

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-02-24	File(s): A64.21 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-03-04 1:00 PM

Consolidated Recommendation

The City has no objection to the variance, as amended. The Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Application Details

The applicant requests the Committee to allow the construction of an addition proposing a side yard of 3.40m (approx. 11.15ft) whereas By-law 0225-2007, as amended, requires a minimum side yard of 4.50m (approx. 14.76ft) in this instance.

Amendments

While Planning Staff are not in a position to provide an interpretation of the Zoning By-law; it appears that the proposed variance should be amended as follows:

- to allow the construction of an addition proposing a side yard of 3.06m whereas By-law 0225-2007, as amended, requires a minimum side yard of 4.50m in this instance.

Staff also note that an additional variance be added:

- an addition proposing a reduced landscape buffer of 3.06 whereas Bylaw0225-2007, as amended, requires a minimum landscape buffer of 4.50m.

Background

Property Address: 385 Traders Boulevard East

Mississauga Official Plan

Character Area: Gateway Employment Area (East)

Designation: Business Employment

Zoning By-law 0225-2007

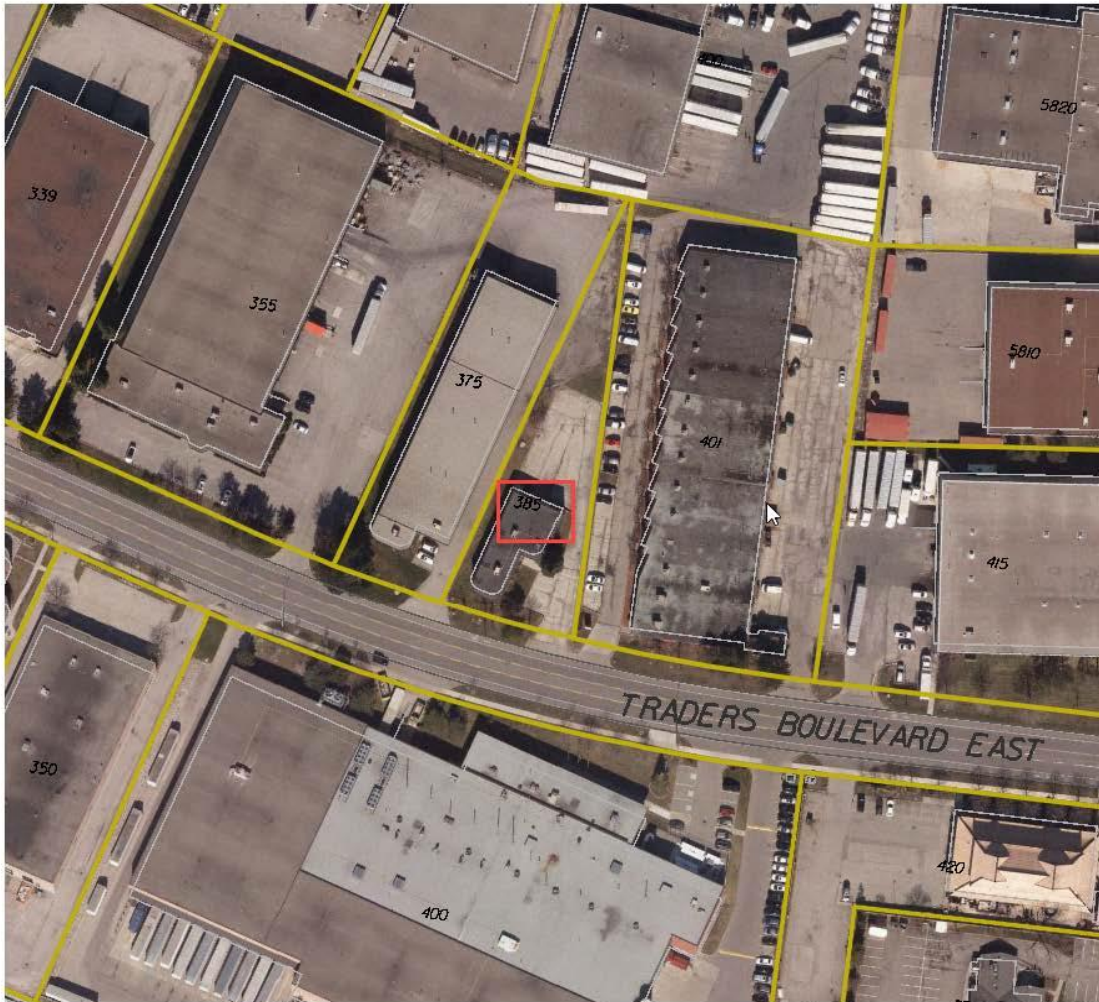
Zoning: E2 - Employment

Other Applications: None

Site and Area Context

The subject property is located north-west of the Traders Boulevard East and Kennedy Road South intersection. The property is an interior parcel with a lot area of +/- 2,485.63m² and a lot frontage of +/- 38.37m. The property currently houses a one-storey building with minimal vegetation surrounding the structure and along the periphery of the parking lot. From a land-use perspective, the immediate neighbourhood consists of a mixture of employment uses including a factory outlet, culinary school and packaging supply store with minimal vegetation and landscape elements along the periphery of each parcel. The properties within the immediate area possess lot frontages of +/-55.0m with minimal vegetation and landscape elements at the periphery of each parcel.

The applicant is proposing an addition that requires a variance for side 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:

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

The site is located within the Gateway Employment Character Area, and is designated Business Employment by the Mississauga Official Plan (MOP). Pursuant to Section 11.2.11 Business Employment, the MOP permits warehousing in this designation. As such, the proposed warehouse facility maintains the purpose and general intent of the Official Plan.

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

The general intent of this portion of the by-law is to ensure that an adequate buffer exists between the massing of primary structures and adjoining properties, and that access around the building ultimately remains unencumbered. The applicant has proposed a second storey addition that cantilevers over the first floor. The proposed addition requires a 3.06m side yard setback whereas 4.50m is required. The proposed reduced setback provides an adequate buffer between the properties and does not hinder any drainage necessities, as the cantilevered addition will be situation on pillars.

While Planning Staff are not in a position to provide an interpretation of the Zoning By-law; it appears that the proposed variance should be amended as follows:

- to allow the construction of an addition proposing a side yard of 3.06m whereas By-law 0225-2007, as amended, requires a minimum side yard of 4.50m in this instance.

And an additional variance be added:

- an addition proposing a reduced landscape buffer of 3.06m whereas By-law 0225-2007, as amended, requires a minimum landscape buffer of 4.50m.

This department has no objection to the additional variance should the applicant wish to proceed with it however Planning Staff note that in the in the absence of any permit application, the Building Department is unable to confirm the accuracy of the information provided, or

determine whether additional variance(s) may be required. It should be noted that a full zoning review has not been completed.

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

The proposed side yard setback poses an insignificant impact to the neighbouring property and will pose no drainage concerns. Planning Staff are of the opinion that variance, as amended represents the orderly development of the lands, and is minor in nature.

Conclusion

The City has no objection to the variance, as amended. The Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Comments Prepared by: Brooke Herczeg RPP, 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 addition will be addressed through the Building Permit process.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is not in receipt of any permit applications at this time and the applicant is advised that a zoning review has not been completed. We are unable to confirm the accuracy of the requested variance(s) or determine whether additional variance(s) may be required.

The applicant is advised that a completed zoning review may identify additional instances of zoning non-compliance. The applicant may consider applying for a preliminary zoning review application and submit working drawings for a detailed zoning review to be completed. A minimum of 6-8 weeks will be required to process a preliminary zoning review application depending on the complexity of the proposal and the detail of the information submitted.

Comments Prepared by: Brandon Eidner, Zoning Examiner

Appendix 5 – Region of Peel Comments

We have no comments or objections to the following applications:

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Minor Variance Applications: A-30/21, A-54/21, A-56/21, A-57/21, A-59/21, A-60/21, A-62/21, A-64/21, A-66/21.

Comments Prepared by: Diana Guida, Junior Planner