

# City of Mississauga Department Comments

Date Finalized: 2021-09-28	File(s): A328.21 Ward: 8
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-10-07 1:00:00 PM

## Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the Applicant and area residents when assessing if the application, as requested, meets the requirements of Section 45(1) of the Planning Act.

## Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of an addition:

1. A front yard of 1.40m (approx. 4.59 ft) whereas By-law 0225-2007, as amended, requires a minimum front yard of 4.50m (approx. 14.76ft) in this instance;
2. An exterior side yard of 0.30m (approx. 1.00ft) to the roof overhang and approximately 1.0m (approx. 3.28ft.) to the decorative wall whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 4.50m (approx. 14.76ft) in this instance;
3. A landscape buffer measured to the street line of 1.0m (approx. 3.28 ft) whereas By-law 0225-2007, as amended, requires a minimum landscape buffer measured to the street line of 4.50m (approx. 14.76ft) in this instance;
4. A landscape buffer measured to any other lot line of 1.0m (approx. 3.28ft) whereas By-law 0225-2007, as amended, requires a minimum landscape buffer to lot line of 4.50m (approx. 14.76ft) in this instance;
5. A centre line setback (measured from Burnhamthorpe Road) of 19.40m (approx. 63.65ft) whereas By-law 0225-2007, as amended, requires a minimum centre line setback of 19.5m (approx. 63.98ft) in this instance; and,
6. A rear yard setback of 3.6m (11.81ft.) to any zone whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 5.0m (16.4ft.) in this instance.

## Background

**Property Address:** 3675 Tamarack Gate

**Mississauga Official Plan**

Character Area: Erin Mills Neighbourhood  
Designation: Convenience Commercial

**Zoning By-law 0225-2007**

Zoning: C1 - Commercial

**Other Applications:** SP 18-90 W8

**Site and Area Context**

The subject property is located south-east of the Winston Churchill Boulevard and Burnhamthorpe West intersection in the Erin Mills Neighbourhood Character Area. The property contains the existing Pneuma Wellness Centre in a one storey singular building. To the north of the property is Glen Erin Trail. Surrounding the property to the south, east and west are one and two storey detached dwellings with mature vegetation in the front yards.

The applicant is seeking permission to allow the construction of an addition to the existing building requiring variances for front, rear and exterior side yard; landscape buffer and a centreline setback.



## 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 designated Convenience Commercial in Schedule 10 of the Mississauga Official Plan (MOP) which permits secondary office uses - meaning business and professional and administrative offices having an area less than 10,000 m<sup>2</sup> or accommodating less than 500 jobs.

Variance #1 pertains to the front yard. The intent of a front yard setback is to ensure that a consistent character is maintained along the streetscape and that a sufficient front yard space is incorporated into the design of neighbourhoods. Variance #2 pertains to exterior side yards. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between the massing of a structure and the public realm. Variance #6 pertains to rear yard. The intent of the rear yard setback is to ensure that both an adequate buffer exists between the massing of primary structures on adjoining properties, as well as to create an appropriate amenity area within the rear yard. Planning staff have no concerns with these variances. The proposal is for an addition to a commercial use on a property that is surrounded by residential uses. While the proposed use is entirely different from the surrounding residential uses, the proposal is sensitive to the character of the existing residential neighbourhood. The character of the residential neighbourhood does not apply to the subject property, as the proposed use is entirely different from the surrounding uses. Furthermore, Development and Design staff have worked with the applicant on their proposal and are of the opinion that the proposed setbacks provide an adequate buffer between the commercial use and neighbouring residential properties.

Variances #3 and 4 propose deficient landscape buffers. The intent of this portion of the by-law is to ensure that an appropriate buffer exists abutting all lot lines. Planning Staff note the applicant has worked with Development and Design staff to ensure adequate landscape buffers are provided on the property.

Variance #5 pertains to a centreline setback. The intent of this portion of the Zoning By-law is to ensure that any proposed construction will not come at the expense of a potential road widening. Transportation and Works staff have not indicated any concerns with this variance to Planning staff. Furthermore, the setback will be addressed in their comments through the Site Plan process.

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Development and Design staff have worked with the applicant on their proposal and have no concerns with the proposal. Through a detailed review of the application, staff is of the opinion that the application is appropriate to be handled through the minor variance process. Further, Planning staff are of the opinion that the application raises no concerns of a planning nature.

Comments Prepared by: Connor DiPietro, 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 addition are being addressed through the Site Plan Application process, File SPI-18/090.

Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing a site plan approval application under file SP 18-90. Based on review of the information currently available for this application, the variances, as requested are correct.

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. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: Sandra Morrison, Manager of Zoning