

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-08-18	File(s): A316.21 Ward 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-08-26 1:00:00 PM

## Consolidated Recommendation

The City recommends that the application be refused.

## Application Details

The applicant requests the Committee to approve a minor variance to allow outdoor storage on the subject property proposing:

1. An outdoor storage area that exceeds 5% of the lot area and 10% of the GFA of the building whereas By-law 0225-2007, as amended, does not permit an outdoor storage area that exceeds 5% of the lot area and 10% of the GFA of the building in this instance;
2. Outdoor storage closer to the street line than any portion of the building or structure whereas By-law 0225-2007, as amended, does not permit outdoor storage closer to the street line than any portion of the building or structure in this instance;
3. Outdoor storage in a front yard whereas By-law 0225-2007, as amended, does not permit outdoor storage in a front yard in this instance; and
4. An outdoor storage area with a minimum fence height of 1.2m (approx. 3.94ft) whereas By-law 0225-2007, as amended, requires a minimum fence height of 2.4m (approx. 7.78ft) around the perimeter of the area used for outdoor storage in this instance.

### Amendments

"[Enter amendments to variances]"

### Recommended Conditions and Terms

"[Enter terms and conditions here]"

## Background

**Property Address:** 1191 Eglinton Avenue East

**Mississauga Official Plan**

Character Area: Northeast Employment Area

Designation: Business Employment & Mixed Use

**Zoning By-law 0225-2007**

**Zoning:** E2-19 - Employment & C3-1 - Commercial

**Other Applications:** SP 18-37

**Site and Area Context**

The subject property is located north-west of the Dixie Road and Eglinton Avenue East intersection in the Northeast Employment Area. It contains a one storey warehouse with an attached two storey office as well as a small storm water pond. There is no vegetation on the property. The property is one of the largest in the area, with a frontage of +/- 266.35m and an area of +/- 68,935m<sup>2</sup>. The surrounding area consists of low rise industrial buildings with a mix of industrial and commercial uses and sparse vegetation.

The applicant is proposing additional outdoor storage on the subject property requiring variances for the location, size and screening.



## 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 subject property is located in the Northeast Employment Area. Schedule 10 of the Mississauga Official Plan (MOP) designates the rear portion of the property, which contains an existing industrial building, as Business Employment and the front section of the property as Mixed Use. Policy 17.7.1.1 permits industrial operations in the Character Area which have extensive outdoor storage area to continue and expand in accordance with the policies of the Plan under both Business Employment and Mixed Use designations. While the policy does permit continuation and expansion of the use as it is existing, staff are of the opinion that the scale of the proposal is not in accordance with the Plan. MOP Policy 9.5.4.6 dictates that outdoor storage should not be adjacent to or visible from the public realm by incorporating the use of appropriate setbacks, screening, landscaping and buffering. It is the opinion of staff that the proposal does not respect this policy, which is magnified by the request of variance 4. Furthermore Eglinton Avenue is designated as a Corridor in Schedule 1C of the MOP. Section 5.4 of the MOP sets out policies regarding Corridors, and Policy 5.4.4 states that development on Corridors should be compact, transit friendly, and appropriate to the context of the surrounding area. Staff are of the opinion that the proposal is not appropriate to the context of the surrounding area, where outdoor storage is limited and away from the Corridor. Staff are therefore of the opinion that the proposal does not maintain the general intent and purpose of the Official Plan.

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

The rear portion of the subject property is zoned E2-19 and the front portion of the property is zoned C3-1. The E2-19 zoning allows for E2 uses as well as most E3 uses. Under Zoning By-law 0225-2007, outdoor storage is permitted as a primary use in E3 zones (and therefore also in the E2-19 exception) and as an accessory use to a Warehouse/Distribution Facility in an E2 zone. The C3-1 zone allows for C3 uses as well as most E2 uses, which indicates that a Warehouse/Distribution Facility with accessory outdoor storage is permitted in the zone as a use. Section 8.1.5 of the Zoning By-law, which contains the provision that permits outdoor storage accessory to select E2 uses, also sets out further restrictions on outdoor storage. It is these provisions from which the applicant is seeking relief. The intent of these provisions is to ensure that outdoor storage is sufficiently screened from the public realm, appropriately sized, and located appropriately on the property. The applicant is proposing outdoor storage in the front yard and closer to the street line than any portion of a building or structure, directly in contravention of two of the regulations. Furthermore they are proposing a substantial increase to the maximum permitted area for outdoor storage, and are requesting to reduce the height of the required screening around the majority of the outdoor storage area. When considered as a

whole, staff are of the opinion that the application fails to maintain the intent of the Zoning By-law.

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

Staff are of the opinion that the application is neither appropriate development of the subject property, nor is it minor in nature. Variance 1 does not place a cap on the permitted amount of outdoor storage, and the size of the property would therefore permit a substantial area dedicated to outdoor storage which is not envisioned by the by-law and would have substantial impacts on the streetscape and surrounding properties. Furthermore the location of the proposed storage is immediately adjacent to Eglinton Avenue, which is not desirable for the streetscape of the corridor and not minor when considering the by-law's goals of having outdoor storage located away from street lines.

## **Conclusion**

The Planning & Building Department recommends that the application be refused.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

Enclosed for Committee's information are 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: Daniel Grdasic, Planning Associate

## **Appendix 3 – Parks, Forestry & Environment**

N/A

## **Appendix 4 – Heritage**

N/A