

City of Mississauga Department Comments

Date Finalized: 2024-01-17	File(s): A39.24 Ward: 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-01-25 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 3 parking spaces on the subject property whereas the By-law 0225-2007, as amended, requires a minimum of 11 parking spaces in this instance.

Amendment

The Building Department is currently processing a Certificate of Occupancy Permit under file C 23-7236. Based on review of the information currently available, an additional variance is required:

2. To allow 0 accessible parking spaces on the subject property whereas the By-law 0225-2007, as amended, requires a minimum of 1 Type A accessible parking space in this instance.

Background

Property Address: 238 Queen Street South

Mississauga Official Plan

Character Area: Streetsville Community Node
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C4- Commercial

Other Applications: C 23-7236

Site and Area Context

The subject property is located on the west side of Queen Street South, north of the Thomas Street and the Queen Street South intersection. The site currently contains a three-storey building with a commercial space on the ground floor and residential units on the second and third floor. The subject property is an interior lot with no vegetative or landscaping elements present. Contextually, the surrounding neighbourhood consists of a mix of residential, commercial, retail and restaurant uses.

The applicant is proposing a restaurant on the ground floor of the subject property requiring a variance for a parking deficiencies.



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 site is located within the Streetsville Community Node Character Area, and is currently designated Mixed Use by the Mississauga Official Plan (MOP). Section 11.2.6 (Mixed Use) of the MOP permits a restaurant within the designation.

The proposed variance requests a parking reduction. 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 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' 39.24, 238 Queen Street South, the Applicant is requesting the Committee to approve a minor variance to allow reduced parking for the subject property and proposing:

A total of 3 parking spaces on the subject property whereas the By-law 0225-2007, as amended, requires a minimum of 11 parking spaces in this instance.

Per the materials provided by the Applicant, the subject property consists of a three-storey building with a commercial unit on the ground floor and six residential units on the second and third floor, the Gross Floor Area (GFA) of the entire building is approximately 715.91 square meters. In addition, the GFA of the ground floor is approximately 216.46 square meters. The requested variance is triggered by the change of use on the ground floor from a Medical Office to a Convenience Restaurant. The subject property is located within C4 Zoning Area, Parking Precinct 2.

Per Section 3.1.1.2 of Mississauga Zoning By-law, Convenience Restaurant uses located in Parking Precinct 2 with a GFA less than 220 square meters require a minimum of 3.0 parking spaces per 100 square meters of non-residential GFA; Dwelling units located above a commercial development with a maximum height of three storeys require a minimum of 1 parking space per unit. Therefore, with a GFA of 216.46 square meters for the proposed restaurant and 6 residential units in the building, the total minimum required number of parking spaces for the subject property is 11. The Applicant proposes a total of 3 parking spaces. As such, 11 parking spaces are required whereas 3 parking spaces can be accommodated, which generates a parking deficiency of 8 spaces or 73%.

As the proposed parking deficiency exceeds 10%, a satisfactory Parking Utilization Study (PUS) is required as per the City's Parking Terms of Reference provision.

The Applicant did not provide a PUS as justification for the proposed parking deficiency. The Applicant should refer to the City's Parking [Terms of Reference](#) for parking justification requirements to be included with a formal submission.

The Applicant should confirm the survey methodology with staff prior to conducting parking surveys.

Zoning staff have confirmed that the requested variance is correct.

Given the above, Municipal Parking staff recommend the application be deferred pending the submission of a satisfactory Parking Utilization Study (PUS).

Planning staff are in agreement with the comments from Municipal Parking staff and are unable to support the parking variance at this time. As staff are unable to support the requested parking variance, staff are also unable to support the request for a reduction in accessible parking spaces at this time.

Given the above, staff recommend the application be deferred pending the submission of an updated parking study.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committees easy reference are photos depicting the 3 parking spaces.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Certificate of Occupancy Permit under file C 23-7236. Based on review of the information currently available in this permit application, the variances, as requested are correct. However, an additional variance is required.

To allow 0 accessible parking spaces on the subject property whereas the By-law 0225-2007, as amended, requires a minimum of 1 Type A accessible parking space 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: Zoning Examiner, Tage Crooks

Appendix 3 – Region of Peel

We have no comments or objections.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner

Appendix 4 – Metrolinx

238 Queen Street South - A39.24

Metrolinx is in receipt of the Minor Variance application for 238 Queen St S to allow an existing reduced parking condition of 3 spaces. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of the CP Galt Subdivision which carries Metrolinx's Milton GO Train service.

Advisory Comments:

- The Proponent is advised of 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- Third Party Projects Review