

# City of Mississauga Department Comments

Date Finalized: 2023-10-18 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): B49.23 B50.23 A387.23 Ward: 3
	Meeting date:2023-10-26 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the proposed consent or minor variance applications. The applicant may wish to defer the application to ensure additional variances are not required.

## Application Details

B49/23

The applicant requests the Consent of the Committee to allow the creation of an easement. The easement will have a width of approximately 9.29m (approx. 30.48ft) and an area of approximately 325.61sq m (approx. 3504.84sq ft).

B50/23

The applicant requests the Consent of the Committee to allow the creation of an easement. The easement will have a width of approximately 9.29m (approx. 30.48ft) and an area of approximately 325.52sq m (approx. 3503.87sq ft).

A387/23

The applicant requests the Committee to approve a minor variance to allow the construction of an addition proposing:

1. A drive aisle providing access to parking spaces on the east side of the building with a width of 0.0m whereas By-law 0225-2007, as amended, requires a minimum drive aisle width of 7.00m (approx. 22.97ft) in this instance;
2. Access to and from parking spaces on the east side of the building to be provided by an unobstructed off site drive aisle whereas By-law 0225-2007, as amended, requires that access to and from parking spaces be provided by an unobstructed on-site drive aisle in this instance;
3. A driveway access width of 0.0m whereas By-law 0225-2007, as amended, requires a minimum driveway access width of 2.60m (approx. 8.53ft) in this instance;
4. Driveway access to be provided by a driveway located entirely off site whereas By-law 0225-2007, as amended, requires that driveway access is to be provided on site in this instance;
5. 18 parking spaces on the east side of the building to be located partially off site whereas By-law 0225-2007, as amended, requires that all parking spaces be located entirely on site in

this instance; and,

6. A drive aisle providing access to parallel parking spaces on the south side of the building with a width of 4.90m (approx. 16.08ft) whereas By-law 0225-2007, as amended, requires a minimum drive aisle width of 7.00m (approx. 22.97ft) in this instance.

### Amendments

The Building Department is currently processing a Building Permit application under file BP 22-1261. Based on review of the information currently available for this building permit, we advise that the following variance(s) should be amended as follows:

Amend:

1. A **parking** aisle providing access to parking spaces on the east side of the building with a width of 0.0m whereas By-law 0225-2007, as amended, requires a minimum **parking** aisle width of 7.00m (approx. 22.97ft) in this instance;

Note: Variance 2 is not required if variance 1 is granted.

2. Access to and from parking spaces on the east side of the building to be provided by an unobstructed off site drive aisle whereas By-law 0225-2007, as amended, requires that access to and from parking spaces be provided by an unobstructed on-site drive aisle in this instance;

Note: Variance 4 is not required if variance 3 is granted.

4. Driveway access to be provided by a driveway located entirely off site whereas By-law 0225-2007, as amended, requires that driveway access is to be provided on site in this instance;

### Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File A387/23 must be finalized
- Should the application be approved, Community Services notes the following:
  - Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, c.P. 13, as amended) and in accordance with the City's policies and By-laws.

### Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A387/23 shall lapse if the consent applications under file(s) B49/23 and B50/23 are not finalized within the time prescribed by legislation.

## Background

**Property Address: 1290 Crestlawn Drive, 1355 and 1365 Fewster Drive**

### **Mississauga Official Plan**

Character Area: Northeast Employment Area (West)

Designation: Business Employment

### **Zoning By-law 0225-2007**

**Zoning: E2-19- Employment**

**Other Applications: BP 22-1261**

### **Site and Area Context**

The subject properties are located south-west of the Eglinton Avenue East and Dixie Road intersection. The properties contain multi-tenant commercial/industrial buildings with associated surface parking. Limited landscaping and vegetative elements are present on the subject properties, located exclusively along the frontages. The surrounding area context contains a mix of commercial and industrial uses in low rise built forms on lots of varying sizes.

The applicant is proposing access easements on the properties to accommodate the existing drive aisles and driveway entrance to 1290 Crestlawn Drive. The applicant is further seeking variances regarding the drive aisle width, driveway access width and off-site parking to reflect the current conditions.



## Comments

### Planning

#### Planning Act

Section 51 (24) of the *Planning Act* sets out the criteria for land division in the Province of Ontario. In evaluating such requests, the Committee needs to be satisfied that the proposal meets not only the criteria set out under Section 51(24), but also municipal requirements identify in local legislation.

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. In evaluating such requests, the Committee needs to be satisfied that the proposal meets the four tests set out in the *Planning Act*.

#### Provincial Matters

The Provincial Policy Statement 2020 (PPS 2020) and Growth Plan for the Greater Golden Horseshoe promote efficient development and land use, directing the focus towards intensification and redevelopment. The proposal is consistent with the general directive in provincial policy.

Staff comments concerning the applications for consent and the four tests to the minor variance request are as follows:

The subject properties are located in the Northeast Employment Area and is designated Business Employment. The designation permits a variety of employment and industrial uses. Section 9 of Mississauga Official Plan (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. Staff are satisfied that the proposed addition to the existing warehouse building is of a comparable built form and remains in scale with the surrounding development. Furthermore the applicant is proposing a new easement to accommodate access across 1355 & 1365 Fewster Drive in favour of the abutting property being 1290 Crestlawn Drive. Staff have no concerns with the proposed consent as the proposed easements will ensure that the existing functionality of the site will not be negatively impacted.

Variance 1 and 3 requests a drive aisle width and driveway access width of 0m, where the by-law requires a 7m drive aisle width and a 2.6m driveway access width. The intent of both regulations is to ensure there is sufficient space for vehicles to access and exit both parking stalls and the subject property, as well as allow for adequate circulation within the subject property. The drive aisle width of 0m is an existing condition that is measured to a lot line and not to a physical structure that would inherently prohibit traffic circulation. Further, the existing condition has proven to be suitable in providing adequate vehicular movement and access to the site. The driveway access width of 0m is an existing condition as the current driveway access is contained in the public right-of-way rather than on the subject property. As a part of the application, the applicant will enter into access easement agreements to ensure that the parking areas along the east side of the building at 1290 Crestlawn Drive remain accessible. Variance 6 requests a reduced drive aisle width of 4.9m (16.07ft) at the rear of 1290 Crestlawn Drive to provide access to parallel parking spots. Staff are satisfied that the reduced drive aisle width is minor in nature and appropriate site circulation can be maintained.

Variance 5 requests 18 parking spaces on the east side of the building at 1290 Crestlawn Drive to be located partially off site. 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 on its intended use. Section 8.4 of the official plan 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' 387.23, 1290 Crestlawn Drive, 1355 and 1365 Fewster Drive, the Applicant requests the Committee to approve a minor variance to allow a total of 18 parking spaces on the east side of the building to be located partially off-site whereas By-law 0225-2007, as amended, requires that all parking spaces be located entirely on-site in this instance.

Per the materials provided by the Applicant, the subject property is currently utilized as a warehouse facility with an existing Gross Floor Area (GFA) of 1135 square meters. The Applicant contemplates building a two-storey additional portion that is attached to the back of the existing building with a GFA of 909.67 square meters. Therefore the new GFA of

the entire property with the addition would be 2044.67 square meters. Upon further communication, the Applicant has confirmed that they are proposing 17 of the parking spaces on the east side of the building be partially located off-site due to the rear parts of the spaces crossing the property boundary lines into neighboring properties at 1355 and 1365 Fewster Drive. The subject property is located within E2 Zoning Area, Parking Precinct 3.

Per Section 3.1.1.2 of Mississauga Zoning By-law, Warehouse/ Distribution Facility uses located in Parking Precinct 3 require a minimum of 1.1 parking spaces per 100 square meters of non-residential GFA. Therefore, the minimum required number of parking spaces for the subject property would be 22. Based on the Site Plan provided by the Applicant, the proposed parking supply is 25 spaces, which exceeds the minimum parking requirement as stipulated by the Zoning By-law.

As 17 parking spaces are to be located off-site at neighboring properties, the applicant has provided copies of two executed Off-site Parking Agreements on the City's Off-site Parking Agreement template. The agreements have been reviewed by the City's Legal Services.

The use of the City's Off-Site Parking Agreement template allows the City to ensure that the dedicated parking is available, good neighbor relations between adjacent property owners are maintained, the public's interests are accounted for, and confirms the agreement will remain in place for the requested duration. Should the agreement be terminated prior to the duration as requested, it is the applicant's due diligence to then resolve the variance/parking deficiency, therefore keeping the applicant accountable to the City's parking standards.

Staff find that the requested variance is minor in nature and supported by executed Off-Site Parking Agreements, therefore it would be appropriate to support the application.

Zoning staff have advised that more information is required to verify the accuracy of the requested variance.

Given the above, Municipal Parking staff can support a total of 17 parking spaces on the east side of the building to be located partially off-site whereas By-law 0225-2007, as amended, requires that all parking spaces be located entirely on-site in this instance.

Planning staff note all sites will continue to function entirely in the same manners and will result in both the orderly development of the subject lands and whose impacts are minor in nature. Given the above, staff are of the opinion that the consent application provides adequate access to the subject property and the variances sought meets the four tests of a minor variance as set out in Section 45(1) of the Planning Act.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

This Department has no objections to the applicant's request to allow the creation of an access easement which would allow access to 1290 Crestlawn Drive over 1355 and 1365 Fewster Drive. Information submitted with the application indicates that the owner of 1290 Crestlawn Drive is entering into an Easement Agreement with the abutting properties which will permit employees and visitors to access the parking spaces.

In view of the above, and should Committee see merit in the applicant's request, we provide the following comment for the Committee's consideration:

#### Item Required Prior to the Issuance of Final Consent

1. Solicitor Letter Describing Access Easement

The applicant/owner has provided Reference Plan 43R-39721 which depicts the specific parts which will be subject to the access easement. In addition, we will require a letter prepared by the applicant's Solicitor that is to specifically describe the new private access easement to be established. It should also be noted that any documentation received will be forwarded as an attachment to our clearance memo to the Committee of Adjustment so that any new proposed private easement can be identified and also be incorporated into the Certificate of Secretary-Treasurer.

Comments Prepared by: Tony Iacobucci, T&W Development Engineering

### Appendix 2 – Zoning Comments

Please note that prior to land division zoning clearance being issued the severed and retained lands must comply with the provisions of Zoning By-law 0225-2007, as amended, with respect to, among other things, minimum lot frontage, minimum lot area, setbacks to the existing building(s), on site parking, etc., or alternatively, that any minor variance(s) is approved, final and binding and/or the demolition of any existing building(s) is complete. Information on how to obtain a land division clearance letter can be found [here](#).

The Building Department is currently processing a Building Permit application under file BP 22-1261. Based on review of the information currently available for this building permit, we advise that the following variance(s) should be amended as follows:

< Amend:

1. A parking aisle providing access to parking spaces on the east side of the building with a width of 0.0m whereas By-law 0225-2007, as amended, requires a minimum parking aisle width of 7.00m (approx. 22.97ft) in this instance;

Note: Variance 2 is not required if variance 1 is granted.

2. Access to and from parking spaces on the east side of the building to be provided by an unobstructed off site drive aisle whereas By-law 0225-2007, as amended, requires that access to and from parking spaces be provided by an unobstructed on-site drive aisle in this instance;

Note: Variance 4 is not required if variance 3 is granted.

4. Driveway access to be provided by a driveway located entirely off site whereas By-law 0225-2007, as amended, requires that driveway access is to be provided on site in this instance; >

Furthermore, 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:

Accessible parking space access aisle (1.42m proposed whereas 1.52m required), etc.

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.

Consent applications B49/23, B50/23, and A387/23 not included in subject zoning comments.

Comments Prepared by: RAMSEN HEDOO, SUPERVISOR.

### **Appendix 3 – Parks, Forestry & Environment**

The Parks and Culture Planning Section of the Community Services Department has reviewed the above noted consent application and has no objections.

Should the application be approved, Community Services notes the following:

1. Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, c.P. 13, as amended) and in accordance with the City's policies and By-laws.

Should further information be required, please contact Nicholas Rocchetti, Park Planning Assistant, Community Services Department at (906) 615-3200 ext. 4659 or via email at Nicholas.Rocchetti@mississauga.ca.



Comments Prepared by: Nicholas Rocchetti, Park Planning Assistant

#### **Appendix 4 – Region of Peel**

We have no comments or objections.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner

#### **Appendix A – CONDITIONS OF PROVISIONAL CONSENT**

**SHOULD THE COMMITTEE GRANT A PROVISIONAL CONSENT, THE FOLLOWING IS A LIST OF THE RECOMMENDED CONDITIONS TO BE ATTACHED TO THE DECISION AND THESE CONDITIONS MAY BE REVISED BY THE COMMITTEE AT THE PUBLIC MEETING.**

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the conveyed land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no services easement(s) and/or right(s)-of-way, are necessary.
3. A letter shall be received from the City of Mississauga, Manager of Zoning Plan Examination, indicating that the conveyed land and retained lands comply with the provisions of the Zoning By-law, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding. ("A" 387/23)
4. A letter shall be received from the City of Mississauga, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated October 18, 2023.