning the application of the four tests to this minor variance application are as follows:

Planning Staff note, the Applicant has provided updated drawings through their Minor Variance Application which do not correspond to the submitted Site Plan Approval application by which the Zoning Department has completed its comprehensive review. Planning Staff are therefore only able to speak to the variances as requested and cannot comment upon their validity as it pertains to compliancy against the Zoning By-law.

As per discussions with the Applicant, they wish to proceed with the variances as requested.

### **Does the proposal maintain the general intent and purpose of the Official Plan?**

The site is located within the Downtown Hospital Character Area, and designated Residential High Density by the Mississauga Official Plan (MOP). Pursuant to Section 11.2.5.6(a) (Residential), the Applicant's proposal of a residential apartment structure maintains the purpose and general intent of the Official Plan.

**Does the proposal maintain the general intent and purpose of the Zoning By-law?**Variances 1 - 9 (Design Related Variances)

While the Applicant has proposed several amendments to the underlying zoning regulations; Planning Staff note, the inherent nature of Variances 1 - 9 are to address minor deficiencies to the base zone for a configuration which has conceptually been approved by both the Urban Design and Development Planning teams through their review of Site Plan Approval application SP 19-135. To this end, the requested variances represent prescribed functional changes, reviewed in consultation with Municipal Staff, that in no way fundamentally change, or undermine, the underlying zoning regulations.

To this end, Planning Staff are of the opinion that the application is appropriate to be handled through the minor variance process. Further, Variances 1 - 9, as requested, raise no concerns of a planning nature.

Planning Staff recommends that the Committee have regard for all comments and evidence provided by the Applicant and area residents when assessing if Variances 1 - 9, as requested, meet the requirements of Section 45(1) of the Planning Act.

Variance 10 & 11 (Parking)

As per Zoning By-law 0225-2007, the subject property is zoned RA4-20 (Residential). In accordance with Table 3.1.2.1 (Required Number of Parking Spaces for Residential Uses), this zone regulates the required parking rates for various dwelling types on this site. The intent in quantifying this amount is to ensure that each structure is self-sufficient in providing adequate parking accommodations based upon its intended use.

As per the Transportation Impact Assessment (Salvini Consulting, May/2020) submitted by the Applicant, and reviewed to the satisfaction of City Planning Strategies Staff, the proposed parking rates are suitable in meeting the peak parking demands of the subject property for the proposed residential uses. Variance 10 & 11, as requested, maintain the purpose and general intent of the Zoning By-law.

As per the aforementioned Transportation Impact Assessment, the subject property has ample room to accommodate required parking based upon the intended uses. The structure remains self-sufficient, with the majority of parking handled on-site, and with the requested variances serving to pose no significant negative impact to the surrounding neighbourhood, as a whole. The variances, as requested, result in both the orderly development of the lands, and whose impacts are minor in nature.

## Conclusion

Based upon the preceding information, it is the opinion of Staff that the variances, as requested, meet the general intent and purpose of both the MOP and Zoning By-law; are minor in nature; and, are desirable for the orderly development of the lands. To this end, the Planning and Building Department has no objection to the variances, as requested. The Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Comments Prepared by: Roberto Vertolli, 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 proposed dwelling are being addressed through the Site Plan Application process, File SPM-19/135.

Comments Prepared by: David Martin, Supervisor Development Engineering

### Appendix 2 – Zoning Comments

The Building Department is currently processing a Site Plan Approval application under file 19-135. Based upon review of this Application, Staff notes that the Minor Variance application should be amended as follows, permitting:

10. 208 residential parking spaces; whereas, By-law 0225-2007, as amended, requires a minimum of 264 residential parking spaces, in this instance; and,
11. 31 visitor parking; whereas, By-law 0225-2007, as amended, requires a minimum of 41 visitor parking spaces, in this instance.

Notwithstanding, this Department notes that more information is required to verify the accuracy of the requested variances, as well as to determine whether additional variance(s) will be required.

Comments Prepared by: Adam McCormack, Zoning Examiner

### Appendix 5 – Region of Peel Comments

Development Planning: Diana Guida (905) 791-7800 x8243

Please be advised that a portion of the subject property is located within the limits of the regulated area of the Credit Valley Conservation (CVC).

The Region relies on the environmental expertise of the CVC for the review of development applications located within or adjacent to this regulated area in Peel and their potential impacts on the natural environment. Regional Planning staff therefore, request that the Committee and city staff consider comments from the CVC and incorporate their conditions of approval appropriately.

Comments Prepared by: Diana Guida, Junior Planner