

# City of Mississauga Department Comments

Date Finalized: 2021-11-17	File(s): A501.21 Ward 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-11-25 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application, subject to a temporary approval of 5 years.

## Application Details

The applicant requests the Committee to approve a minor variance to permit the operation of an existing fitness and recreational centre within units 12-15 in a D-10 Zone (Development) whereas By-law 0225-2007, as amended, only permits a building or structure legally existing on the date of passing this by-law and the existing legal use of such building or structure in this instance.

## Recommended Conditions and Terms

A temporary approval period of 5 years.

## Background

**Property Address:** 3611 Mavis Road Units 12-15

### Mississauga Official Plan

Character Area: Fairview Neighbourhood  
Designation: Mixed Use

### Zoning By-law 0225-2007

**Zoning:** D-10 - Development

**Other Applications:** BP 3ALT 20-894

## Site and Area Context

The subject property is located south-east of the Burnhamthorpe Road West and Mavis Road intersection and currently houses two, single-storey multitenant commercial/employment structures with shared surface parking. Contextually, this portion of Mavis Road is comprised of a combination of heavy industrial and mixed commercial uses; with the subject property providing a minor transitional area between these aforementioned land-uses. The properties along this portion of Mavis Road are situated upon large parcels, with lot frontages ranging from +/-40m (131ft) to +/-165m (541ft). The subject property is an interior parcel, with a lot area of +/-28,640.0m<sup>2</sup> (2.9ha) and a frontage of +/-165.0m (541ft).

The applicant is proposing to permit the existing fitness and recreation centre to remain 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 Special Site 1 of the Fairview Neighbourhood Character Area and is designated Mixed Use by the Mississauga Official Plan (MOP). Special Site 1 enacts high level developmental policies and encourages redevelopment on the east side of Mavis Road to be a mix of residential and commercial development. The intent of the Official Plan is clear that the City envisions the area to transition from industrial to residential and commercial as it redevelops. While the subject property has yet to redevelop, the proposed fitness studio use is in line with the goals of a commercial use for the lands. Staff are therefore satisfied that the application maintains the general intent and purpose of the Official Plan.

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

The subject property is zoned D-10 (Development). Changes in use, and additional development, are generally not permitted within the D zone, however the D-10 exception zone permits minor alterations within existing buildings. Regarding this property, similar approvals have been granted to permit alternate uses for multiple units located upon the subject lands. The use within the subject units was previously approved under file A422/14 for a temporary period of 7 years, and the current application requests a renewal of the approval. The requested variance meets 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?**

The subject site is a multi-unit commercial warehouse located within an industrial environment. The requested use is contained wholly within the existing unit, and no alterations have been proposed to the footprint of the structure. The variance to permit the continuation of the existing use represents the orderly development of the lands, and whose resultant impact is minor in nature.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

This Department has no objections, comments or requirements with respect to C.A. 'A' 501/21.

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