

City of Mississauga Department Comments

Date Finalized: 2024-02-22	File(s): A97.24
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2024-02-29 3:30:00 PM

Consolidated Recommendation

The City has no objections to the application.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a new building proposing:

1. A front yard setback of 5.70m (approx. 18.70ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.50m (approx. 24.61ft) in this instance; and,
2. A landscaped buffer of 4.10m (approx. 13.45ft) whereas By-law 0225-2007, as amended, requires a minimum landscaped buffer of 4.50m (approx. 14.76ft) in this instance.

Background

Property Address: 1150 Derry Road East

Mississauga Official Plan

Character Area: Northeast Employment Area (West)
Designation: Business Employment

Zoning By-law 0225-2007

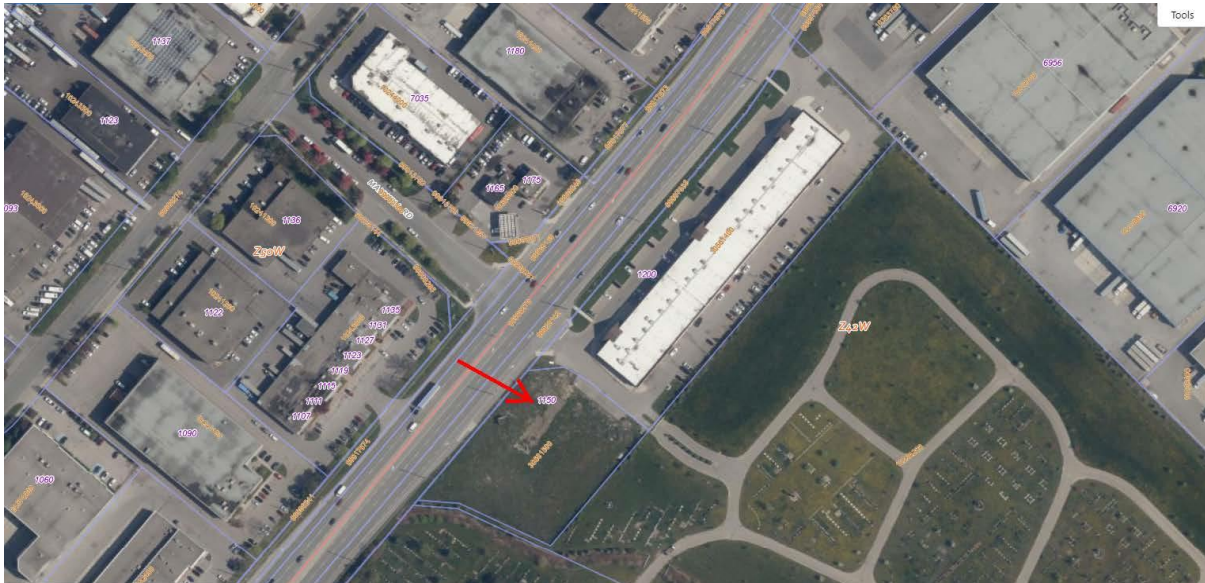
Zoning: E2-Employment

Other Applications: SP 22-8

Site and Area Context

The subject property is located south-east of the Derry Road East and Tomken Road intersection in the Northeast Employment Area. The subject property is currently vacant. The property is subject to a site plan application for a five (5) storey office building. The surrounding context is predominantly industrial buildings with limited commercial uses. The Lady of Assumption Cemetery borders the property to the rear.

The applicant is proposing to construct an office building requiring variances for front yard setback and landscape buffer.



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:

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject property is located in the Northeast Employment Character Area and is designated Business Employment in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits a variety of employment uses. The proposed office use is permitted in the Business Employment designation. 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. Staff are of the opinion the proposal maintains the general intent and purpose of the official plan.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

Staff note the proposed variances pertain to reduced setbacks to the front yard lot line. The variances were triggered due to a required land dedication along Derry Road East to the Region of Peel.

Variance 1 requests a reduction in the front yard setback. The intent of the front yard setback provision is to ensure that a consistent character is maintained along the streetscape and that a sufficient front yard space is incorporated into the design. Planning staff are of the opinion that the proposed front yard setback is consistent along the streetscape of Derry Road East and maintains sufficient space in the front of the property for landscaping.

Variance 2 requests a reduced landscaped buffer along Derry Road East. The intent of this portion of the by-law is to ensure that an appropriate buffer exists abutting all lot lines. Staff note the reduction of the landscape buffer to 4.1m (13.45ft) is negligible. Staff are satisfied that the proposal maintains an appropriately sized landscaped buffer in the front yard and is compatible with the surrounding context.

Given the above, staff are of the opinion that the proposal maintains the general intent and purpose of the zoning by-law.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

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: 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 development will be addressed through the Site Plan Application Process, File SP 22-08.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Division is processing Site Plan Review application SP22-8. Based on the review of the information available in this application, the requested variance(s) is/are correct.

Our comments may no longer be valid should there be changes in the Committee of Adjustment application that have yet to be submitted and reviewed through the Building Division application. To receive updated comments, the applicant must submit any changes to information or drawings separately through the above application.

Comments Prepared by: Alana Zheng, Planner Zoning Examination

Appendix 3- TRCA

**Re: Minor Variance Application – A97.24 1150 Derry Road East
City of Mississauga, Region of Peel
Owner: 2863271 Ontario Inc. c/o Balbir Babra
Agent: Technoarch Inc. c/o Harpreet Bhons**

This letter acknowledges receipt of the subject application, received on January 29, 2024. Toronto and Region Conservation Authority (TRCA) staff have reviewed the application and the circulated materials listed in Appendix A to this letter in accordance with Ontario Regulation 686/21 and Ontario Regulation 166/06.

TRCA staff have reviewed the submission in accordance with Section 21.1(1) of the Conservation Authorities Act, which requires TRCA to provide programs and services related to the risk of 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) and conform to any natural hazard policies in a provincial plan.

We have also reviewed the application in accordance with Ontario Regulation 166/06. TRCA must 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 (Section 8 of TRCA's The Living City Policies) for implementation of the regulation.

Please also note that updates to the Conservation Authorities Act and Ontario Regulation 596/22, which came into effect on January 1, 2023, prevent TRCA from providing municipal programs and services related to reviewing and commenting on a proposal under the Planning Act, such as those services previously provided under plan review Memorandum of Understanding (MOU) with an upper or lower tier municipality. In conformity with Ontario Regulation 686/21 and Ontario Regulation 596/22, TRCA's review does not include comments pertaining to matters (e.g. natural heritage) outside of our core planning mandate and regulatory authority.

Purpose of the Application

TRCA staff understand that the purpose of Minor Variance Application assigned City File No. A97.24 is to allow the construction of a new building proposing:

1. A front yard setback of 5.70m (approx. 18.70ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.50m (approx. 24.61ft) in this instance; and,
2. A landscaped buffer of 4.10m (approx. 13.45ft) whereas By-law 0225-2007, as amended, requires a minimum landscaped buffer of 4.50m (approx. 14.76ft) in this instance.

It is our understanding that the requested variances are required to facilitate the development of a five-storey office building with a gross floor area of 5907.83 sq.m. (63568.3 sq.ft.) with a one floor underground parking garage. The proposed works also include the development of associated surface landscaping on the presently vacant lot.

Background

On March 2, 2022, TRCA provided comments on the Site Plan Application assigned SP-22-8-W5 (TRCA file no. CFN 66426.01) for the purpose of developing a five-storey office building with 1 floor underground parking and deemed the application premature until TRCA's Stormwater Management Criteria were addressed. Following the receipt of appropriate stormwater management design, TRCA staff provided Clearance via email (October 24, 2022) with no further objections to approval of SP 22-8 W5.

Following this clearance further revisions to the Site Plan occurred resulting in the lot line moving (East to West) by 1.8 m. The movement of the lot line reduced the landscape buffer that was available adjacent to the Natural Heritage System and reduced front yard.

Ontario Regulation 166/06:

Under the provisions of Section 28 of the Conservation Authorities Act, TRCA administers a Development, Interference with Wetlands and Alterations to Shorelines and Watercourses regulation (Ontario Regulation 166/06). A portion of the subject property is located within TRCA's Regulated Area of the Etobicoke Creek Watershed. Specifically, the subject land is located partially within TRCA's Regulated Area due to the proximity of the channel on the adjacent property to the west. As such, a TRCA permit pursuant to Ontario Regulation 166/06 is required from this Authority prior to the proposed development, site alteration or other development taking place on the Regulated Areas on the property.

Application Specific Comments

Based on our review, the proposed development will be located within TRCA's regulated portion of the site. As such a TRCA permit is required prior to development. However, the proposed developments including those in the (southwest) side yard are sufficiently setback from the centre line of the water course.

Recommendation

TRCA's staff have **no objection** to the above noted Minor Variance Application – A97.24 subject to:

1) Receiving a TRCA Permit and paying the applicable permit review fee of \$7,380 – Subdivision – Minor.

A TRCA permit pursuant to Ontario Regulation 166/06 may be required for any future works on the subject property.

Fee

TRCA staff thank the applicant for their prompt payment of the required planning review fee of \$1,250.00 received on January 15, 2024.

We thank you for the opportunity to review the Minor Variance Application and provide our comments. Should you have any additional questions or comments, please contact the undersigned.

Comments Prepared by: Marina Janakovic, Planner I

Appendix 4- Region of Peel

Minor Variance: A-24-097 / 1150 Derry Road East

Planning: Ayooluwa Ayoola (905) 791-7800 x8787

Comments:

- The subject land is in the regulated area of the Credit Valley Conservation Authority (CVC). We rely on the environmental expertise of the CVC for the review of development applications located within or adjacent to the regulated area in Peel and the impact of natural hazards on proposed development. We therefore request that the City staff consider comments from the CVC and incorporate their requirements appropriately. Final approval of this application requires all environmental concerns to be addressed to the satisfaction of the CVC.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner