

# City of Mississauga Department Comments

Date Finalized: 2021-11-17	File(s): A316.21 Ward 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-11-18 1:00:00 PM

## Consolidated Recommendation

The City recommends that the application be refused. Should Committee see merit in the application, the City recommends that the below conditions of approval be imposed.

## Application Details

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

1. Outdoor storage up to 31% of the lot area whereas By-law 0225-2007, as amended, permits a maximum area for outdoor storage of the lesser of 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. A minimum (existing) fence height of 1.8m (approx. 5.9ft.) for an outdoor storage area 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.

## Recommended Conditions or Terms

1. The applicant shall submit a site plan application to the City's Planning & Building Department, together with such supporting documentation as may be requested, and provide to the Secretary-Treasurer confirmation from the City's Planning & Building Department that the Department is satisfied with the plans and drawings submitted by the applicant with the site plan application, relating to matters including but not limited to satisfactory grading and drainage for the site.
2. The applicant shall construct the outdoor storage area in accordance with the site plan approved by the City's Planning & Building Department in condition 1.

3. The applicant shall enter into an agreement pursuant to Section 45(9.1) of the Planning Act to provide for the performance of condition 2, together with any required securities.

## 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

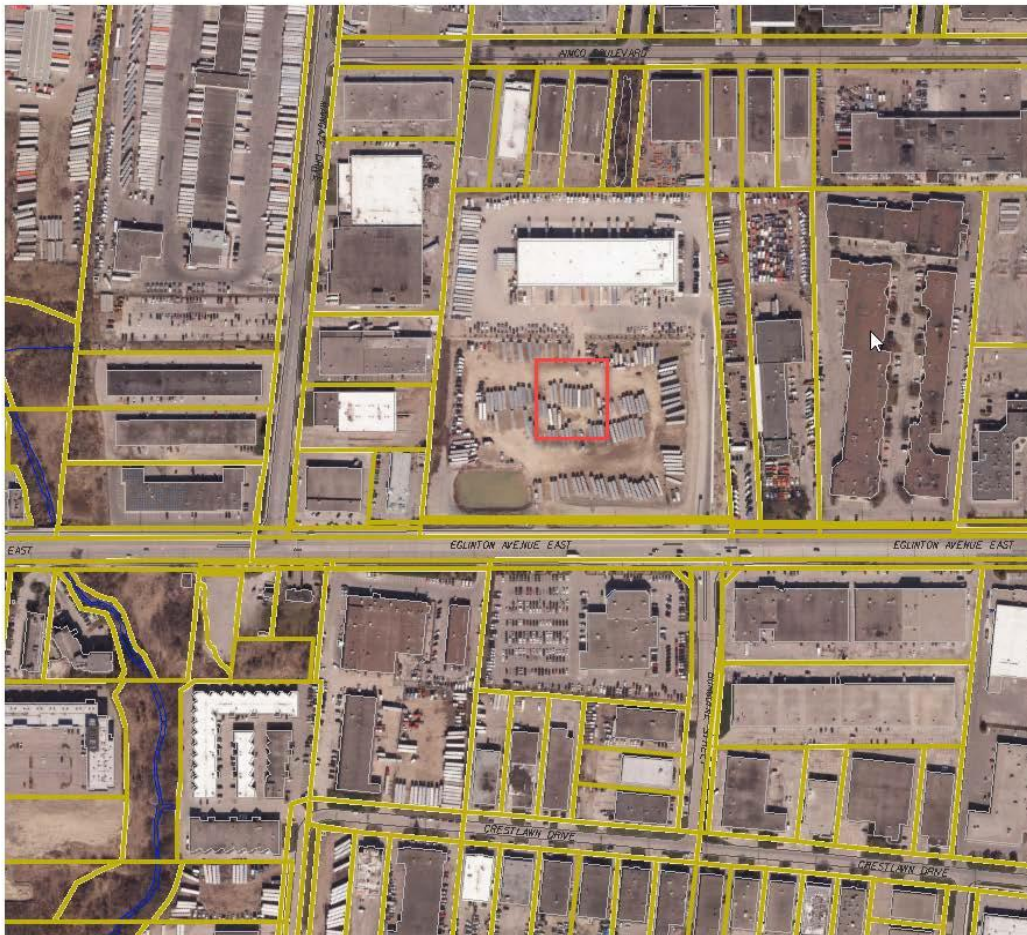
**Zoning:** E2-19 - Employment & C3-1 - Commercial

**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 (873.85ft) and an area of +/- 68,935m<sup>2</sup> (6.89ha). 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 the continuation and/or the expansion of the use because 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. While the applicant has amended the application to include a setback from Eglinton Avenue and improved screening, the location of the storage remains adjacent to the Eglinton Avenue corridor, in contradiction to Policy 9.5.4.6. 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 specifically 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 conducive to these goals. 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 zone allows for Employment uses, such as office, manufacturing, warehousing, and wholesaling, as well as most E3 uses such as a truck terminal, outdoor storage, and vehicle pound facilities. Under Zoning By-law 0225-2007, outdoor storage is permitted as a primary use in both the E3 zones and 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 permits a Warehouse/Distribution Facility with accessory outdoor storage in the zone as a use. Section 8.1.5 of the Zoning By-law regulates the accessory outdoor storage to select E2 uses and 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. Staff note that the applicant has illustrated a full 2.4 metre height fence abutting Eglinton Avenue and partially into the property, which improves the screening of the site when compared to existing and previously proposed conditions. The intent of these regulations is to limit the size of the outdoor storage area to ensure it is proportional to the property and ensure that the outdoor storage does not negatively impact the public realm or streetscape. When considered as a whole, staff are of the opinion that the application would represent a significant detriment to the streetscape and that the outdoor storage area is not proportional to the lot. The application therefore fails to maintain the general intent and purpose 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. While mitigation measures are proposed, the location of the proposed storage immediately adjacent to Eglinton Avenue is not desirable for the corridor streetscape as it introduces a large fence which would dominate the streetscape and does not further the Corridor policies and goals of the Official Plan of compact and transit friendly development. Furthermore the development is not minor when considering the by-law's intent to have outdoor storage located away from street lines. Current planning policy and regulations envision future commercial uses located in the front portion of the property. Staff recognize that the storm sewer to service the property needs to be extended from its current terminus point to the west. As per Schedule C of the Site Plan Agreement, executed by the developer, they are required to extend the servicing prior to development of the front portion of the property.

While staff understand that the applicant has proposed the use to be temporary in nature until such a time as the sewer is extended, staff maintain that the proposal is not minor or desirable on either a temporary or permanent basis.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

We are enclosing for Committee's information some recent photos of the subject property. This department has reviewed the request to permit the outdoor storage of trailers on the subject property and have some drainage related concerns. Through the previous Consent Application 'B' 77/18 and the subsequent Site Plan Application SP-18/37, a temporary drainage proposal comprising a storm retention pond on the subject lands was proposed as an interim condition until the applicant redevelops the subject lands and extends the municipal storm sewer on Eglinton Avenue for the ultimate stormwater outlet for the site. We have some concerns that the original design proposed the subject lands as being vacant and with the parking of large trailers on the site would increase the runoff on the subject lands due to large areas of non-porous surfaces (trailer roofs). The applicant should review the potential drainage runoff increase and whether the existing storm pond system can accommodate the increased rate of runoff due to a significant number of trailers being stored on the site. A revised drainage report is to be submitted for our review and approval and could be addressed as a condition of approval or through a subsequent revised Site Plan application.









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