

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-04-07	File(s): A96.21 Ward: 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-04-15 1:00 PM

Consolidated Recommendation

The City has no objection to the temporary approval of this application.

Application Details

The applicant requests the Committee to approve a minor variance to allow a motor vehicle repair facility/mechanical repair shop within unit 6 of the subject property whereas By-law 0225-2007, as amended, does not permit such a use in this instance.

Amendments

While Planning Staff are not in a position to provide an interpretation of the Zoning By-law; Staff would note this application is a continuation of a previously approved committee of adjustment file; the variance should be amended as follows;

- The applicant requests the Committee to approve a minor variance to allow a motor vehicle repair facility/mechanical repair shop within unit 6 of the subject property whereas By-law 0225-2007, as amended, does not permit such a use in this instance.

Recommended Conditions and Terms

To ensure the future redevelopment of the subject property is in accordance with the Official Plan, Planning Staff recommend that approval be granted on a temporary basis of five years.

Background

Property Address: 66 Thomas Street

Mississauga Official Plan

Character Area: Streetsville Community Node
Designation: Greenlands & Residential Medium Density

Zoning By-law 0225-2007

Zoning: G1 - Greenlands & D - Development

**Other Applications: A369/10
A432/15**

Site and Area Context

The subject property is located at the north-east corner of the Thomas St and Joymar Dr intersection. The subject property is an exterior parcel, with a lot area of +/- 25, 536m² and a lot frontage of +/- 106.0m. The subject property currently houses a multi-tenant industrial building that abuts Mullet Creek and possess little to no vegetation on the property. From a land-use perspective, the immediate neighbourhood is a mixture of employment uses including a retail store, restaurants and a self-storage centre. In addition to the employment uses, there is an apartment complex with minimal vegetation and landscape elements located along the periphery of each parcel. The properties within the immediate area possess lot frontages of +/- 37.0m.

The applicant's temporary variance to allow the existing motor vehicle repair facility – restricted use has expired requiring a variance to permit 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:

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

The site is located within the Streetsville Community Node Character Area, and is designated Greenlands and Residential Medium Density by the Mississauga Official Plan (MOP). Pursuant to Section 11.2.3 (Greenlands) and Section 11.2.5 (Residential) these designations do not permit a motor vehicle body repair facility; as such does not meet the purpose and general intent of the Official Plan.

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

In November 2006, the Planning and Building Department undertook the Streetsville District Plan Review, which resulted in the re-designation of the area, including the subject property, from "Business Employment" to "Residential Medium Density". The re-designation was intended to be a catalyst for the gradual evolution of the area to one that was more residential in

character. The subsequent Zoning By-law 0225-2007 rezoned the area to "D", Development, which permitted the existing uses remain while prohibiting any different uses on the property before proceeding through a rezoning application. The plaza, within which the unit is located, continues to accommodate many of the uses that were operating prior to the Streetsville District Plan Review. The Planning and Building Department acknowledges that the evolution of this area will take a number of years. Without the benefit of a comprehensive plan for the redevelopment of the area, it is uncertain as to when or how the area will redevelop. Accordingly, this Department does not have any concerns with the requested variance provided the approval is conditional upon it being approved for a temporary period.

The requested variance is a continuation of A432/15 and A369/10 which were previously approved by the committee. Although the subject property is zoned Development & Greenlands, the industrial plaza has existed on site for a number of years with uses similar to those in adjacent units. Additionally the CVC does not have any concerns with the requested variance. It is staff's opinion that the continued use of the motor vehicle repair facility - restricted will not have any negative impacts on future development of the property or on any of the sensitive greenbelt lands.

To ensure the future redevelopment of the subject property is in accordance with the Official Plan, Planning Staff recommend that approval be granted on a temporary basis of five years.

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

The application is a continuation of previously approved applications in which nothing has changed. Considering the preceding information, the Planning and Building Department is of the opinion that the proposal can be supported on a temporary basis of five years. The variance, as requested, results in both the orderly development of the lands, and whose impacts are minor in nature.

Conclusion

The Planning and Building Department has no objection to the variances, as amended, subject to the identified condition.

Comments Prepared by: Brooke Herczeg RPP, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committee's easy reference is a photo of the subject property.



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

Minor Variance Application: A-96/21

Development Planning: Diana Guida (905) 791-7800 x8243

Please be advised that a portion of the subject property is located within the limits of the regulated area of the Credit Valley Conservation (CVC).

The Region relies on the environmental expertise of the CVC for the review of development applications located within or adjacent to this regulated area in Peel and their potential impacts on the natural environment. Regional Planning staff therefore, request that the Committee and city staff consider comments from the CVC and incorporate their conditions of approval appropriately.

Comments Prepared by: Diana Guida, Junior Planner

Appendix 6- Conservation Authority Comments

Credit Valley Conservation (CVC) staff have reviewed the subject application and offer comments based on the following roles and responsibilities:

1. Watershed Based Resource Management Agency and Public (commenting) Body under the *Planning Act* - providing comments based on CVC's Board approved policies;
2. Planning Advisory Services - providing environmental planning and technical advice/comments based on service agreements or memorandum of understanding;
3. Delegated Responsibilities – providing comments representing the provincial interest regarding natural hazards (except forest fires) as identified in Section 3.1 of the *Provincial Policy Statement (2020)*;
4. Regulatory Responsibilities – providing comments to ensure the coordination of requirements under the *Conservation Authorities Act Section 28 regulation*, to eliminate unnecessary delay or duplication in process;
5. Source Protection Agency – providing advisory comments to assist with the implementation of the *CTC Source Protection Plan* under the *Clean Water Act*, as applicable.

SITE CHARACTERISTICS:

The subject property is within the floodplain associate with Mullet Creek and adjacent to to the valleylands associated with the creek. In addition, the subject property is also adjacent lands that

are part of the Mississauga Natural Areas Survey. It is the policy of CVC and the Province of Ontario to conserve and protect the significant physical, hydrological and biological features associated with the functions of the above noted characteristics and to recommend that no development be permitted which would adversely affect the natural features or ecological functions of these areas.

ONTARIO REGULATION 160/06:

A portion of the site is subject to the Development, Interference with Wetlands, and Alterations to Shorelines & Watercourses Regulation (Ontario Regulation 160/06). 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 applicants request the Committee to approve a minor variance to allow a motor vehicle repair facility/mechanical repair shop within unit 6 of the subject property whereas By-law 0225-2007, as amended, does not permit such a use in this instance.

COMMENTS:

CVC staff have reviewed the provided information and have **no concerns** with the requested variance. As such, CVC staff have **no objection** to the approval of this minor variance by the Committee at this time.

Please circulate CVC any future correspondence regarding this application.

I trust that these comments are sufficient. Please do not hesitate to contact the undersigned at maricris.marin@cv.ca should you have any further questions or concerns.

Comments Prepared by: Maricris Marinas, Senior Planner