

City of Mississauga Department Comments

Date Finalized: 2024-03-28	File(s): A136.24
To: Committee of Adjustment	Ward: 6
From: Committee of Adjustment Coordinator	Meeting date:2024-04-04 3:30:00 PM

Consolidated Recommendation

The City recommends the application be deferred to submit the required documentation.

Application Details

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

1. 20 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 25 parking spaces in this instance; and,
2. A building height of 13.00m (approx. 42.65ft) whereas By-law 0225-2007, as amended, permits a maximum building height of 11.50m (approx. 37.73ft) in this instance.

Background

Property Address: 1760 Bristol Road West

Mississauga Official Plan

Character Area: **East Credit Neighbourhood**
Designation: **Residential Low Density I**

Zoning By-law 0225-2007

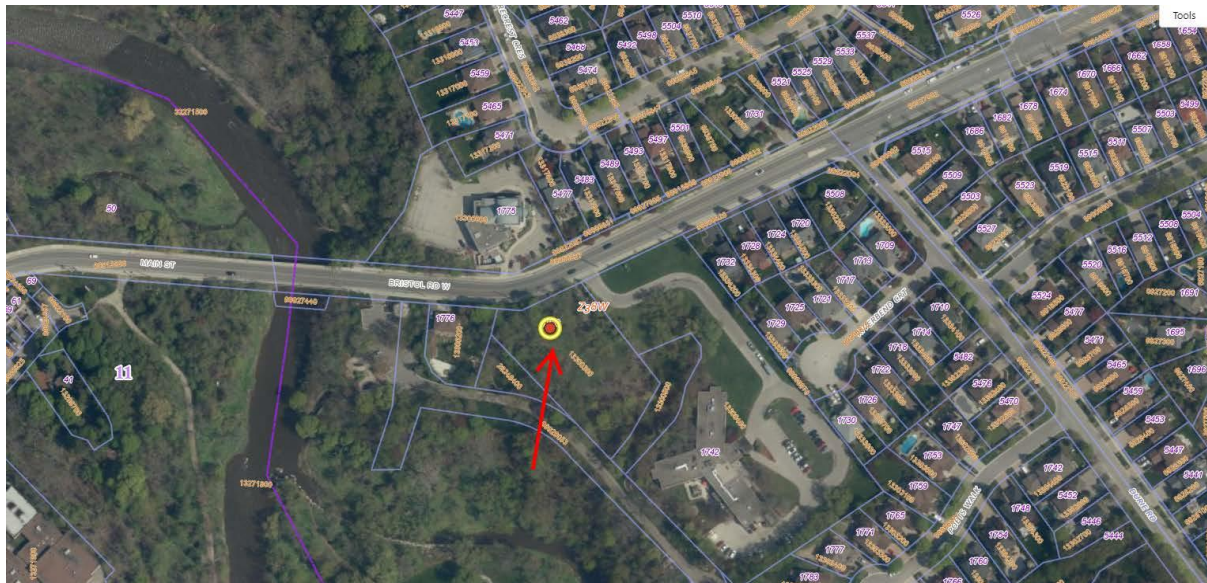
Zoning: R1- Residential

Other Applications: SP 19-141

Site and Area Context

The subject property is located on Bristol Road West, east of where the road crosses over the Credit River. It has a lot area of +/- 4,569.38m² (49,184.40ft²) and is currently vacant and undeveloped with the exception of a small driveway. The surrounding area contains a mix of uses including low rise residential, a nursing home, a church, and parkland.

The applicant is proposing a new daycare on the subject property requiring variances for setback to a parking area, landscape buffer, and front yard setback.



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 East Credit Neighbourhood Character Area and is designated Residential Low Density I 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.

Variance 1 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' 136.24, 1760 Bristol Road West, the applicant requests the Committee to approve a minor variance to allow reduced parking for the subject property and proposes:

20 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 25 parking spaces in this instance.

Per the materials provided by the applicant, the subject site is currently vacant. A Day Care facility with a non-residential Gross Floor Area (GFA) of 997 square meters is being proposed. The subject site is located within R1 Zoning Area, Parking Precinct 4.

Per Section 3.1.2.2 of Mississauga Zoning By-law, Day Care uses located in Parking Precinct 4 require a minimum of 2.5 parking spaces per 100 square meters of non-residential GFA. Therefore, with a non-residential GFA of 997 square meters, a minimum of 25 parking spaces are required. As such, 25 parking spaces are required whereas 20 parking spaces can be accommodated, which generates a parking deficiency of 5 spaces or 20%.

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

The applicant submitted a Transportation Letter dated February 5, 2024, prepared by Crozier Consulting Engineers. The letter suggests that the parking deficiency can be addressed by sharing 5 parking spaces at the adjacent Streetsville Public Cemetery parking lot at 1786 Bristol Road West. As the public cemetery is managed by the City of Mississauga, staff from Parks, Forestry and Environment Division at Community Services Department confirmed that no prior communication or request regarding shared usage of parking spaces at the cemetery has been received from the applicant. Community Services staff advise that parking spaces at municipally managed cemeteries are exclusively reserved for funeral services and visitors to the cemeteries. Conclusively, a satisfactory Parking Utilization Study is required to be submitted to justify the requested parking reduction. The applicant should refer to the City's Parking Study Terms of Reference for parking justification requirements to be included with a formal submission.

Zoning staff have advised that the accuracy of the requested variance can not be verified.

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

Variance 2 requests an increase in the height of the building which is currently under review by the City's development planning team. The requested variance represents a minor change that has already been reviewed in consultation with municipal staff and does not fundamentally change the intended design or functionality of the site. Staff are satisfied that the increase in height is negligible and are of the opinion the proposal maintains the general intent and purpose of the zoning by-law.

While Planning staff have no concerns with the proposed building height, staff are in agreement with the comments from Municipal Parking staff and recommend deferral at this time to allow the applicant time to complete the required parking justification study.

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 are being addressed through the Site Plan Application process, File SP-19/141 W6.

Comments Prepared by: Tony Iacobucci, T&W Development Engineering





Appendix 2 – Zoning Comments

We note that a Building Permit is required. In the absence of a Building Permit we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed.

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

Comments Prepared by: Minan Song, Planner in Training

Appendix 3 – Parks, Forestry & Environment Comments

The Parks and Culture Planning Section of the Community Services Department has no objections to the above noted minor variance application and advises as follows:

The lands adjacent to the property are owned by the City of Mississauga, identified as Streetsville Public Cemetery (P-414), and zoned OS3-4 – Open Space – Cemetery.

The property is also adjacent to lands owned by the City of Mississauga, identified as Not to Be Named (P-303) *(SW of Poets Walk and Durie Rd), classified as a Significant Natural Area within the City's Natural Heritage System, and zoned G1. Section 6.3.24 of the Mississauga Official Plan states that the Natural Heritage System will be protected, enhanced, restored and expanded through the following measure(s):

- a) Ensuring that development in or adjacent to the Natural Heritage System protects and maintains the natural heritage features and their ecological functions through such means as tree preservation, appropriate location of building envelopes, grading, landscaping...

Should the application be approved, Community Services provides the following notes:

1. Given that the property is subject to a development application, SP 19 141, all of Community Services' comments and/or requirements are being addressed through the development application.
2. Construction access from the adjacent park/greenlands is not permitted.
3. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
4. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.
5. No public trees shall be injured or removed. If public tree removal is required, a permit must be issued as per By-law 0020-2022.
6. 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.
7. Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, c.P. 13, as amended) and in accordance with the City's policies and by-laws.

Should further information be required, please contact Nicholas Rocchetti, Planner in Training - Park Assets, Community Services Department at 905-615-3200 ext. 4659 or via email Nicholas.Rocchetti@mississauga.ca.

Comments Prepared by: Nicholas Rocchetti, Planner in Training

Appendix 4 – CVC Comments

CVC staff were circulated the above noted Minor Variance application for 1760 Bristol Road West in Mississauga. Please see our comments below.

CVC Regulated Area

The subject property is regulated due valley slope associated with the Credit River. As such, the property is subject to the Development, Interference with Wetlands, and Alterations to Shorelines & Watercourses Regulation (Ontario Regulation 160/06; Ontario Regulation 42/24 after April 1st). This regulation prohibits altering a watercourse, wetland or shoreline and prohibits development in areas adjacent to the Lake Ontario shoreline, river and stream valleys, hazardous lands and wetlands, without the prior written approval of CVC (i.e. the issuance of a permit).

Proposal

It is our understanding that the applicant is requesting the Committee to approve a minor variance to allow:

- 20 parking spaces, whereas By-law 0225-2007, as amended, requires a minimum of 25 parking spaces in this instance; and,
- A building height of 13.00m (approx. 42.65 ft), whereas By-law 0225-2007, as amended, permits a maximum building height of 11.50m (approx. 37.73 ft) in this instance.

CVC Comments

CVC staff have reviewed the provided information and have **no concerns** with the requested variances. CVC staff are currently reviewing the Site Plan application (SP 19/141) for the proposed development, and any outstanding concerns will be addressed through the Site Plan application process. As such, CVC staff have **no objection** to the approval of this minor variance by the Committee at this time.

As noted above, a CVC permit will be required prior to any development proposed in the Regulated Area. We will continue to comment on CVC requirements through the site plan process.

Comments Prepared by: Trisha Hughes, Acting Senior Planner

Appendix 5 – Region of Peel

Minor Variance: A-24-136M / 1760 Bristol Rd West

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.
- 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. Development and site alteration are prohibited in Core Areas of the Greenlands System (ROP 2.14.15), which is subject to policy 2.14.16. The applicant must ensure Core Areas are not damaged or destroyed. If the Core Area is intentionally damaged or destroyed, the Region or City will require replacement or restoration of the ecological features, functions and/or landforms as a condition of development approval (ROP 2.14.17).

Comments Prepared by: Ayooluwa Ayoola, Planner