

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2025-04-26	File(s): A98.25
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:5/1/2025 1:00:00 PM

Consolidated Recommendation

The City has no objections to variances 1, 2 & 3, however recommends variance 4 be refused. 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 the construction of a rental apartment building proposing:

1. A building footprint partially outside of the Proposed Building D building envelope whereas By-law 0225-2007, as amended, requires building footprint located entirely within the Proposed Building D building envelope in this instance;
2. A building setback of 23.00m (approx. 75.46ft) between the Existing Building B and the Proposed Building D whereas By-law 0225-2007, as amended, requires a minimum building setback of 23.50m (approx. 77.10ft) between the Existing Building B and the Proposed Building D in this instance;
3. A front yard setback of 3.00m (approx. 9.84ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.50m (approx. 24.61ft) in this instance; and
4. A building height of twenty-five (25) storeys whereas By-law 0225-2007, as amended, permits a maximum building height of fifteen (15) storeys in this instance.

Background

Property Address: 4100 Ponytrail Dr & 1850 Rathburn Rd E

Mississauga Official Plan

Character Area: Rathwood Neighbourhood
Designation: High Density

Zoning By-law 0225-2007

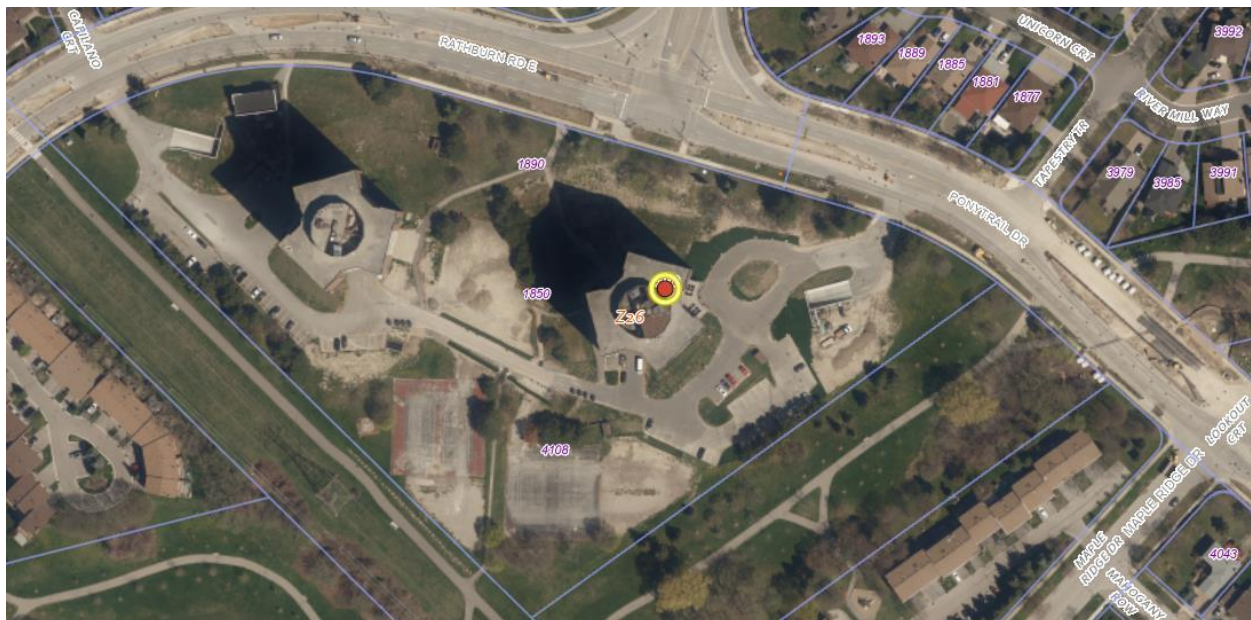
Zoning: RA4-46-Residential

Other Applications: SP 23-11

Site and Area Context

The subject property is located along the south side of Rathburn Road East, north-west of the Burnhamthorpe Road East and Ponytrail Drive intersection in the Rathwood Neighbourhood Character Area. The site has a total lot area of +/- 3.75 ha (9.26 ac.) and contains two existing 18 storey apartment buildings with associate surface parking and an underground parking garage. Mature vegetation exists on the subject property. The surrounding area context is comprised of a mix of uses. There are residential properties in the form of detached, semi-detached, townhouse and apartment dwellings that are located in close proximity to the subject property. A commercial plaza, the Kingsbury Centre, is located directly across the street from the site. Additionally, a utilities corridor abuts the property to the rear.

The applicant is looking to construct an apartment building requiring variances for height, building separation, front yard setback and the building being located outside the buildable area.



Revised 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 that Council adopted the recommendation in the Corporate Report dated February 2nd, 2016, recommending the approval of an application under File OZ-12-009 for an official plan amendment and zoning by-law amendment to permit the development of two new condominium apartment buildings with heights of twelve (12) and fifteen (15) storeys in addition to the two existing 18 storey rental apartment buildings at 1850 Rathburn Road East and 4100 Ponytrail Drive. The official plan and zoning by-law amendments added additional policies by creating "Special Site 3" in the Rathwood Neighbourhood Character Area of the Mississauga Official Plan (MOP). The property was rezoned to "RA4-46", creating a site-specific zoning schedule and regulations pertaining to building locations, separation distances and heights of the existing and proposed apartment buildings. Both the official plan and zoning by-law amendments (BL 0075-2018 & 0076-2018) were passed by Council on April 25th, 2018. Planning staff note the variances sought in this proposal are required for the necessary amendments to the RA4-46 site-specific zoning approval.

Additionally, staff note the applicant is slated to attend a Development Application Review Committee (DARC) meeting on May 7th, 2025. The DARC meeting will be for a proposed official plan and zoning by-law amendment to build three (3) additional purpose-built rental apartment buildings **with heights ranging from 20 to 25 storeys in a phased approach on the subject property. These proposed buildings have been shown on the site concept plan prepared by the applicant and submitted to the Committee of Adjustment as part of this application. The preliminary DARC meeting between staff and the applicant may or may not lead to the submission of an Official Plan and Zoning Amendment application on the subject property for the additional buildings. The submission of any application does not mean that the Planning and Building Department will recommend approval of this potential application, nor does it mean that City Council will ultimately approve the application. If an application is submitted, a fulsome community consultation and notification will be provided to the community as is required by the *Planning Act*. The application will also be subject to a comprehensive review by City staff and outside consulting agencies to ensure feasibility and compliance with City standards and policies.**

The subject property is located in the Rathwood Neighbourhood Character Area and is designated Residential High Density in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits apartment dwellings, as well as select commercial uses at grade. In addition, the subject property forms part of Special Site 3 within the Rathwood Neighbourhood Character Area, reinforcing the subject property to be developed in a manner consistent with the 2018 official plan and zoning by-law amendments:

MOP policy 16.22.3.3.2 states “Notwithstanding the policies of this Plan, the following additional policy will apply:

- a. two apartment dwellings with a maximum height of 12 and 15 storeys will be permitted in addition to the two existing apartment dwellings of 18 storeys each.”

Planning staff note the nature of variances 1-3 are to facilitate a development that was conceptually reviewed by Planning staff through a previous official plan amendment, zoning by-law amendment and site plan application.

Variance 1 requests the building envelope (proposed building “D”) to be located outside of the identified buildable area on the RA4-46 site-specific zoning schedule in the zoning by-law. The intent of this provision is to establish an appropriate location of the proposed development on the subject property. The requested variance would result in siting the development in general conformance to the site-specific zoning schedule. Staff are satisfied that the proposal does not change the intended design or functionality of the site, and the building will be appropriately situated on the subject property.

Variance 2 requests a reduced building setback between existing building “B” and the proposed building “D”. The intent of the separation distance is to maximize access to sky views, natural daylighting, provide adequate privacy, minimize wind conditions and provide collective shade on the streetscape and open spaces. Staff are of the opinion that the proposed separation distance is acceptable and maintains the intent of the zoning by-law.

Variance 3 pertains to a reduced front yard setback. The intent of the front yard setback provision is to ensure a sufficient buffer is provided between the streetscape and buildings/structures and to ensure that there is appropriate space for soft landscaping. As such, staff are of the opinion that the reduced front yard setback will still provide an appropriate soft landscaping area and will not result in any significant impacts on the future streetscape. Further, staff note the building will be recessed an additional 1.5 m beyond the sixth floor, resulting in the majority of the building meeting the general intent of the front yard setback regulations and thus limiting impacts on the public realm.

Variance 4 requests a maximum building height of 25 storeys, an increase of ten (10) storeys beyond the maximum currently permitted in the by-law for building “D”. While Planning staff recognize the proposed building height is increasing, it is noted that the proposed increase does not result in a substantial change in the floor space index (FSI) previously approved through the official plan and zoning by-law amendments from 2018. In fact, the proposal maintains a similar intensity of development for the site, with the two previously approved 15 and 12 storey buildings being combined into a single building. Notwithstanding this, the Special Site Policy for the subject property stipulates the maximum heights permitted for the subject parcel are to be capped at 15 storeys and does not contemplate a scenario where the approved buildings are combined into one. As a result, Planning staff are of the opinion that the proposed height is inconsistent with the intent of the official plan or zoning by-law as it is not consistent with the vision of the special site policy or site-specific zoning by-law established previously.

Planning staff are of the opinion that variances 1-3 maintain the general intent and purpose of the official plan and zoning by-law. The variances, both cumulatively and individually, are minor in nature and will not create undue impacts on abutting properties. The variances will continue

to establish an appropriate built form on the subject property and generally maintains a built form that was envisioned in the original application.

Variance 4 is not minor in nature and will not maintain a built form as originally envisioned by the exception zone schedule. Should the Committee see merit in this variance, staff recommend that the height be limited to the 25 storeys proposed and in general conformance with the plans submitted.

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 will be addressed through Site Plan Application and Building Permit Process.





Comments Prepared by: Tony Iacobucci, Development Engineering

Appendix 2 – Zoning Comments

Site Plan Application PAM 25-63 is still in a pre-application review. Zoning has not yet received the drawings and materials. Without the benefit of a fulsome review of the drawings and materials, the variances requested cannot be confirmed at this time. There may be some changes to the variances as requested, and there may also be some additional variances required. Zoning staff would like the opportunity to complete the review and advise the applicant of the variances required to the applicable zoning provisions.

Comments Prepared by: Carrie Chan Patch, 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 abutting the property are owned by the City of Mississauga, identified as Shaver Trail (P-239), classified as a Significant Natural Area within the City's Natural Heritage System, and zoned G1. 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...;

The lands to the rear of the property are owned by Hydro One Networks Inc., leased by the City of Mississauga, identified as Chechalk Trail (P-536), and zoned U – Utility.

Should the application be approved, the Parks and Culture Planning Section provides the following notes:

1. Given that the property is subject to a development application, OPA 12-09, 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.
5. 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

Forestry Comments

The Forestry Section of the Community Services Department has reviewed the above noted minor variance application and advises as follows:

1. No public trees shall be injured or removed. If public tree injury or removal is required, a permit must be issued as per By-law 0020-2022.
2. No private trees shall be injured or removed. If a private tree with a diameter of 15 centimetres or greater on private property is to be injured or destroyed, a permit must be issued as per By-law 0021-2022.
3. Please note if a tree is identified as a shared tree with the adjacent property owner, and the applicant intends to apply for a Tree Removal Permit, written consent must be obtained by both parties.

An Application to Permit the Injury or Destruction of Trees on Public and Private Property can be found at <https://www.mississauga.ca/publication/application-to-permit-the-injury-or-destruction-of-trees-on-public-and-private-property/>.

Should further information be required, please contact Jamie Meston, Landscape Technician, Forestry Section, Community Services Department at 905-615-3200 ext. 4264 or via email jamie.meston@mississauga.ca.

Comments Prepared by: Jamie Meston, Landscape Technician

Appendix 4 – Region of Peel Comments

We have no comments or objections.

Comments Prepared by: Petrele Francois, Junior Planner