

City of Mississauga Department Comments

Date Finalized: 2023-08-09	File(s): A256.23
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2023-08-17 1:00:00 PM

Consolidated Recommendation

The City recommends the application be deferred.

Application Details

The applicant requests the Committee to approve a minor variance to allow an addition proposing an interior side yard setback of 1.50m (approx. 4.92ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 4.50m (approx. 14.76ft) in this instance.

Amendments

2. An aisle width of 6.43 m (approx. 21.09ft) whereas By-law 0225-2007, as amended, requires a minimum aisle width of 7.0m (approx. 22.96ft) in this instance
3. To allow 33 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 35 parking spaces in this instance.

Background

Property Address: 5710 Atlantic Dr

Mississauga Official Plan

Character Area: Northeast Employment Area
Designation: Industrial

Zoning By-law 0225-2007

Zoning: E3- Employment

Other Applications: BP 3NEW 22-4121

Site and Area Context

The subject property is located north-east of the Highway 401 & Dixie Road interchange in the Northeast Employment area. It currently contains a single storey industrial building and associated gravel lot that contains numerous parked commercial trucks and trailers that are stored outdoors. Limited landscaping and vegetative elements present on the subject property. The surrounding area context is exclusively industrial, consisting of low rise industrial buildings with surface parking areas on lots of varying sizes.

The applicant is proposing an addition requiring variances for side yard setbacks, parking and drive aisle width.



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 Character Area and is designated Industrial in Schedule 10 of the Mississauga Official Plan (MOP). Section 9 of the MOP promotes development with appropriate urban form and site design, regulating that such

development is compatible with existing site conditions, the surrounding context, and the landscape of the character area. The proposed addition maintains the industrial use and character of the building and remains generally in line with the property to the north. Staff are of the opinion the general intent and purpose of the official plan is maintained.

Variance 1 requests a reduced setback to the north side lot line. The general intent of this portion of the by-law is to ensure that: an adequate buffer exists between the massing of primary structures on adjoining properties, appropriate drainage patterns can be maintained, and that access to the rear yard ultimately remains unencumbered. Staff are satisfied that the proposed side yard reduction will not negatively impact the abutting property and drainage patterns will be maintained. Further, staff note that while the proposed addition reduces access to the rear on the north side, the access remains unencumbered on the south side allowing for appropriate site access and circulation. Given the above, staff are of the opinion that variance 1 meets the general intent and purpose of the zoning by-law.

Variance 2 requests a reduced aisle width on the subject property. The intent of this regulation is to ensure there is sufficient space for vehicles to access and exit parking stalls and allow for circulation within the subject property. With access to the rear of the property being limited to the south of the building, staff feel that the reduced drive aisle width is minor in nature and that appropriate site circulation can be maintained. Staff are satisfied that variance 2 maintains the general intent and purpose of the zoning by-law.

Variance 3 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. Section 8.4 of the MOP contemplates potential reductions in parking requirements and alternative parking arrangements in appropriate situations. Municipal parking staff have reviewed the variance request and note as follows:

With respect to Committee of Adjustment application 'A' 256/23, 5710 Atlantic Drive, the Applicant is proposing to construct an addition to an existing industrial building on the subject site. Per Zoning Staff review an amendment to the application was identified, to allow 33 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 35 parking spaces in this instance.

The subject site is presently used as a motor vehicle repair facility. Per By-law 0225-2007, as amended, parking is required at a rate of 4.3 spaces per 100 m² Gross Floor Area (GFA) non-residential, of which 50% of the required spaces may be tandem parking spaces. Per Zoning Staff review, there will be a deficiency of 2 parking spaces or 5.7%.

Municipal Parking Staff advise that as the parking deficiency was identified following the submission of the application, no parking justification materials were available for review. Staff require a satisfactory Parking Justification Letter with information pertaining to the operational details of the business, including peak times, general observations of the on-site parking demands or other information to help justify the requested reduction in parking, in order to make a recommendation.

Staff advise the Applicant refer to the City's Parking Terms of Reference for parking justification requirements to be included with a formal submission.

Given the above, Staff recommend the application be deferred pending the submission of a satisfactory Parking Justification Letter.

While planning staff note there is potential opportunities on site to add parking spaces, staff are in agreement with the comments provided by Municipal Parking staff and echo the recommendation that the application be deferred to allow the applicant to submit the requested information. Further, staff have no concerns with the remaining variances.

Comments Prepared by: Daniel Grdasic, 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 proposed addition will be addressed through the Building Permit Process.





Comments Prepared by: Tony Iacobucci

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file BP 3NEW 22-4121. Based on review of the information currently available in this permit application, the variances, as requested are correct. Also, we advise that other variances should be added as follows:

2. An aisle width of 6.43 m (approx. 21.09ft) whereas By-law 0225-2007, as amended, requires a minimum aisle width of 7.0m (approx. 22.96ft) in this instance
3. to allow 33 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 35 parking spaces 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: Maria Fernandez, Zoning Examiner

Appendix 3- Region of Peel Comments

Minor Variance: A-23-256M / 5710 Atlantic Drive

Development Engineering: Camila Marczuk (905) 791-7800 x8230

Comments:

- Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. Regional site servicing connection approvals are required prior to the local municipality issuing full building permit. All works associated with the servicing of this site will be at the applicant's expense. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.

The applicant is advised that, arrangements satisfactory to the Region of Peel, Public Works, shall be made with respect to servicing the site, prior to obtaining the Building Permit.

Comments Prepared by: Ayoola Ayooluwa, Junior Planner