

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2025-03-20	File(s): A47.25
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:3/27/2025 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application, subject to the amendments.

Application Details

The applicant requests the Committee to approve a minor variance proposing an area for accessory use of the total gross floor area – non-residential of 29.70% in an Office Zone whereas By-law 0225-2007, as amended, permits a maximum area for accessory use of the total gross floor area – non-residential of 20.00% in an Office Zone in this instance.

Amendments

The Building Department is processing Building Permit application C 25-5702. Based on review of the information available in this application, we advise that the amendments are required:

The applicant requests the Committee to approve a minor variance proposing an area for accessory use of the total gross floor area – non-residential of 34.78% in an Office Zone whereas By-law 0225-2007, as amended, permits a maximum area for accessory use of the total gross floor area – non-residential of 20.00% in an Office Zone in this instance.

Add Variance 2: A proposed outdoor play area in the O1 zone, whereas By-law 0225-2007, as amended, does not allow uses to be located outside a building, structure or part thereof in the Office zones in this instance.

Background

Property Address: 2444 Hurontario St, Units 2B & 3

Mississauga Official Plan

Character Area: Downtown Hospital
Designation: Office

Zoning By-law 0225-2007

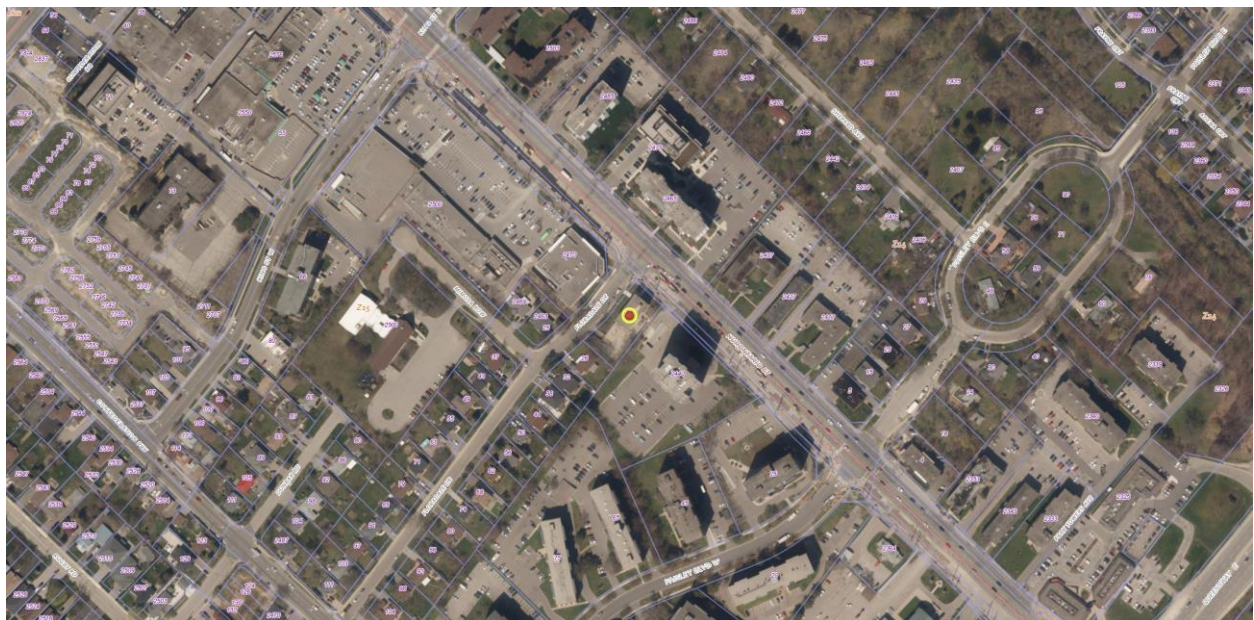
Zoning: O1-Office

Other Applications: C 25-5702

Site and Area Context

The subject property is located along the west side of Hurontario Street, south of the Hurontario Street and Dundas Street West intersection in the Downtown Hospital Character Area. It is a corner lot containing a four-storey office building with an associated two-level parking structure, providing parking above and below grade. Limited landscaping and vegetative elements are present throughout the subject property. The surrounding area context includes a variety of uses such as low and high density residential, commercial and office.

The applicant proposes an increase in the accessory day care space requiring a variance for accessory use gross floor area.



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 Downtown Hospital Character Area and is designated Office in Schedule 10 of the Mississauga Official Plan (MOP).

Variance 1 proposes an increase in gross floor area dedicated to an accessory use that support the principle use of the property. The subject property is zoned O1 (Minor Office) under Zoning By-law 0225-2007, which permits an accessory day care as of right in Office zones. Regulation 5.1.2.2 permits a maximum of 20% of the total gross floor area – non residential of each building used for a permitted use contained in Subsection 5.2.1 of the by-law, shall be used for uses accessory to a permitted use.

Planning staff note the regulations provided in Article 5.1.2.2 concerning accessory uses are meant to bolster the vision of the MOP to ensure permitted office and commercial uses, as per Table 5.2.1 of the by-law, are considered the primary use in the Office zone. The intent of this application is to implement a day care use on the third floor and partially on the fourth floor of the office building, totalling 34.78% of the total non-residential gross floor area. Staff note an existing medical office exists on the first floor. With the implementation of the day care use on the third and fourth floor, it results in an accessory use that is clearly subordinate to the size and function of the primary use and will positively compliment the function of the existing office building. The proposed day care will have no impacts to the streetscape or surrounding context, and will have no direct external access from the ground level. Staff also note that based on the surrounding area and uses, the proposed increase in non-residential gross floor area of the accessory use is appropriate and does not create a situation of conflicting land uses.

Variance 2 requests an outdoor play area whereas the by-law does not permit uses to be located outside a building in Office zones. The applicant has indicated the outdoor component of the day care use will provide recreation opportunities for children under the care of the operator and is typical and required function of the day care use. Staff note the proposed outdoor play areas are internal to the site and would not be visible from Hurontario Street or Floradale Drive. The lack of visibility for the outdoor play area further creates an image of the day care use being accessory to the primary office use. Staff are satisfied that the portion of the day care use located outdoors through the proposed outdoor play areas will have limited impacts to abutting properties, no impacts to the streetscape or surrounding area and will not negatively impact the functionality of the site for office and commercial uses.

Planning staff are therefore of the opinion that the proposal maintains the general intent and purpose of both the official plan and zoning by-law. The variances result in appropriate development of the lands with any potential impacts being minor in nature.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committee's ease of reference are photos depicting the subject property.





Comments Prepared by: Tony Iacobucci, Development Engineering

Appendix 2 – Zoning Comments

The Building Department is processing Building Permit application C 25-5702. Based on review of the information available in this application, we advise that the amendments are required:

The applicant requests the Committee to approve a minor variance proposing an area for accessory use of the total gross floor area – non-residential of 29.70% in an Office Zone whereas By-law 0225-2007, as amended, permits a maximum area for accessory use of the total gross floor area – non-residential of 20.00% in an Office Zone in this instance.

Add Variance 2: A proposed outdoor play area in the O1 zone, whereas By-law 0225-2007, as amended, does not allow uses to be located outside a building, structure or part thereof in the Office zones 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: Minan Song, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

Forestry Comments

The Forestry Section of the Community Services Department has reviewed the above noted minor variance application and advises as follows:

1. No public trees shall be injured or removed. If public tree injury or removal is required, a permit must be issued as per By-law 0020-2022.
2. No private trees shall be injured or removed. If a private tree with a diameter of 15 centimetres or greater on private property is to be injured or destroyed, a permit must be issued as per By-law 0021-2022.
3. Please note if a tree is identified as a shared tree with the adjacent property owner, and the applicant intends to apply for a Tree Removal Permit, written consent must be obtained by both parties.

An Application to Permit the Injury or Destruction of Trees on Public and Private Property can be found at <https://www.mississauga.ca/publication/application-to-permit-the-injury-or-destruction-of-trees-on-public-and-private-property/>.

Should further information be required, please contact Jamie Meston, Landscape Technician, Forestry Section, Community Services Department at 905-615-3200 ext. 4264 or via email jamie.meston@mississauga.ca.

Comments Prepared by: Jamie Meston, Landscape Technician

Appendix 4 – Region of Peel Comments

We have no comments or objections.

Comments Prepared by: Petrele Francois, Junior Planner

Appendix 5 – Metrolinx

The subject property is located within 60 m of the Metrolinx's Hurontario LRT and within the Municipal Consent and Roadway Coordination review zone of Metrolinx's Hurontario LRT.

HuLRT – ADVISORY COMMENTS

- The proximity of the proposed development lands municipally described as “2444 Hurontario Street” (the “**Development**”), to the Metrolinx “Hazel McCallion LRT Corridor” LRT works, and “Dundas ” and “Queensway” Stop infrastructure, may result in noise, vibration, electromagnetic interference, stray current, smoke and particulate matter, transmissions (collectively referred to as “**Interferences**”) to the Development;
- It has been advised by Metrolinx to apply reasonable attenuation/mitigation measures with respect to the level of the Interferences on and in the Development;
- A Metrolinx Interferences Warning clause, as provided below and satisfactory to Metrolinx has been, or shall be inserted into all rental agreement(s), and/or offers of purchase and sale or lease and condominium declaration(s) for individual lots, blocks or units of the Development:
 - *“The Purchaser and/or Lessee acknowledges and agrees that the proximity of the lands municipally described as “2444 Hurontario Street” (the “Development”) to Metrolinx transit operations may result in noise, vibration, electromagnetic interference, stray current, smoke and particulate matter, transmissions (collectively referred to as “interferences”) to the Development and despite the inclusion of control features within the Development, Interferences from transit operations may continue to be of concern, occasionally interfering with some activities of the occupants in the Development. The Purchaser and/or Lessee acknowledge and agree that an electromagnetic, stray current and noise-warning clause similar to the one contained herein shall be inserted into any succeeding lease, sublease or sales agreement, and that this requirement shall be binding not only on the parties hereto but also their respective successors and assigns and shall not die with the closing of the transaction.”*

The applicant should be advised that Metrolinx and its contractors will be utilizing the Hurontario Street right-of-way, and its intersections, during the project's Construction Period. Based on the location of the subject property, there is potential for construction coordination and traffic staging conflicts.

- Should construction of the Hazel McCallion LRT and the proposed development occur simultaneously, Metrolinx will require the developer to submit schedule or staging plans to coordinate access to both parties.

Should you have any questions or concerns, please contact jenna.auger@metrolinx.com.

Comments Prepared by: Jenna Auger, Third Party Project Review