

City of Mississauga Department Comments

Date Finalized: 2023-03-15	File(s): A53.23
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2023-03-23 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 the construction of an addition proposing:

1. A side yard setback of 0.0m whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 7.00m (approx. 22.97ft) in this instance; and,
2. 52 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 76 parking spaces in this instance.

Background

Property Address: 265 Courtneypark Dr E

Mississauga Official Plan

Character Area: Gateway Employment Area
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2- Employment

Other Applications: None

Site and Area Context

The subject property is located on the north side of Courtneypark Drive East, east of the Edwards Boulevard intersection. It currently contains a single storey industrial building with an associated surface parking lot. A conveyor belt connects the existing building to the building at 299 Courtneypark Drive East. Limited landscaping and vegetative elements are present on the subject property, located along the front property line. The surrounding area context is exclusively industrial, consisting of low rise buildings with surface parking lots on lots of varying sizes.

The applicant is proposing an addition requiring variances for side yard setback and parking.



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 Gateway Employment Area and is designated Business Employment in Schedule 10 of the Mississauga Official Plan. This designation permits a variety of employment uses.

The applicant has proposed an addition to the property at 265 Courtneypark Drive East and has requested a parking variance. Municipal Parking staff have reviewed the request and note as follows:

With respect to Committee of Adjustment application 'A' 53/23 located at address 265 Courtneypark Drive E., the applicant is requesting to allow the construction of an addition proposing:

- 52 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 76 parking spaces in this instance.

The proposed parking is at a 32% deficiency from the City's requirements as stipulated within Zoning By-law 0225-2007. As per the City's parking Terms of Reference, the City requires the submission of a Parking Utilization Study (PUS) to justify reductions more than 10% from current Zoning By-law standards. A PUS was not submitted, and without proper justification, staff have concerns with the large proposed reduction.

Zoning was also unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required.

Additionally, the applicant had mentioned altering the proposed plans, which would also require Zoning's review and confirmation of accuracy of the information provided.

Lastly, on March 5th, the applicant had advised City staff that they will be deferring at the hearing in order to rectify the issues with their application at hand.

Staff Comments

Staff recommend the application be deferred:

- In the absence of a Building Permit Zoning is unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed.
 - Verification of the accuracy of the requested variance(s) and whether additional variance(s) will be required has yet to be completed.
- Pending the submission of a satisfactory Parking Utilization Study (PUS).
 - Staff advise that a satisfactory Parking Utilization Study is required to be submitted.
 - Please refer to the City's Parking Terms of Reference for parking justification requirements to be included with a formal submission.
 - 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.

On March 1 Planning staff received new drawings appearing to show the property merged with 299 Courtneypark Drive East. It is the understanding of staff that the applicant intends to merge the two properties into one, however at the time of this report a full zoning review in order to verify

the new variances has not been completed. The merger of the properties would remove the requirement for the side yard setback variance and will likely impact the parking variance. Staff therefore recommend the application be deferred in order to allow the applicant to determine what variances are required, if any, and to allow Municipal Parking to review the correct parking variance should one be required.

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 addition will be addressed through the Site Plan Approval (SPM 18-08) and Building Permit process.







Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

We note that a Building Permit is required. In the absence of a Building Permit we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed.

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

Comments Prepared by: Brooke Herczeg, Zoning Examiner

Appendix 3 – Region of Peel

We have no comments or objections to this application.

Comments Prepared by: Patrycia Menko, Junior Planner