

City of Mississauga Department Comments

Date Finalized: 2021-11-24	File(s): A459.21 Ward 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-12-02 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 the construction an addition proposing an additional gross floor area of 1,388.5sq.m (approx. 14,945.7sq.ft) to the existing industrial building with an existing gross floor area of 1193.4sq.m (approx. 12,845.7sq.ft) whereas By-law 0225-2007, as amended, permits only minor alterations or additions to existing industrial facilities, buildings and structures in this instance.

Background

Property Address: 3585 Mavis Road

Mississauga Official Plan

Character Area: Fairview Neighbourhood
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: D-10 - Development

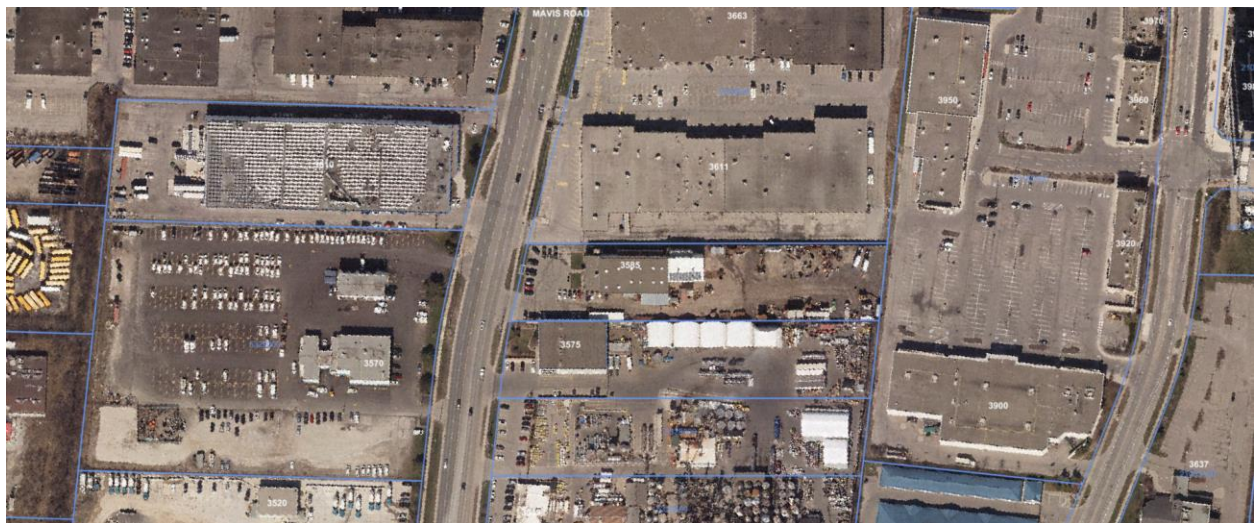
Other Applications: None

Site and Area Context

The subject property is located south-east of the Burnhamthorpe Road West and Mavis Road intersection and currently houses a two-storey industrial structure with an associated surface

parking area. 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 +/-160m (525ft). The subject property is an interior parcel, with a lot area of 7,970.5m² (85,793.75ft²) and a frontage of +/-41.0m (134.5ft).

The applicant is proposing an addition to the subject property requiring a variance for the proposed size.



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 within the Fairview Neighbourhood Character Area and is designated Mixed Use in Schedule 10 of the Mississauga Official Plan. It also forms part of the Special Site 1 area, which sets out policies proposing that lands fronting upon the east side of Mavis Road will eventually be comprised of both residential and mixed commercial land-uses.

While the Mixed Use designation does not permit industrial uses, the Special Site 1 area policies do recognize industrial uses legally existing in the area.

In order to further the goal of redevelopment of this portion of Mavis Road, while recognizing the existing industrial operations in the area, Policy 16.11.2.1.3(g) of the Official Plan permits existing industrial operations to continue, but stipulates that only minor alterations and additions to existing industrial uses will be permitted. The intent is to facilitate the continued operation of legally existing industrial uses while preventing these uses from becoming further ingrained in the area by large scale additions and renovations and hindering the eventual redevelopment as the operations cease to exist.

It is the opinion of Planning staff that the proposed 1,388.5m² (14,945.7ft²), 2 storey addition cannot be classified as a minor addition as permitted by the policy. The addition would further ingrain the industrial land use on the site and hinder the eventual redevelopment of the lands. As the proposal fails to further the goals and objectives of the Official Plan, staff are of the opinion that the general intent and purpose of the Official Plan are not maintained.

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

The subject property is zoned D-10 under Zoning By-law 0225-2007. On the subject lands the applicant is proposing an addition that represents an increase to the gross floor area of well over 100%. The intent of the D zone, as set out in Section 12.3 of the Zoning By-law and Section 19.11 of the Official Plan, is to recognize and give legal rights, in the interim, to a previously permitted land-use which the City acknowledges is not in line with the future vision of the Municipality during a period in which the area transitions. It is intended that the lands will later be rezoned and redeveloped for uses considered by the Official Plan. While the D-10 zone does contemplate some minor construction, this has specifically been regulated to only minor additions and alterations to any existing industrial facility.

It is the opinion of Planning staff that the proposed addition does not constitute minor construction, as contemplated by the D-10 zone. Such a significant addition would undermine the planned function of the property and is in contradiction to the intent of the Zoning By-law. Staff are therefore of the opinion that the general intent and purpose of the Zoning By-law is not maintained.

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

The current proposal fails to maintain the general intent and purpose of both the Official Plan and Zoning By-law as it deviates from the planned vision of the area as envisioned in those documents. It is therefore the opinion of staff that the application cannot be viewed as being minor in nature and that the requested variance does not represent appropriate development of the subject lands.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposed addition will be addressed through the Building Permit and Site Plan Approval Process.



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