

# City of Mississauga Department Comments

Date Finalized: 2022-08-10	File(s): A376.22
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2022-08-18 3:00:00 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 meets the requirements of Section 45(1) of the Planning Act.

## Application Details

The applicant requests the Committee to approve a minor variance to allow a Commercial School Occupancy whereas By-law 0225-2007, as amended, does not permit a Commercial School Occupancy in this instance.

## Recommended Conditions and Terms

Should the Committee see merit in this application; staff recommend that the proposed Commercial School use be limited to tutoring.

## Background

**Property Address:** 270 Lakeshore Road West

### Mississauga Official Plan

Character Area: Port Credit Neighbourhood (West)  
Designation: Mixed Use

### Zoning By-law 0225-2007

**Zoning:** C4-59 - Commercial

**Other Applications:** Zoning Certificate of Occupancy Permit under file C 22-2015.

### Site and Area Context

The subject property is located within the Port Credit Neighbourhood Character Area, west of Lakeshore Road West and Mississauga Road North. The City approved an official plan and zoning by-law amendment (OZ/OPA 13/16) and a site plan application (SP 15/75) permitting 139 apartment units and 170 rental retirement units, retail uses and 16 townhouses. The surrounding area contains a mix of detached and semi-detached dwellings north of High Street West and commercial uses abutting the subject property to the west and east.

The applicant is seeking a variance to permit a Commercial School use.



## 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 does not permit the Commercial School use. Furthermore the MOP limits the Commercial School use to Industrial and Business Employment designations.

The intent of limiting the Commercial School use to these designations is to ensure the protection of sensitive land uses, such as residential uses, from the Commercial School use which are

generally less compatible. The definition of a Commercial School encompasses uses that range in terms of their compatibility with sensitive land uses, such as a trade school or a tutoring use. Staff is of the opinion that the proposed Commercial School for a tutoring use is appropriate and desirable. Furthermore, the proposed use is compatible with existing and planned uses in the immediate area and will not adversely impact neighbouring properties. Through a detailed review of the application, staff is of the opinion 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

This Department has no objections, comments or requirements with respect to C.A. 'A' 376/22

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 22-2015. Based on review of the information currently available in this permit application, the variance, as requested is correct.

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 – Metrolinx

Metrolinx is in receipt of the minor variance application for 270 Lakeshore Road West to facilitate the allowance of a Commercial School occupancy. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300 meters of Metrolinx's Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.
- The Proponent is advised that the development lands, 270 Lakeshore Road West are located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the development lands. The Applicant is further advised that there may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand their operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual

dwelling(s). Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.

Comments Prepared by: Harrison Rong, Project Coordinator