

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-04-21	File(s): A362.19 Ward: 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-04-29 1:00PM

Consolidated Recommendation

The City recommends that the application be refused.

Application Details

The applicant requests the Committee to approve a minor variance to allow a landscape contractor's yard whereas By-law 0225-2007, as amended, does not permit such a use in this instance.

Background

Property Address: 16 James Street & 2 William Street

Mississauga Official Plan

Character Area: Streetsville Community Node
Designation: Residential Medium Density

Zoning By-law 0225-2007

Zoning: D - Development

Other Applications: None

Site and Area Context

The subject property is located south-west of the Britannia Road West and Queen Street South intersection. The subject property is an exterior parcel with a lot area of +/- 3,844.51m² and a lot frontage of +/- 33.96m. The subject property currently houses a multi-tenant industrial building

that abuts the railway tracks and possess little to no vegetation on the property. From a land-use perspective, the immediate neighbourhood consists primarily residential townhouses and detached dwellings with other industrial uses present; including a truck trailer and car repair and car dealership, with minimal vegetation and landscape elements located along the periphery of each parcel. The properties within the immediate area possess lot frontages of +/- 13.0m.

The existing contractor's yard requires a variance to permit the use in this zone.



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 Sections 11.2.3 (Greenlands) and 11.2.5 (Residential), the proposed contractor's yard use is not permitted; therefore the proposed does not meet the general intent or purpose of the Official Plan, in this instance.

This application was brought before the Committee on September 19th, 2019, and November 28, 2019 under application 'A' 362/19. At this time Committee deferred the application to allow the Applicant the opportunity to meet with adjoining landowners to address noise and usage concerns, as well as ultimately to redesign the site to incorporate noise and visual mitigation measures. This redesign remains outstanding.

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

As per Zoning By-law 0225-2007, the subject property is zoned D (Development). Pursuant to Table 12.3.2(3.0) (D Zone Permitted Uses and Zone Regulations), only existing legal uses are permitted within this zone. The intent of this portion of the By-law is to both recognize, and give legal rights to, an existing previously permitted land use which the municipality acknowledges is not in line with the future vision of the City. The Zoning Department has determined that the legal use of the site in-question is a public garage; including wholesale and retail of motor vehicles, with no outdoor storage. The Applicant's proposal of a contractor's yard, within a D zone, does not meet the general purpose or intent of the Zoning By-law.

Further, the nature of the D zone and its associated limitations, is to ensure that any future development is only permitted through a comprehensive review undertaken by all appropriate municipal departments (Zoning By-law Amendment), and, subsequently approved through a Council decision. As part of this review process, both the appropriateness of the proposal, as well as any suitable mitigation measures are determined; thus ensuring the public interest is maintained and that future development is not at the expense of the surrounding community. Planning Staff note, that a contractor's yard, similar to the proposal being requested, is typically only permitted within an E3 (Industrial) zone due to its intense and obnoxious use (sound, dust, etc.), and would not be permitted directly adjacent to a Residential and/or Commercial zone, as

is the case here. Furthermore the site's usage as snow removal operation has resulted in similar noise concerns over the winter months with heavy machinery being utilized in the early morning hours to the detriment of the adjoining land owners.

This Department notes that both a Certificate of Occupancy application as well as a Site Plan Approval application is required. In the absence of either of these applications, this 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.

Should the Committee choose to approve this application, they should also apply development standards – as the D zone contains no development standards at all. Typically this type of use would be subject to standards relating to setbacks, landscaping, screening etc.

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

The proposed contractor's yard does not maintain the general intent and purpose of the official plan or the zoning by-law; it does not represent the orderly development of the lands, and is not minor in nature.

Conclusion

Based upon the preceding information, it is the opinion of Staff that the variance, as requested, does not meet criteria established by Section 45(1) of the Planning Act. To this end, the Planning and Building Department recommends that the application be refused.

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

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committees information are some recent photos depicting 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

We have no comments or objections.

Comments Prepared by: Diana Guida, Junior Planner