

City of Mississauga Department Comments

Date Finalized: 2024-07-10	File(s): A311.24 Ward: 3
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-07-18 1:00:00 PM

Consolidated Recommendation

The City has no objection to variances 1, 2 & 3, however recommends that variance 4 be refused.

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 7.328m (approx. 24.043ft) 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 daycare whereas By-law 0225-2007, as amended, does not permit such a use in an E2 - Employment zone in this instance.

Amendments

The Building Department is processing Building Permit application BP 3NEW 24-789 & Zoning Certificate of Occupancy Permit C 24-2455. Based on review of the information available in this application, we advise that following amendment is required:

1. a front yard setback of the building of 7.33m (approx. 24.04ft) 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 front yard setback to the proposed canopy of 7.33m (approx. 24.04ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.50m (approx. 24.61ft) in this instance; and
3. an interior side yard of 7.485m (approx. 24.56 ft.) in the left interior side yard; whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 7.5m (approx. 24.61 ft) is required in this instance; and
4. the proposed use of a Daycare in an E2 zone; whereas By-law 0225-2007, as amended does not permit a proposed used for a Daycare in an E2 zone in this instance.

Background

Property Address: 4566 Tomken Rd

Mississauga Official Plan

Character Area: Northeast Employment Area (West)

Designation: Business Employment

Zoning By-law 0225-2007

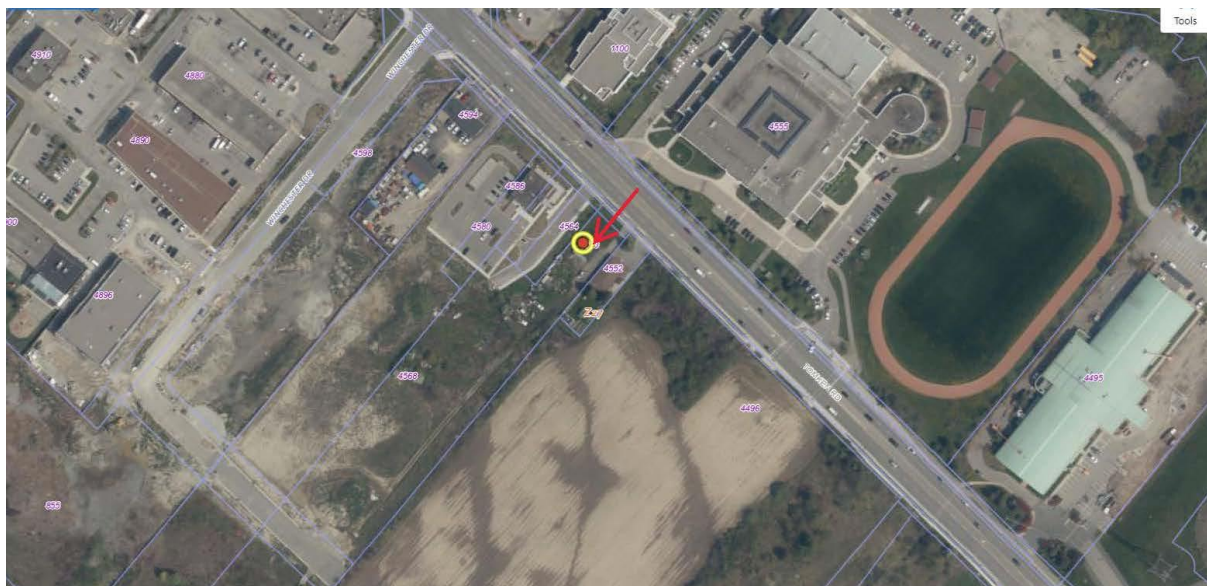
Zoning: E2 - Employment

Other Applications: BP 3NEW 24-789 & C 24-2455

Site and Area Context

The subject property is a vacant parcel of land located along the west side of Tomken Road, south-west of the Tomken Road and Eglinton Avenue East intersection in the Northeast Employment (West) Character Area. The surrounding area context includes a mix of commercial, employment and educational uses, as well as vacant lands. Lot sizes and built forms vary greatly in the immediate area.

The applicant is proposing to construct a new building requiring variances for the side yard and front yard setbacks as well as the use.



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 Area Character Area and is designated Business Employment in Schedule 10 of the Mississauga Official Plan (MOP). Section 9 of 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.

Variations 1, 2 & 3 request a reduction in the side and front yard setbacks to the proposed building and canopy. The intent of the front yard setback provision is to ensure a consistent character is maintained along the streetscape and that a sufficient front yard space is incorporated into the design. Staff are of the opinion that the reduced front yard setback is negligible, as it is consistent with the existing streetscape of Tomken Road and maintains sufficient space in the front of the property for landscaping. The intent of the side yard setback regulation 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 is negligible and will not negatively impact the abutting property and drainage patterns will be maintained.

Variance 4 requests a change of use to a daycare facility for the subject property. Section 2.1.9.4 of the zoning by-law set out regulations for day cares. Day care uses are permitted in multiple zoning categories, however Employment zones have been specifically excluded from the list of permitted zones.

Given the above, Planning staff are of the opinion that variations 1, 2 & 3, both individually and cumulatively, maintain the intent and purpose of the official plan and zoning by-law and contribute to orderly development of the subject property whose impacts to the streetscape and abutting properties will be minor in nature. Planning staff are of the opinion that variance 4 does not meet the four tests of a minor variance.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Transportation and Works has no objections to this request. This site has an active building permit BP 3NEW 24-789 and an approved Site Plan SP 23-17.





Comments Prepared by: Tony Iacobucci

Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application BP 3NEW 24-789 & Zoning Certificate of Occupancy Permit C 24-2455. Based on review of the information available in this application, we advise that following amendment is required:

1. a front yard setback of the building of 7.33m (approx. 24.04ft) 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 front yard setback to the proposed canopy of 7.33m (approx. 24.04ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.50m (approx. 24.61ft) in this instance; and
3. an interior side yard of 7.485m (approx. 24.56 ft.) in the left interior side yard; whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 7.5m (approx. 24.61 ft) is required in this instance; and
4. the proposed use of a Daycare in an E2 zone; whereas By-law 0225-2007, as amended does not permit a proposed used for a Daycare in an E2 zone in this instance.

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: Gary Gagnier, Zoning Examiner

Appendix 3 – Sun Pipeline

Sun-Canadian's pipelines are located in the Hydro Corridor approximately 240m from the properties described in this project notice. We have no concerns with the proposed variance requests. The recommended setback for any building that might be difficult to evacuate in an emergency (such as a daycare) is 200m.

Comments Prepared by: Wendy Sutherland, Crossing & Lands Coordinator

Appendix 4 – Region of Peel

Minor Variance: A-24-311M / 4566 Tomken Road

Planning: Petrele Francois (905) 791-7800 x3356

Comments:

- We acknowledge that the subject site is located within a Regional Employment Area, identified on Schedule E-4 of the Regional Official Plan (ROP), within a Provincially Significant Employment Zone (F-12) and the Tomken MTSA - which is required to be planned to achieve a minimum density of 80 person and job per hectare, as per Table 5 of the RPOP. Regional staff encourage the applicant to work with the City to address the appropriate mix of land uses, land use compatibility with nearby employment lands, and appropriate consideration to municipally initiated studies and recommendations that support the requirements of the policies found in s.5.6.19 as well as s.5.8 of the RPOP.
- The subject land is located within a Core Area of the Greenlands System in Peel as identified under policy 2.14.5 of the Regional Official Plan. The applicant must ensure Core Areas are not damaged or destroyed. If the Core Area is intentionally damaged or destroyed (ROP S.2.14).

Comments Prepared by: Petrele Francois, Junior Planner