

City of Mississauga Department Comments

Date Finalized: 2021-12-08	File(s): A551.21
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2021-12-16 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. 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 Day Care and Commercial School proposing:

1. To permit 35% of the total gross floor area of the building to be used for a day care accessory use, whereas By-law 0225-2007, as amended, permits a maximum of 20% of the total gross floor area of a building to be used for uses accessory to a permitted use in this instance; and
2. To permit dance, music, martial arts, and tutoring school uses within a Commercial School whereas By-law 0225-2007, as amended, does not permit dance, music, martial arts and tutoring school uses within a Commercial School in this instance.

Background

Property Address: 2632 Liruma Road

Mississauga Official Plan

Character Area: Sheridan Neighbourhood
Designation: Office

Zoning By-law 0225-2007

Zoning: O1 - Office

Other Planning Applications:

Building Permit – C 21-5191, Building Permit – C 21-6744

Site and Area Context

The subject property is located within the Sheridan Neighbourhood Character Area, south of the Glen Erin Drive and Dundas Street West. The immediate area consists of commercial and residential uses. The commercial uses are contained in one-storey buildings and plazas along Dundas Street West and Liruma Road, with most of the vegetation located along the frontage of the properties. The residential uses in the area consist of one and two storey-detached dwellings with mature vegetation and landscape elements in the front yards. The subject property contains an existing one-storey office building with mature vegetation in the front yard.

The applicant is proposing to allow a Day Care and Commercial School, requiring variances for a daycare, dance, music, martial arts, and tutoring school.



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

The subject property is designated Office in Schedule 10 of the Mississauga Official Plan (MOP) which permits a secondary office and accessory uses. A secondary office means business, professional, and administrative offices, less than 10,000 m² (107,639 ft²) or accommodating less than 500 jobs.

The applicant is proposing a Day Care and Commercial School with 35% of the total gross floor area of the building to be used for a day care accessory use, where a maximum of 20% of the total gross floor area of a building is permitted to be used for uses accessory to a permitted use. The applicant is also proposing to permit dance, music, martial arts, and tutoring school uses within a Commercial School where dance, music, martial arts and tutoring school uses are not permitted within a Commercial School.

The proposed variances are technical in nature. Variance #1, pertaining to the Daycare use, proposes a 10% increase in the amount of GFA to be used for the Daycare. While staff notes this is a significant increase in GFA, staff has no planning concerns with the proposal, as the proposed use is desirable in nature.

With respect to Variance #2, the Local Planning Appeal Tribunal (LPAT) approved By-law 0111-2019 on March 9th 2021, which changed the definition of a 'Commercial School' under the zoning by-law. This amending by-law also added Line 11.0 into Table 5.2.1 in item 42, which had the effect of allowing the proposed uses (dance, music, martial arts and tutoring school uses) as a Commercial School in an O zone. However, the LPAT approved subsequent amending By-law 0121-2020, which replaced the content of Table 5.2.1, and removed and replaced the O zone category with the O1 zone. When the content of Table 5.2.1 was replaced, the item allowing the proposed uses as a Commercial school was not carried forward. This was an unintentional oversight. The next city-initiated house keeping zoning by-law amendment will look to bring the proposed uses back under the definition of a Commercial School, as these uses were never meant to have been removed from the definition of a Commercial school. Through a detailed review of the application, staff is of the opinion that the proposed uses and location are desirable and that the application is appropriate to be handled through the minor variance process. Further, 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

Enclosed for Committee's easy reference are photos depicting the existing property.





Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Zoning Certificate of Occupancy permit under file C 21-6744. 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: Richard Thompson, Zoning Examiner