

# City of Mississauga Department Comments

Date Finalized: 2023-02-15	File(s): A33.23 Ward: 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-02-23 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 personal service office proposing:

1. 48 parking spaces whereas By-law 0225-2007, as amended requires 57 parking spaces in this instance;
2. 1 parking spaces in the front yard whereas By-law 0225-2007, as amended permits 0 parking spaces in the front yard in this instance;
3. A front yard parking aisle (driveway) of 3.02m (approx. 9.91ft) whereas By-law 0225-2007, as amended requires a minimum parking aisle of 7.00m (approx. 22.97ft) in this instance; and,
4. A front yard setback to an accessibility ramp of 10.66m (approx. 34.97ft) whereas By-law 0225-2007, as amended permits a maximum front yard setback to an accessibility ramp of 3.00m (approx. 9.84ft) in this instance.

## Amendments

Based on review of the information currently available in this permit application, Zoning staff advise that the variances should be amended as follows:

The applicant requests the Committee to approve a minor variance to allow a service establishment proposing:

1. To permit a service establishment within the existing manse on the subject property proposing a total of 48 parking spaces on site; whereas By-law 0225-2007, as amended, requires a total of 57 parking spaces for all uses in this instance.
2. To permit 2 parking spaces to be located between the streetwall of the manse and the front lot line; whereas By-law 0225-2007, as amended, does not permit parking spaces between a streetwall and a lot line that is a street line in this instance.

3. To permit the 2 parking spaces located between the streetwall of the manse and the front lot line to be accessed by an aisle with a width of less than 7m; whereas By-law 0225-2007, as amended, required a minimum aisle width of 7m in this instance.

4. A front yard of 10.66m measured to the proposed accessibility ramp; whereas By-law 0225-2007, as amended, permits a maximum front yard of 3m in a C4 – Commercial zone in this instance.

Notwithstanding the above, Planning staff have worked with the applicant and, while Planning staff are not in a position to interpret the zoning by-law, note that variances 2 & 3 should be further amended as follows:

2. To permit 1 parking space to be located between the streetwall of the manse and the front lot line; whereas By-law 0225-2007, as amended, does not permit parking spaces between a streetwall and a lot line that is a street line in this instance.
3. To permit the 1 parking space located between the streetwall of the manse and the front lot line to be accessed by an aisle with a width of less than 7m; whereas By-law 0225-2007, as amended, required a minimum aisle width of 7m in this instance.

## Background

**Property Address:** 291 Queen St S

### Mississauga Official Plan

Character Area: Streetsville Community Node  
Designation: Mixed Use

### Zoning By-law 0225-2007

**Zoning:** C4-39 - Commercial

**Other Applications:** C 22-4746

### Site and Area Context

The subject property is located on the east side of Queen Street South, north of the Church Street intersection in Streetsville. It currently contains a place of religious assembly and an associated manse. A surface parking lot is located on the subject property, predominantly to the rear of the existing structures. Some mature vegetation is scattered throughout the property. The surrounding context contains a mix of residential, commercial, and office uses in low rise buildings on lots of varying sizes.

The applicant is proposing a service establishment within the existing manse requiring variances for parking, parking in the front yard, aisle width and front yard setback.



## 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:

The subject property is located in the Streetsville Community Node and is designated Mixed Use in Schedule 10 of the Mississauga Official Plan. This designation permits a variety of uses, including Service Establishments. Section 9 of the 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. Section 8.4 of the official plan contemplates potential reductions in parking requirements and alternative parking arrangements in appropriate situations.

Variance 1 requests a reduction in parking. 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. While Planning staff note that there are additional parking spaces available on site beyond the number proposed, some of the spaces are tandem parking spaces which are not permitted and therefore cannot be counted

towards the parking total. Municipal Parking staff have reviewed the variance as requested and provide the following comments:

Per the Proposed Site Plan dated January 10, 2023 and prepared by TenHouse Building Workshop (the Agent), there are an existing 46 legal parking spaces on-site, plus an additional 2 parking spaces proposed on a new parking pad in front of 291 Queen Street South. The existing parking spaces are to be shared with the Place of Religious Assembly on the same subject parcel as the proposed personal service office. The proposed parking arrangement will be deficient by 9 parking spaces, or approximately 16%.

As the on-site parking deficiency is greater than 10%, a Parking Utilization Study is required. A Parking Justification Letter dated January 25, 2023, was submitted by the Agent in lieu of a Parking Utilization Study on the basis that they felt a utilization study was not warranted.

Per materials submitted by the Agent, there are an additional 7 existing parking spaces that are available in the parking lot as a tandem arrangement. Should the Agent successfully seek a variance to permit these parking spaces, a total of 55 parking spaces would be available. In that scenario, the proposed parking arrangement would be deficient by 2 parking spaces, or 3.5%. A satisfactory Parking Justification Letter would be required in that instance.

Municipal Parking Staff reviewed the information included within the Parking Justification Letter. Key points noted include that the proposed use will operate Monday to Friday, from 8 am – 6 pm, with a maximum of 14 people in the office at one time. The letter notes that the existing parking lot is generally only used on Sunday by the place of religious assembly.

Municipal Parking Staff are concerned about the lack of detail regarding the proposed parking demand of the personal service office, as well as the existing parking demand of the place of religious assembly. As the proposed use is currently located elsewhere in Mississauga, parking utilization information from that site should be surveyed. Further, as the place of religious assembly on the subject site is currently in use, parking utilization information related to the existing weekday church and community uses on-site should also be surveyed. Staff note that per the applicant's business website, seven staff members are listed as employed by the organization and that group classes and respite services are also available on-site. Per the church's website, church and community uses are scheduled on weekdays and weekday evenings. This does not include unanticipated events. Staff require additional information regarding the existing and proposed parking demand at the subject site.

As the parking deficiency is greater than 10%, per the Parking Terms of Reference a Parking Utilization Study is required. The Applicant should refer to the City's [Parking Terms of Reference](#) for parking justification requirements to be included with a formal submission. The Applicant should confirm the survey methodology with staff prior to conducting parking surveys.

Given the above, Staff require the application be deferred pending the submission of a satisfactory Parking Utilization Study (PUS).

Variance 2 requests parking to be located between the street wall of the existing manse and the front lot line. The intent of prohibiting parking in the front yard is to maintain the downtown

character streetscape and to push parking to the rear of properties. In this instance the applicant is proposing a single accessible parking stall to be located in the front yard, adjacent to the proposed ramp. Planning staff are of the opinion that this represents an appropriate and necessary condition to allow the safe loading/unloading of occupants from vehicles who may require use of the ramp. Furthermore staff are satisfied that a single parking space will have minimal additional impacts given the existing as of right driveway.

Variance 3 requests an aisle width of less than 7 metres (23 feet) for the parking space in the front yard. The intent of aisle width regulations are to ensure that appropriate circulation can be maintained on the subject property. Staff note that the reduced aisle represents the existing driveway and will only service the single accessible parking space. Traffic on the driveway is expected to be minimal, with the majority of attendees requiring parking expected to use the existing parking lot. Staff are therefore satisfied that the configuration and width of the driveway/aisle is appropriate in this instance and will not impact circulation of the larger site.

Variance 4 proposes an increase to the maximum permitted front yard. The intent of the maximum front yard provision is to maintain a consistent street wall and create a more walkable, downtown-style environment. The applicant is proposing a ramp for accessibility, however is not proposing significant exterior changes to the existing structure which is significantly setback from the street. Planning staff are satisfied that the proposed ramp is appropriate in this instance and that the proposed setback will not exacerbate the existing condition.

Given the above Planning staff are satisfied that variances 2, 3, and 4 meet the four tests of a minor variance, however recommend that the application be deferred in order to allow the applicant to submit the requested information pertaining to variance 1.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner



## Appendices

### Appendix 1 – Transportation and Works Comments

Enclosed for Committees easy reference are photos depicting the subject property.











Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

## **Appendix 2 – Zoning Comments**

The Building Department is currently processing a Zoning Certificate of Occupancy Permit under file C 22-4746. Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

The applicant requests the Committee to approve a minor variance to allow a service establishment proposing:

1. To permit a service establishment within the existing manse on the subject property proposing a total of 48 parking spaces on site; whereas By-law 0225-2007, as amended, requires a total of 57 parking spaces for all uses in this instance.
2. To permit 2 parking spaces to be located between the streetwall of the manse and the front lot line; whereas By-law 0225-2007, as amended, does not permit parking spaces between a streetwall and a lot line that is a street line in this instance.
3. To permit the 2 parking spaces located between the streetwall of the manse and the front lot line to be accessed by an aisle with a width of less than 7m; whereas By-law 0225-2007, as amended, required a minimum aisle width of 7m in this instance.



4. A front yard of 10.66m measured to the proposed accessibility ramp; whereas By-law 0225-2007, as amended, permits a maximum front yard of 3m in a C4 – Commercial zone in this instance.

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

### **Appendix 3 – Region of Peel**

We have no comments or objections.

Comments Prepared by: Patrycia Menko – Junior Planner – Planning and Development Services