

# City of Mississauga Department Comments

Date Finalized: 2022-03-30	File(s): A331.21 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-04-07 1:00:00 PM

## Consolidated Recommendation

The City recommends that the application be deferred.

## Application Details

The applicant requests the Committee to approve a minor variance to allow a medical office proposing:

1. 97 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 107 parking spaces in this instance;
2. 3 accessible parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 5 parking spaces in this instance; and
3. To allow the main front entrance to face the rear parking lot whereas By-law 0225-2007, as amended, does not allow the main front entrance to face the rear parking lot in this instance.

## Amendments

The Building Department is currently processing a Zoning Certificate of Occupancy application under file C 21-4768. Based on review of the information currently available in this permit application, we advise that the variance(s) should be amended as follows:

1. 97 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 135 parking spaces in this instance;
3. To allow the main front entrance to face the rear parking lot whereas By-law 0225-2007, as amended, does not allow the main front entrance (non-residential) to face the rear parking lot in this instance.

## Background

**Property Address:** 1692 Lakeshore Road West

**Mississauga Official Plan**

Character Area: Clarkson Village Community Node  
Designation: Mixed Use

**Zoning By-law 0225-2007**

**Zoning: C4-65 - Commercial**

**Other Applications:** ZON – 67366 and SPA - 77912

**Site and Area Context**

The subject property is located within the Clarkson Village Community Node and Historic Village Precinct, located in the southwest quadrant of Lakeshore Road West and Meadow Wood Road. The subject property contains multiple commercial buildings with a mix of commercial uses on the ground level with residential units on the second level; Minimal vegetation exists in the form of street trees facing Lakeshore Road West. The broader area consists of commercial uses including restaurants, institutional uses and low-density residential with minimal vegetation. Immediately abutting the subject site to the south is the Peel Montessori School with single detached dwellings south of the school.

The application proposes a “Medical Office” use requiring variances related to parking and a main front entrance.



## 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 Mixed Use in Schedule 10 of the Mississauga Official Plan (MOP), which permits secondary office uses. A secondary office use means business, professional and administrative offices having an area less than 10,000 m<sup>2</sup> (107,639 ft<sup>2</sup>) or accommodating less than 500 jobs.

The Committee of Adjustment previously deferred the above noted application on September 9<sup>th</sup>, 2021, to allow the applicant an opportunity to verify the requested variances with Zoning staff and meet with the community regarding their concerns with the proposal. There has been no change to the variances requested in the original application.

With respect to Variance #1, Municipal Parking staff provide comments on variances proposing parking reductions. Their comments are as follows:

Reviewing the history of this site, there had been a previous minor variance (MV) application requesting to permit a personal service establishment proposing 97 parking spaces whereas By-law 0225-2007, as amended, required a minimum of 135 parking spaces in this instance. This was a proposed reduction of 38 spaces, or 28% from the zoning by-law requirement.

The area Councillor had sent a memorandum expressing concerns for the subject application and as such requested Committee to refuse its approval. A total of 21 area residents expressed objection for the subject application. As a result, the application was deferred in September 2021. The current area Councillor is also in opposition of this proposal, and has advised that a memorandum will be sent to the Committee requesting the refusal of the application.

Through this resubmission, there was no parking justification submitted. It is our understanding, that Zoning staff is unable to confirm the accuracy of the requested variance(s) or determine whether additional variance(s) may be required. Based on the submitted information and the requested variance, the applicant is required to submit a Parking Justification Letter (PJL).

However, should Zoning determine that the variance is different from what is being requested through this resubmission, the applicant may need to submit a satisfactory Parking Utilization Study (PUS).

Furthermore, there are discrepancies between this resubmission and the initial submission in September 2021. It is Staff's understanding that there have been

no changes between the current and the original application. Both minor variance applications requested differing variances pertaining to the use and the parking deficiency. The applicant should apply for a Preliminary Zoning Review application to confirm the required variance(s).

Staff recommend deferring the application pending the submission of a satisfactory parking justification.

- A Parking Justification Letter (PJL) is required in accordance with the City's Parking [Terms of Reference](#).
- Should Zoning determine the variance is different from what is being requested through this resubmission, and the parking deficiency is greater than 10%, staff require a satisfactory Parking Utilizations Study (PUS) to be submitted in accordance with the City's Parking [Terms of Reference](#).
  - The consultant should confirm the survey methodology with staff prior to conducting parking surveys. Details can also be found in the above hyperlink, under the City's Parking Terms of Reference.

Staff continue to have no concerns with Variances #2. However, staff continues to recommend refusal of Variance #3.

Planning staff echo Municipal Parking Staff's comments and recommend deferral of the application to allow the applicant an opportunity to verify the requested variances with Zoning staff, and to submit a Parking Justification Letter and/or a Parking Utilization Study.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

This Department has no objections, comments or requirements with respect to C.A. 'A' 331/21.

Comments Prepared by: John Salvino, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing a Zoning Certificate of Occupancy application under file C 21-4768. Based on review of the information currently available in this permit application, we advise that the variance(s) should be amended as follows:

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3. To allow the main front entrance to face the rear parking lot whereas By-law 0225-2007, as amended, does not allow the main front entrance (non-residential) to face the rear parking lot in this instance.

More information is required in order to verify the accuracy of variance #2.

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: Brandon Eidner, Zoning Examiner