

# City of Mississauga Department Comments

Date Finalized: 2023-03-01	File(s): A767.22 Ward: 3
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-03-09 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application, subject to the condition. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

## Application Details

The applicant requests the Committee to approve a minor variance to allow an existing long term care building proposing:

1. A setback from parking to a Greenbelt Zone of 0.50m (approx. 1.64ft) whereas By-law 0225-2007, as amended, requires a setback of 5.00m (approx. 16.40ft) in this instance;
2. A front yard setback of 3.20m (approx. 10.50ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.50m (approx. 24.61ft) in this instance; and,
3. A minimum landscape buffer of 3.2m (approx. 10.49ft) from a lot line that is a street line, whereas By-law 0225-2007, as amended, requires a minimum landscape buffer of 4.5m (approx. 14.76ft) from a lot line that is a street line in this instance.

## Recommended Conditions and Terms

Construction in accordance with this variance shall be in general conformance with the drawings approved by the Committee.

## Background

**Property Address:** 1060 Eglinton Ave E

**Mississauga Official Plan**

Character Area: Northeast Employment Area  
Designation: Business Employment, Greenlands

### Zoning By-law 0225-2007

**Zoning:** E2-66 - Employment

**Other Applications:** SP 22-59

### Site and Area Context

The subject property is located on the south side of Eglinton Avenue East, east of the Tomken Road intersection. It currently contains a multi-storey retirement and nursing home with an associated surface parking lot. Some mature vegetation is present on the subject property, and greenspace abuts the property to the east. The surrounding area consists of a mix of employment and commercial uses within varying built forms and on varying lot sizes.

The applicant is proposing to construct a new long term care building requiring variances for parking setback 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 Northeast Employment Area and is designated both Business Employment and Greenlands in Schedule 10 of the Mississauga Official Plan (MOP). The property is further designated Exempt Site 2 within the Northeast Employment Area policies of the MOP. The Exempt Site 2 policies permit housing for the elderly as a permitted use. The site is zoned E2-66 which permits Long-Term Care Buildings and Retirement Buildings.

Variance 1 requests a reduced setback measured from parking spaces to the G1 zone abutting the property. The intent of requiring a setback to a G1 zone is to ensure an appropriate buffer to a natural feature. Staff note that, according to the agent, the proposal represents an improvement over existing conditions. When it comes to natural features and setbacks, Planning staff rely on the expertise of the relevant Conservation Authority. The Toronto and Region Conservation Authority (TRCA) has reviewed the application and notes no objections to the request.

Variance 2 requests a reduced front yard setback measured to the building, and variance 3 requests a reduced landscaped buffer along the street line. Staff note that the City is taking a road widening in front of the subject property, reducing the front yard setback from the 7.5m (24.6ft) which would have been provided had no road widening been taken to 3.20m (10.50ft). The intent of these regulations are to ensure appropriate buffers are provided from the street line. The applicant has worked with staff to ensure that appropriate landscaping will be provided in the reduced buffer, and staff note that the setback is measured to a pinch point on one corner and increases from there.

Given the above, Planning staff are of the opinion that the application maintains the general intent and purpose of both the official plan and zoning by-law, is minor in nature, and represents appropriate development of the subject property.

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 subject property are being addressed through the Site Plan Application process, File SP 22-59.







Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

## Appendix 2 – Zoning Comments

The Building Department is currently processing a Site Plan Application under file SP 22-59. Based on review of the information currently available for this application, we advise that more information is required to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Our comments are based on the plans received by Zoning staff on 02/16/2022 for the above captioned site plan application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: A. McCormack, Zoning Examiner

### **Appendix 3 – Toronto and Region Conservation Authority**

Re: Minor Variance Application and City File No. A767.22

1060 Eglinton Avenue East,

City of Mississauga, Region of Peel

Owner: Tyndall Seniors Village Inc. c/o Peter Schlegel

Agent: Cornerstone Architecture c/o Richard Hammond and Mallory Blaine

This letter acknowledges receipt of the subject application, received on February 1, 2023. Toronto and Region Conservation Authority (TRCA) staff have reviewed the application to this letter in accordance with Ontario Regulation 686/21 and Ontario Regulation 166/06.

The following comments are issued in accordance with Section 21.1(1) of the Conservation Authorities Act, which requires TRCA to provide programs and services related to natural hazards within its jurisdiction. The standards and requirements of such mandatory programs and services are listed under Ontario Regulation 686/21. Specifically, the regulation requires that TRCA must, acting on behalf of the Ministry of Natural Resources and Forestry (MNRF) or in its capacity as a public body under the Planning Act, ensure that decisions under the Planning Act are consistent with the natural hazard policies of the Provincial Policy Statement (PPS). In accordance with Ontario Regulation 686/21 and Ontario Regulation 596/22, TRCA's review does not include non-mandatory comments pertaining to natural heritage matters, for example, outside of our core planning mandate and regulatory authority.

In addition, TRCA must also ensure that where development and/or site alteration is proposed within an area regulated by the Authority under Ontario Regulation 166/06, that it conforms to the applicable tests and associated policies (within Section 8 of TRCA's The Living City Policies) for implementation of the regulation.

#### **Purpose of the Application**

The purpose of Minor Variance Application assigned City File No. A 767.22 is to allow an existing 3 storey (974 sq.m.) long term care building proposing: 1. A setback from parking to a Greenbelt Zone of 0.50m (approx. 1.64ft) whereas By-law 0225- 2007, as amended, requires a setback of 5.00m (approx. 16.40ft) in this instance and, 2. A front yard setback of 3.20m (approx. 10.50ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.50m (approx. 24.61ft) in this instance.

#### **Recommendation**

TRCA's staff TRCA's staff have **no objection** to support the approval of Variance Application assigned City File No. A767.22.

#### **Site Context**

**Ontario Regulation 166/06**

The subject property is located within TRCA's Regulated Area of the Etobicoke Creek Watershed. Specifically, the subject land is almost entirely within the Regulatory Flood Plain associated with a tributary of the Etobicoke Creek. As such, a TRCA permit pursuant to Ontario Regulation 166/06 is required for the development or site alteration within the Regulated Area on the property.

**Application Background**

On June 29, 2022, TRCA provided planning comments to the second circulation of Site Plan application assigned City File No. SP 22-59 W3 (TRCA File No. CFN 66421.19) received by TRCA on April 26, 2022, in order to facilitate the construction of a new 8 storey Long Term Care home in addition to a temporary parking lot on 1086 Eglinton Avenue East to facilitate continuation of operations on the remaining portions of the property. Full TRCA technical comments will continue to be provided through the Site Plan Application review.

**Application Specific Comments**

TRCA staff understand that the existing setback from parking to a Greenbelt Zone of 0.50m (approx. 1.64ft) is being sought to maintain the use of the existing parking lot. As such, the application is not proposing a further encroachment into the G1 Zone-Greenbelt Zone buffer than what exists currently. Given the above, TRCA has no concerns related to setback of the existing parking lot in this minor variance application, as submitted. TRCA will continue its detailed review through the Site Plan process.

**Fee**

TRCA staff thank the applicant for their prompt payment of the required TRCA planning review fee of \$995.00.

**Conclusion**

Note that the above comments are being provided based on current policy and legislation which are subject to change from time to time. Future applications will be reviewed in accordance with the policies in effect at the time of review.

Comments Prepared by: Marina Janakovic – Planner I, Development Planning and Permits

**Appendix 4 – Region of Peel****Minor Variance Application: A-767/22, 1060 Eglinton Avenue East**

Development Planning: Patrycia Menko (905) 791-7800 x3114

**Comment:**

- Please be advised that the subject property is located within the limits of the regulated area of the Toronto and Region Conservation Authority (TRCA). Regional Planning staff therefore, request that the Committee and City staff consider comments from the TRCA and incorporate their conditions of approval appropriately.

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