

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2020-10-23	File(s): A339/20 Ward: 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-10-29

## Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the Applicant and area residents when assessing if the application, as requested, meets the requirements of Section 45(1) of the *Planning Act*. Should Committee see merit in the Application, Planning Staff would recommend the condition(s) below be imposed.

## Application Details

The Applicant requests the Committee to approve a minor variance to allow:

1. A temporary sales office on the subject lands currently zoned H-CC2(2); whereas, By-law 0225-2007, as amended; does not permit a temporary sales office within the H-CC2(2) zone, in this instance;
2. A portion of the proposed temporary sales office and a portion of the parking on a (future) road allowance (Burnhamthorpe Road and Webb Drive); whereas, By-law 0225-2007, as amended, requires all development to be located on site within the property lines, in this instance;
3. A maximum setback of 9.0m (approx. 29.5ft) from the Kariya Drive lot line, being outside of the maximum build-to area; whereas, By-law 225-2207, as amended, permits a maximum 7.6m (approx. 24.9ft) build-to setback from the Kariya Drive lot line, in this instance;
4. Non-compliance with Table 7.2.1., Lines 4A.1 through 4A.11 with regard to: glazing, pedestrian access through a main front entrance and vehicular access location on lots with 'A' and 'B' street frontages (Burnhamthorpe Road, Kariya Drive and Webb Drive); whereas, By-law 225-2007, as amended, requires all buildings with an 'A' or 'B' street frontage (Burnhamthorpe Road, Kariya Drive and Webb Drive) to have a percentage (65% and/or 50%) of the area of the first storey streetwall to be glazed, a pedestrian main front entrance on all 'A' street frontages (Burnhamthorpe Road and Webb Drive) and 'B' frontages (Webb Drive), and vehicular access from the 'B' street frontage (Webb Drive) where the building faces both 'A' street frontage (Burnhamthorpe Road and Kariya Drive) and 'B' street frontage (Webb), in this instance;
5. A minimum height of one storey; whereas, By-law 0225-2007, as amended, requires a minimum height of 3 storeys, in this instance; and,

6. A minimum floor area of 700m<sup>2</sup> (approx. 7,535sq.ft); whereas, By-law 0225-2007, as amended, requires a minimum gross floor area - apartment zone of 1.0 times the lot area (9,168 m<sup>2</sup> / approx. 98,684sq.ft), in this instance.

### **Amendments**

Due to the complexities associated with the H-CC2(2) zoning regulations, the Zoning Department is requesting the following amendments to ensure comprehensive compliance against the Zoning By-Law:

1. To permit a one storey sales office on lands currently zoned H-CC2(2); whereas, By-Law 0225-2007, as amended, does not permit a sales office on lands zoned H-CC2(2), in this instance;
2. To permit a one storey sales office on lands where the zoning designation is preceded by a Holding provision ('H'); whereas, By-law 0225-2007, as amended, does not permit the erection of buildings or structures on lands where the zoning designation is preceded by a Holding provision ('H'), in this instance; and,
3. To permit a one storey sales office on lands currently zoned H-CC2(2), to be erected not in accordance with Schedule CC2(2); whereas, By-Law 0225-2007, as amended, requires all buildings and structures to be built in accordance with Schedule CC2(2), in this instance.

### **Recommended Conditions and Terms**

Should Committee see merit in this Application, Planning Staff would recommend the following condition(s) be imposed:

1. A temporary approval period; and,
2. Approval be tied to the site plan provided (SITE PLAN: A100, IBI Group, April/2020)

Planning Staff note, Condition 2 is necessitated by the open-ended nature of the Zoning Department's amendments.

## **Background**

**Property Address:** 3672 Kariya Drive

### **Mississauga Official Plan**

Character Area: Downtown Core  
Designation: Mixed Use, Public Open Space

## Zoning By-law 0225-2007

**Zoning:** H-CC2(2) (City Centre)  
OS2 (Open Space)

## Other Applications:

Site Plan: 20-57

## Site and Area Context

The subject lands are a vacant parcel located upon the south-west corner of the Burnhamthorpe Road West and Kariya Drive intersection. The immediate neighbourhood is comprised of a variety of multi-storey office condominium structures, with the Square One shopping centre located directly north of the subject lands.

The subject property possess a lot area of +/- 11,127m<sup>2</sup> and a lot frontage of +/-91.0m



## Comments

### Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment the authority to grant relief from the requirements stipulated by the municipal Zoning By-law, provided that such applications meet the requirements set out under Section 45(1) and/or 45(2) (a) or (b) of the *Planning Act*.

Staff comments concerning the application of the four tests to this minor variance application are as follows:

The Applicant is proposing a temporary sales trailer in support of the redevelopment of the neighbouring 151 City Centre Drive lands. Planning Staff note, an associative minor variance application for the above-noted property was brought before Committee as part of the April 21st, 2016 agenda (Application 'A' 151/16) proposing the same use. This application received full support from Staff, and subsequent conditional approval from Committee.

Conditions of this approval were as follows:

- A temporary period of 5 (five) years (approval lapsing on April 30<sup>th</sup>, 2021);

This Department therefore has no objection to the Applicant's request.

For the sake of completeness, Planning Staff have included their original comments (Schedule 2) attached to this Report.

## Conclusion

The Planning and Building Department recommends that the Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the application meets the requirements of Section 45(1) of the Planning Act. Should Committee see merit in the Application, Planning Staff would recommend the identified condition(s) below be imposed.

Comments Prepared by: Roberto Vertolli, 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 temporary sales office will be addressed through Site Plan Application SPM 20-57.

Comments Prepared by: David Martin, Supervisor Development Engineering

### Appendix 2 – Zoning Comments

The Building Department is currently processing a Site Plan Approval application under file 20-57. Based upon review of this Application, Staff notes that the Minor Variance application should be amended as follows, permitting:

1. To permit a one storey sales office on lands currently zoned H-CC2(2); whereas, By-Law 0225-2007, as amended, does not permit a sales office on lands zoned H-CC2(2), in this instance;
2. To be removed;
3. To permit a one storey sales office on lands where the zoning designation is preceded by a Holding provision ('H'); whereas, By-law 0225-2007, as amended, does not permit the erection of buildings or structures on lands where the zoning designation is preceded by a Holding provision ('H'), in this instance;
4. To permit a one storey sales office on lands currently zoned H-CC2(2), to be erected not in accordance with Schedule CC2(2); whereas, By-Law 0225-2007, as amended, requires all buildings and structures to be built in accordance with Schedule CC2(2), in this instance;
5. To be removed; and,
6. To be removed.

Comments Prepared by: Marco Palmera, Zoning Examiner

### Appendix 5 – Region of Peel Comments

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

Region of Peel Site Servicing approvals are required prior to the Local Municipality issuing building permit. For more information and to submit the servicing submission, please contact our Site Servicing Technicians at [siteplanservicing@peelregion.ca](mailto:siteplanservicing@peelregion.ca).

Comments Prepared by: Diana Guida, Junior Planner

# City of Mississauga

Memorandum:

City Department and Agency Comments

## Schedule 2

Previous Comments – Planning Staff

## City of Mississauga

Planning and Building Department



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Date: April 19<sup>th</sup>, 2016

File: C of A – 'A' 151/16  
(Ward 7 – 3672 Kariya Drive)

Agenda: April 21<sup>st</sup>, 2016

New Item

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## Recommendation

The Planning and Building Department has no objection to the requested variance, however the applicant may wish to defer the application in order to provide additional information through the Building Permit application to ensure that all variances are accurately identified.

## Background

### Mississauga Official Plan

Character Area: Downtown Core  
Designation: Mixed Use, Public Open Space

### Zoning By-law 0225-2007

Zoning: H-CC2(2) (City Centre), OS2 (Open Space)

**Other Applications:**

Building Permit      File: 15-8218  
Site Plan Approval      File    Required

**Comments****Zoning**

The Planning and Building Department is currently processing a Building Permit application for the proposed sales office. Based on the review of the Building Permit application we advise that more information is required to verify the accuracy of the requested variance or determine whether additional variances will be required.

**Planning**

The request for a temporary sales office is required because it is not permitted to operate on a site other than the one where active building is occurring. The sales office will serve the next phases of development on the adjacent sites and be removed during the final phase on this parcel. Based on conversations with the applicant it is expected that the sales office will be located here for approximately 5 – 7 years during all phases of construction. A temporary sales office is permitted on a site where active construction is ongoing, and given that the adjacent lands all form part of the same phased development, it is our opinion that the intent of the Zoning By-law is maintained if the sales office is permitted in this location.

Based on the preceding information, the Planning and Building Department has no objection to the requested variance, however the applicant may wish to defer the application in order to provide additional information through the Building Permit application to ensure that all variances are accurately identified. Further, if the Committee sees merit in the application they may wish to impose a temporary time limit on the approval, in accordance with the applicants proposed timelines.