

City of Mississauga Department Comments

Date Finalized: 2021-10-27	File(s): A441.21 Ward 6
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-11-04 1:00:00 PM

Consolidated Recommendation

The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a day care proposing:

1. A setback of 1.0m (approx. 3.28ft) from a parking area to an abutting lot in a Residential Zone, whereas By-law 0225-2007, as amended, requires a minimum setback of 4.5m (approx. 14.76ft) from a parking area to an abutting lot in a Residential Zone in this instance;
2. A depth of a landscaped buffer of 3.0m (approx. 9.84ft) measured from a lot line that is a street line whereas By-law 0225-2007, as amended, requires a minimum depth of a landscaped buffer of 4.5m (approx. 14.76ft) measured from a lot line that is a street line in this instance; and
3. A front yard setback of 3.0m (approx. 9.84ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 9.0m (approx. 29.52ft) in this instance.

Background

Property Address: 1760 Bristol Road

Mississauga Official Plan

Character Area: East Credit Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R1 - Residential

Other Applications: C 19-9469, SP 19-141

Site and Area Context

The subject property is located on Bristol Road West, east of where the road crosses over the Credit River. It has a lot area of +/- 4,569.38m² (49,184.40ft²) and is currently vacant and undeveloped with the exception of a small driveway. The surrounding area contains a mix of uses including low rise residential, a nursing home, a church, and parkland.

The applicant is proposing a new daycare on the subject property requiring variances for setback to a parking area, landscape buffer, and front yard 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 of the four tests to this minor variance request are as follows:

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

The subject property is located in the East Credit Neighbourhood Character Area and is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP).

Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with the existing site conditions, the surrounding context, and the landscape of the character area. Staff have reviewed the proposal and note that the site is heavily constrained by conservation requirements. When considering the constraints of the property and the surrounding context staff are satisfied that the proposal is compatible with the surrounding context and maintains the general intent and purpose of the Official Plan.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

Variance 1 requests a reduced setback from the parking to the abutting residential zone. The intent of this regulation is to allow for a landscaped space between a residential zone and a non-residential use and mitigate the impacts of the parking on abutting properties. Staff note that the location of the proposed reduction abuts a driveway on the neighbouring property, and therefore there are no residential dwellings impacted by the reduction. Furthermore significant vegetation exists on both the subject and abutting properties between the proposed reduction and the primary structure on the abutting property.

Variances 2 and 3 relate to the front yard of the proposed building, in order to reduce the landscaped buffer and setback from the Bristol Road frontage. The property is heavily constrained due to Credit Valley Conservation requirements, and the proposed building is located on the only developable portion of the property. Furthermore the proposed 3 metre setback is measured to a new front lot line due to a road widening that will be taken from the property. The intent of these regulations is to ensure an appropriate setback from the street and screening of the structure. Given the restraints on the site, the grade change due to the front retaining wall, and the existing conditions along this portion of Bristol Road, staff are satisfied that the proposed setback and landscape buffer are appropriate for the subject property.

Given the above, staff are satisfied that the application maintains the general intent and purpose of the Zoning By-law.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

Staff are satisfied that any impacts resulting from the minor variances will be minor in nature. The proposal respects surrounding land uses and built forms and represents appropriate development of the subject lands.

Comments Prepared by: Alexander Davies, 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 (SP19-141) and Building Permit process.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Zoning Certificate of Occupancy application under file C 19-9469 and Site Plan Approval application under SP 19-141. Based on review of the information currently available in this permit application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

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: Marco Palerma, Zoning Examiner