

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-09-01	File(s): A317.21 Ward 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-09-09 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 an accessory dwelling unit proposing:

1. An accessory dwelling unit for security/caretaking staff and commercial/office use, whereas By-law 0225-2007, as amended, permits accessory dwelling units for business uses only in this instance; and
2. A gross floor area of an accessory dwelling unit of 225.60sq.m (approx. 1076.39ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of an accessory dwelling unit of 70.00sq.m (approx. 753.47sq.ft) in this instance.

Amendments

1. A dwelling unit for caretaking and/or security staff in a building containing commercial and office uses, whereas By-law 0225-2007, as amended, permits one dwelling unit accessory to a Business Activity use contained in Table 8.2.1 in this instance; and
2. A gross floor area - residential of an accessory dwelling unit of 225.60 sq.m (approx. 1076.39ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area – residential of an accessory dwelling unit of 70.00 sq.m (approx. 753.47sq.ft) in this instance.

Background

Property Address: 7460-7480 Airport Road

Mississauga Official Plan

Character Area: Northeast Employment Area

Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2-38 - Employment

Other Applications: PREAPP 20-4347

The subject property is located north-west of the Airport Road and Slough Street intersection in the Northeast Employment Area. It contains three commercial buildings with a variety of uses including restaurants, medical office, and other uses. The surrounding area includes industrial areas to the north, west, and south, as well as residential uses to the east. The property contains very little vegetation, primarily along the Airport Road frontage.

The applicant is proposing an accessory dwelling unit on the subject property requiring variances for the use and size of the unit.



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 Northeast Employment Character Area and is designated Business Employment in Schedule 10 of the Mississauga Official Plan (MOP). The MOP does permit accessory uses, however it does not identify what accessory uses are permitted.

Section 8.1.4 regulates accessory dwelling units in E2 and E3 zones. The subject property is zoned E2-38, which permits an accessory dwelling unit as an accessory use to certain permitted primary uses. The intent of these regulations is to permit a dwelling unit on site for uses that may require overnight attention, and is appropriately restricted to certain uses including but not limited to Manufacturing Facilities, Science and Technology facilities, and Warehousing Facilities. Such units may be used by night guards or attendants who are required to be on site, however it is not intended to be used as a primary dwelling unit for the employee. The applicant is proposing an accessory dwelling unit that would not service one of the uses that allows the unit and is significantly larger than permitted under the Zoning By-law. The existing uses on site are not anticipated to require overnight attention. Furthermore the proposed dwelling unit contains three bedrooms which raises concerns regarding the number of people intended to use the unit. Staff are of the opinion that the proposal does not maintain the general intent of the Zoning By-law.

Staff are of the opinion that the requested variances, both individually and cumulatively, are not minor in nature. They represent significant deviations that are not anticipated in the Zoning By-law. The introduction of an excessively sized accessory dwelling unit does not represent appropriate development of the subject property.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committee's information are photos of the subject property.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Preliminary Zoning Review application under file PREAPP 20-4347. Based on review of the information currently available in this application, we advise that the variances should be amended as follows:

1. A dwelling unit for caretaking and/or security staff in a building containing commercial and office uses, whereas By-law 0225-2007, as amended, permits one dwelling unit accessory to a Business Activity use contained in Table 8.2.1 in this instance; and
2. A gross floor area - residential of an accessory dwelling unit of 225.60 sq.m (approx. 1076.39ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area – residential of an accessory dwelling unit of 70.00 sq.m (approx. 753.47sq.ft) in this instance.

Please note that comments reflect those provided through the above application and should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the application file noted above, these comments may no

longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments.

Comments Prepared by: Richard Thompson, Zoning Examiner

Appendix 3 – Toronto and Region Conservation Authority

Based on our preliminary 2D modeling results, it appears that a significant portion of the subject property, including the location of the proposed accessory dwelling unit, is located within the Regulatory Flood Plain. The Regional Water Surface Elevation at the subject property would be 172.3 m. As per TRCA's Living City Policies, additions to existing buildings within the flood hazard that will increase the number of dwellings in the existing building or structure will not be permitted. As such, TRCA staff do not support the proposed works as they will increase the risk to public safety.

Should the applicant disagree with this preliminary analysis, the applicant may hire a consultant to determine the flooding extent of the spill using two-dimensional hydraulic model, otherwise the applicant is required to apply the preliminary result for of TRCA's flood modelling.

Recommendation

On the basis of the comments noted below, TRCA staff recommend **refusal** of Minor Variance Application A317/21.

Fees

By copy of this letter, the applicant is advised that the TRCA has implemented a fee schedule for our planning application review services. This application is subject to a fee of \$1,550 (Variance Industrial/Commercial/Subdivision/Institutional– Minor). The applicant is responsible for fee payment and should forward the application fee to this office as soon as possible.