

City of Mississauga Department Comments

Date Finalized: 2022-05-11	File(s): B30.22 and A167.22
To: Committee of Adjustment	Ward 1
From: Committee of Adjustment Coordinator	Meeting date: 2022-05-11 1:00:00 PM

Consolidated Recommendation

The City recommends that the applications be deferred.

Application Details

The applicant requests the approval of the Committee to sever a parcel of land for the creation of a mutual driveway easement with the neighbouring property at 863 Lakeshore Rd E.

The applicant requests the Committee to approve a minor variance to allow the construction of a three-storey mixed use building proposing:

1. A driveway width of 2.29m (approx. 7.51ft) whereas By-law 0225-2007, as amended, requires a minimum driveway width of 2.60m (approx. 8.53ft) in this instance;
2. A drive aisle width of 3.25m (approx. 10.66ft) whereas By-law 0225-2007, as amended, requires a minimum drive aisle width of 7.00m (approx. 22.97ft) in this instance;
3. A landscape buffer depth of 1.05m (approx. 3.44ft) whereas By-law 0225-2007, as amended, requires a minimum landscape buffer depth of 4.50m (approx. 14.76ft) in this instance; and,
4. A total of 6 parking spaces on-site whereas By-law 0225-2007, as amended, requires a minimum of 11 parking spaces on-site in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File A167.22 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variances approved under file B30.22 shall lapse if the consent application under file B30.22 and A167.22 is not finalized within the time prescribed by legislation.

Background

Property Address: 865 Lakeshore Rd E

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C4 - Commercial

Other Applications: Site Plan application under file SP 21-25 and B34.22 (865 Lakeshore Road East)

Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, southeast of Lakeshore Road West and Westmount Avenue. The subject property contains a one-storey detached dwelling with no vegetation in the front yard. The broader area consists of commercial, automotive and industrial uses along Lakeshore Avenue West. North of the subject property are one and two-storey detached dwellings with mature vegetation in the front yards.

The applications proposes a three-storey mixed use building and the creation of a mutual driveway easement with the neighbouring property at 863 Lakeshore Rd. E.



Comments

Planning

Planning Act

Section 51 (24) of the *Planning Act* sets out the criteria for land division in the Province of Ontario. In evaluating such requests, the Committee needs to be satisfied that the proposal meets not only the criteria set out under Section 51(24), but also municipal requirements identify in local legislation.

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. In evaluating such requests, the Committee needs to be satisfied that the proposal meets the four tests set out in the *Planning Act*.

Provincial Matters

The Provincial Policy Statement 2020 (PPS 2020) and Growth Plan for the Greater Golden Horseshoe promote efficient development and land use, directing the focus towards intensification and redevelopment. The proposal is consistent with the general directive in provincial policy.

Staff comments concerning the applications request are as follows:

The subject property is designated Mixed Use on Schedule 10 of the Mississauga Official Plan (MOP). This designation permits secondary office and residential uses. A secondary office use means business, professional and administrative offices having an area less than 10,000 m² (107,639 ft²) or accommodating less than 500 jobs.

The Committee of Adjustment previously deferred the above noted applications on April 7th, 2022. The applications were found to be premature, as the neighbouring property located at 863 Lakeshore Road East did not submit a consent application for an easement. The proposed easement is required for the reciprocal access rights required between the two properties.

While staff has no concerns regarding the proposed easement, Municipal Parking staff have identified concerns with Variance #4. Their comments are as follows:

With respect to Committee of Adjustment applications 'A' 167/22 & 'B' 30/22, 865 Lakeshore Road East, the applicant is requesting the Committee to approve a consent to sever a parcel of land for the creation of a mutual driveway easement with the neighbouring property at 863 Lakeshore Road East. Additionally, the applicant requests the Committee to approve a minor variance to allow the construction of a three-storey mixed use building proposing:

- A total of 6 parking spaces onsite whereas By-law 0225-2007, as amended, requires a minimum of 11 parking spaces onsite in this instance.

Huis Design Studio submitted a rough concept site plan dated September 29, 2021. The plan submitted does not illustrate the parking that is proposed to be supplied onsite.

Zoning staff have advised that the Building Department is currently processing a site plan approval application and based on review of the information currently available, the variances as requested, are correct. As such, as per the requested minor variance, the parking deficiency onsite is 45%.

Staff recommends deferring the application, pending submission of a satisfactory Parking Utilization Study (PUS) in accordance with the City's Parking Terms of Reference.

- Staff advise that a satisfactory Parking Utilization Study is required to be submitted.
 - 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.
- Drawing(s) are required illustrating how parking will function and serve the building's uses, the number of parking spaces proposed, as well as their locations onsite.

While Planning staff has no concerns with the consent application in principal, staff echoes concerns raised by Municipal Parking staff and recommends the applications be deferred until a satisfactory Parking Utilization Study and drawings addressing Municipal Parking staff's comments, are submitted

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We have no objections to the applicant's request to establish the required private easement in favour of 863 Lakeshore Road East for shared access between the subject properties.

In view of the above, we are providing the following conditions/requirements for Committee's consideration:

A. Items Required Prior to the Issuance of Final Consent

1. Draft Reference Plan Required

A draft reference plan is to be submitted for our review/approval, which would clearly show the location of the shared access easements/rights-of-ways.

2. Required Easement(s)

The applicant/owner is to provide a letter prepared by their Solicitor, which describes the new private easement(s) to be established for access purposes. It should be acknowledged that any documentation received will be forwarded as an attachment to our clearance memo to the Committee of Adjustment so that any new proposed private easement(s) can be identified and also be incorporated into the Certificate of Secretary-Treasurer.

For further information regarding the above noted comments, please contact John Salvino at (905) 615-3200 ext. 5183 or john.salvino@mississauga.ca.

We are noting that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 30/22 and also SP-21/025.

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 21-25. Based on review of the information currently available in this application, the variance(s), as requested are correct.

Please note that comments reflect those provided through the above 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

Appendix A – CONDITIONS OF PROVISIONAL CONSENT

SHOULD THE COMMITTEE GRANT A PROVISIONAL CONSENT, THE FOLLOWING IS A LIST OF THE RECOMMENDED CONDITIONS TO BE ATTACHED TO THE DECISION AND THESE CONDITIONS MAY BE REVISED BY THE COMMITTEE AT THE PUBLIC MEETING.

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the conveyed land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no services easement(s) and/or right(s)-of-way, are necessary.
3. A letter shall be received from the City of Mississauga, Manager of Zoning Plan Examination, indicating that the conveyed land and retained lands comply with the provisions of the Zoning By-law, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding. ("A" 167/22)
4. A letter shall be received from the City of Mississauga, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated 2022-05-11.
5. A letter shall be received from Bell Canada, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated 2022-03-14.