

# City of Mississauga Department Comments

Date Finalized: 2022-02-02	File(s): A52.22 Ward 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-02-10 1:00:00 PM

## Consolidated Recommendation

The City has no objections to variance 3, however recommends that variances 1 & 2 be refused. Should Committee see merit in the application, the City recommends the application be deferred in order to allow the applicant to address the concerns raised by Parking staff.

## Application Details

The applicant requests the Committee to approve a minor variance to allow a tutoring school with:

1. A tutoring school as an accessory use to a place of religious assembly, whereas By-law 0225-2007, as amended, does not permit a tutoring school use on the subject property in this instance;
2. A total of 54 existing parking spaces for the primary use and the proposed accessory use whereas By-law 0225-2007, as amended, requires a minimum of 67 parking spaces in this instance; and,
3. A setback of 5.16m (approx. 19.93ft) from a garbage enclosure to a Residential Zone, whereas By-law 0225-2007, as amended, requires a minimum setback of 6.00m (approx. 19.69ft) from a garbage enclosure to a Residential Zone in this instance.

## Background

**Property Address:** 7097 Airport Road

### Mississauga Official Plan

Character Area: Malton Neighbourhood  
Designation: Residential Low Density II, Greenlands

### Zoning By-law 0225-2007

City Department and Agency Comments	File:A52.22	2022/02/02	2
-------------------------------------	-------------	------------	---

---

**Zoning:** R3-57 - Residential; R3-69 - Residential; G2 - Greenlands

**Other Applications:** SP 20-116

## Site and Area Context

The subject property is located on the east side of Airport Road, south of the Ripon Street intersection. Currently the property contains a place of religious assembly with an associated parking lot, and the adjacent property (3033 Merritt Avenue) also owned by the applicant contains a single storey detached dwelling. The surrounding area context consists of a variety of uses including residential to the east, commercial to the west across Airport Road, another place of religious assembly to the north, and green space to the south. Significant mature vegetation exists to the south of the property as part of the Derry Greenway.

The applicant is proposing a tutoring facility within the 3033 Merritt Avenue building requiring variances for the use, parking, and setback to a garbage enclosure.

## 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 Malton Neighbourhood Character Area and is designated Residential Low Density II and Greenlands in Schedule 10 of the Mississauga Official Plan (MOP). This extent of the application is entirely within the Residential Low Density II lands. 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 note that outside of some landscaping and hardscaping changes there are minimal changes proposed to the exterior of the structures on the subject property. Additionally staff note that educational facilities are permitted in residential designations. Staff are therefore satisfied that the application 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 tutoring school as an accessory use to an existing place of religious assembly. While the proposed tutoring facility at 3033 Merritt Avenue is accessory to the place

of religious assembly at 7097 Airport Road, staff note that they do not share a zoning designation (they are zoned R3-69 and R3-57 respectively). While the R3-69 zoning for 3033 Merritt Avenue permits tutoring as a home occupation, staff note that there are several other regulations that would not be met including a 20% gross floor area cap, a maximum of 2 clients on site, and that the dwelling must remain a principle residence for the business owner. The R3-57 designation is quite restrictive in limiting the permitted uses of 7097 Airport Road. Section 2.1.9.3 permits tutoring facilities accessory to places of religious assembly, however the 57 exception zone explicitly removes that permission in this instance.

Variance 2 requests a reduction in parking for the proposed and existing uses on site. The intent of the Zoning By-law in quantifying the required number of parking spaces is to ensure that each lot is self-sufficient in providing adequate parking accommodations based upon its intended use. Parking staff have reviewed the variance request and note as follows:

With respect to Committee of Adjustment application 'A' 52/22, 7097 Airport Road and 3033 Merritt Avenue, the applicant is requesting to allow a tutoring school providing a total of 54 existing parking spaces for the primary use and the proposed accessory use whereas By-law 0225-2007, as amended, requires a minimum of 67 parking spaces in this instance. This is a reduction of 13 spaces which equates to a 19% deficiency onsite.

A Parking Justification Study was submitted by NexTrans Consulting Engineers dated September 29, 2020, for the proposed tutoring school with an additional 337.23 m<sup>2</sup> of Gross Floor Area (GFA) at 3033 Merritt Avenue.

Based on the submitted Parking Justification Study, it is explained that the site currently has 53 parking spaces onsite, as well as, signed agreements with the adjacent property, Trinity United Church, municipally known as 7133 Airport Road, which provided an additional 38 parking spaces off-site.

The Parking Justification Study mentions that the Place of Religious Assembly (PRA) has a worship area of 183.51m<sup>2</sup> of GFA, however the applicable zoning by-law regulation is not clear and details on the PRA's use and function are not provided.

Parking surveys were conducted on the subject area at 7097 Airport Road and 3033 Merritt Avenue, as well as the adjacent parking lot, at 7133 Airport Road.

NexTrans Consulting Engineers attached correspondence with City Planning Strategies staff, dated June 2020, in which it was advised for the consultant to apply a growth factor of an increase in 70% in order to account for the limited number of visitors due to the COVID-19 pandemic. Staff provided guidance on survey methodology and the submitted onsite survey is acceptable.

The observed peak parking demand occurred at 1:30 p.m. on Friday, August 21<sup>st</sup>, 2020 at 83 parking spaces occupied (leaving 8 spaces as vacant).

The tutoring school addition is to be opened from 4:00PM to 8:00PM during off peak periods, with a total of seven (7) classrooms, approximately 105 students and 10 existing part-time employees teaching the classes. Students are anticipated to be dropped-off/picked-up, or patrons attending the Mosque for prayer will walk their child to the tutoring school while they attend the Mosque prayer.

On this basis, it is NexTrans Consulting Engineers' opinion that the addition of a tutoring school use to the existing Mosque can be accommodated with the existing parking supply.

Staff identified discrepancies with the submitted parking justification, as such staff are seeking clarification on the total number of existing parking spaces onsite, as well as how the observed peak parking demand was determined.

Staff are seeking more information about the school's hours/days of operation, anticipated peak parking times/days, the total number of classes, employees and students at any given time, the size of each classroom and whether the school offers online/live streaming of classes. Staff are also seeking supporting information regarding the patrons of the PRA attending prayer and simultaneously dropping off their child at the tutoring school.

It is staff's understanding that Zoning has advised that more information is required in order to verify the accuracy of the requested variance.

Based on the submitted parking justification and the staff concerns outlined above, Parking staff recommend the application be deferred.

Given Planning staff do not support variance 1, Planning staff are also not supportive of variance 2.

Variance 3 requests a reduction in the required setback from a Residential zone to a garbage enclosure. This variance is triggered by a small concrete pad addition to the existing garbage area. The proposal does not represent a significant difference from the existing condition and staff note that the drawings indicate a fence will be installed, reducing any impacts on abutting properties.

Given the above staff are of the opinion that variance 1 does not maintain the general intent and purpose of the By-law as it represents a significant increase in scale when the R3-69 zone is applied and represents the introduction of a use specifically prohibited when the R3-57 zone is applied. Furthermore Parking staff are requesting additional information surrounding the parking variance. Planning staff note that there is no objection to variance 3.

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

---

Staff are of the opinion that variance number 3 represents appropriate development of the subject lands and is minor in nature. However, staff continue to have concerns regarding variances 1 & 2. Staff therefore recommend that the application be refused, however if Committee sees merit in the request staff recommend that the application be deferred in order to allow Parking staff to further review the application.

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 proposed addition will be addressed through the Site Plan Application process, File SP-20/116.











Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

## **Appendix 2 – Zoning Comments**

The Building Department is currently processing a Site Plan Approval application under file SP 20-116. 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.

We also advise that it is not clear if the two lots are separate or merged. If the lots have not been fully merged, then a variance may be required for a use off-site.

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: Ramsen Hedoo, Zoning Examiner



### Appendix 3 – Parks, Forestry and Environment

The Park Planning Section of the Community Services Department has no objections to the above noted minor variance application and advises as follows:

1. The lands adjacent to the subject property are lands owned by the Conservation Authority, leased to the City of Mississauga, identified as Not Yet Named Park (P-125) and within the Natural Hazard Lands, zoned G-1, that are also classified as a naturally significant area within the City's Natural Heritage System. 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...;
  - b) placing those areas identified for protection, enhancement, restoration and expansion in public ownership, where feasible.

Given the property is subject to site plan control, should the application be approved, Community Services provides the following notes:

1. Construction access from the adjacent park/greenlands is not permitted.
2. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.
3. Tree preservation hoarding and securities may be required as part of the site plan control process.

Should further information be required, please contact Jim Greenfield, Park Planner, Community Services Department at 905-615-3200 ext. 8538 or via email [jim.greenfield@mississauga.ca](mailto:jim.greenfield@mississauga.ca)

Comments Prepared by: Jim Greenfield, Park Planner