

# City of Mississauga Department Comments

Date Finalized: 2023-07-12	File(s): A507.22
To: Committee of Adjustment	Ward: 6
From: Committee of Adjustment Coordinator	Meeting date:2023-07-20 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure the accuracy of variances 3, 4, and 5 and that additional variances are not required.

## Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a place of worship proposing:

1. 105 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 204 parking spaces in this instance;
2. 5 accessible parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 7 accessible parking spaces in this instance;
3. An interior side yard setback of 5.09m (approx. 16.70ft) in this instance whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 5.28m (approx. 17.32ft) in this instance;
4. An exterior side yard setback of 7.31m (approx. 23.98ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 7.50m (approx. 24.61ft) in this instance; and,
5. A rear yard setback of 7.41m (approx. 24.31ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.50m (approx. 24.61ft) in this instance.

## Amendments

We advise that the following variance(s) should be amended as follows:

The applicant requests the Committee to approve a minor variance to allow the construction of a Place of Religious Assembly proposing:

## Background

**Property Address:** 3450 Wolfedale Rd

### Mississauga Official Plan

**Character Area:** Mavis-Erindale Employment Area

**Designation:** Business Employment

### Zoning By-law 0225-2007

**Zoning:** E2-19 - Employment

**Other Applications:** BP 21-6419

### Site and Area Context

The subject property is located on the north-west corner of the Wolfedale Road and Central Parkway West intersection. It currently contains a single storey industrial building with an associated surface parking lot. Limited landscaping and vegetative elements are present on the subject property, generally located along property lines. The subject property has a lot area of approximately 6,331.75m<sup>2</sup> (+/- 68,154ft<sup>2</sup>). The surrounding area context consists of employment/industrial uses with varying lot sizes and built forms.

The applicant is proposing a place of religious assembly requiring variances for parking and setbacks.



## 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 Mavis-Erindale Employment Area and is designated Business Employment in Schedule 10 of the Mississauga Official Plan.

Variances 1 & 2 request a reduction in parking. Section 8.4 of the official plan contemplates potential reductions in parking requirements and alternative parking arrangements in appropriate situations. 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. Municipal Parking staff have reviewed the variance request and provide the following comments:

Per the materials provided by the applicant, a redevelopment of the existing 2-storey building on the subject site into a Place of Religious Assembly is proposed. The subject property will feature a 246-seat Religious Assembly area, as well as a multipurpose hall and other ancillary uses for attendees to the site. The proposed Gross Floor Area (GFA) is 2841.17 m<sup>2</sup>. The applicant proposes a total of 105 parking spaces, whereas 204 parking spaces are required overall in this instance. The proposed deficiency is 99 parking spaces, or 48.5%.

The applicant provided a Parking Utilization Study (PUS) dated May 2, 2023, completed by Trans-Plan Transportation Inc. The PUS explains that only Religious Assembly areas are used during liturgical services, which occur 4 days a week, along with other accessory services. All the other areas (recreational establishments and offices) within the subject property would be available for use after liturgical services. Therefore the site operates for different purposes at different time intervals. The applicant also disclosed that since their neighboring businesses are closed or not busy on Sundays, they have reached a verbal agreement to share parking spaces with their neighbors. A formal Shared Parking Agreement may be required when the site starts operating as intended.

Per PUS provided by the applicant, the peak parking utilization percentages for the selected proxy sites are 53% and 47%, and the peak parking demand ratios are 1.7 and 6.3 spaces per 100 m<sup>2</sup> of GFA. Based on the survey results, the parking demand appears to be lower than what's required in the zoning bylaw (10.0 spaces per 100 m<sup>2</sup> non-residential) for all land uses on the subject property.

Given the above, Municipal Parking staff can support the proposed parking reduction to permit a total of 105 parking spaces on the subject property whereas By-law 0225-2007, as amended, requires 204 parking spaces, in this instance.

Given the above, Planning staff are satisfied that variances 1 and 2 maintain the general intent and purpose of the zoning by-law.

Variance 3, 4 and 5 request a reduced rear yard and side yard. The intent of these provisions is to ensure that an appropriate buffer is provided between the massing of structures on abutting properties and that appropriate maintenance can be maintained. Staff note that the proposed reductions represent only a small decrease and are exceedingly minor in nature. Staff are satisfied that appropriate maintenance can be performed given the reduced setbacks and that circulation around the structure remains unencumbered.

Given the above Planning staff are of the opinion that the proposal 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: Shivani Chopra, Planner in Training

## 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 will be addressed through the Site Plan Approval and Building Permit process.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

### Appendix 2 – Zoning Comments

The Building Department is currently processing a certificate of occupancy permit application under file 21-6419.

Based on review of the information currently available for this application, we advise that the following variance(s) should be amended as follows:

The applicant requests the Committee to approve a minor variance to allow the construction of a Place of Religious Assembly proposing:

Based on review of the information currently available for this building permit, the following variances, as requested are correct:

**1. 105 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 204 parking spaces in this instance;**

**2. 5 accessible parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 7 accessible parking spaces in this instance;**

We note that a building permit application is required. In the absence of a building permit application 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 for the building:

**3. An interior side yard setback of 5.09m (approx. 16.70ft) in this instance whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 5.28m (approx. 17.32ft) in this instance;**

**4. An exterior side yard setback of 7.31m (approx. 23.98ft) whereas By-law 0225-2007, as amended, requires a minimum exterior side yard setback of 7.50m (approx. 24.61ft) in this instance; and,**

**5. A rear yard setback of 7.41m (approx. 24.31ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.50m (approx. 24.61ft) in this instance.**

Our comments are based on the plans received by Zoning staff for the above captioned certificate of occupancy permit 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: Ramsen Hedoo, Supervisor Zoning

### Appendix 3 – Metrolinx

#### 3450 Wolfedale Rd

Metrolinx is in receipt of the minor variance application for 3450 Wolfedale Rd to allow the construction for a place of worship. Metrolinx's comments on the subject application are noted below:

- The subject property is located in proximity of 300 meters to Canadian Pacific Railway's (CP Rail) Galt Subdivision which carries Metrolinx's Milton GO Train service.
- The subject property is located adjacent to Metrolinx Owned property (GO Transit West Region).
- Please note, depending on the manner of construction, the Owner may be required to enter into agreements or obtain permits from Metrolinx to facilitate works that may occur immediately adjacent to or within the Metrolinx owned property. This may include any construction activities, staging, excavation, shoring, etc. occurring adjacent to or within the Metrolinx owned parcel.
- The Proponent is advised the following:
  - **Warning:** Metrolinx and its assigns and successors in interest operate commuter transit service within 300 metres from the subject land. In addition to the current use of these lands, there may be alterations to or expansions of the rail and other facilities on such lands in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx or any railway assigns or successors as aforesaid may expand their operations, which expansion may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual units. Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under these lands.

Comments Prepared by: Farah Faroque, Project Analyst

**Appendix 4- Region of Peel****Minor Variance: A-22-507 – 3450 Wolfedale Road**

Planning: Ayooluwa Ayoola (905) 791-7800 x8787

**Comments:**

- The subject site is located within a Regional Employment Area, identified on Schedule E-4 of the Regional Official Plan (ROP). The subject site is also located within a Provincially Significant Employment Zone.
- The proposed place of worship does not meet the definition of an Employment Area in the Provincial Policy Statement, Growth Plan, and ROP Employment Area policies of Section 5.8.
- The proposed variance is not desirable or minor and does not keep with the general intent of the ROP, and local Zoning By-law. Employment areas are to be protected for employment uses, as per ROP policy 5.8.26. As such, the Region is not in support of the minor variance application.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner