

Committee of Adjustment Applications

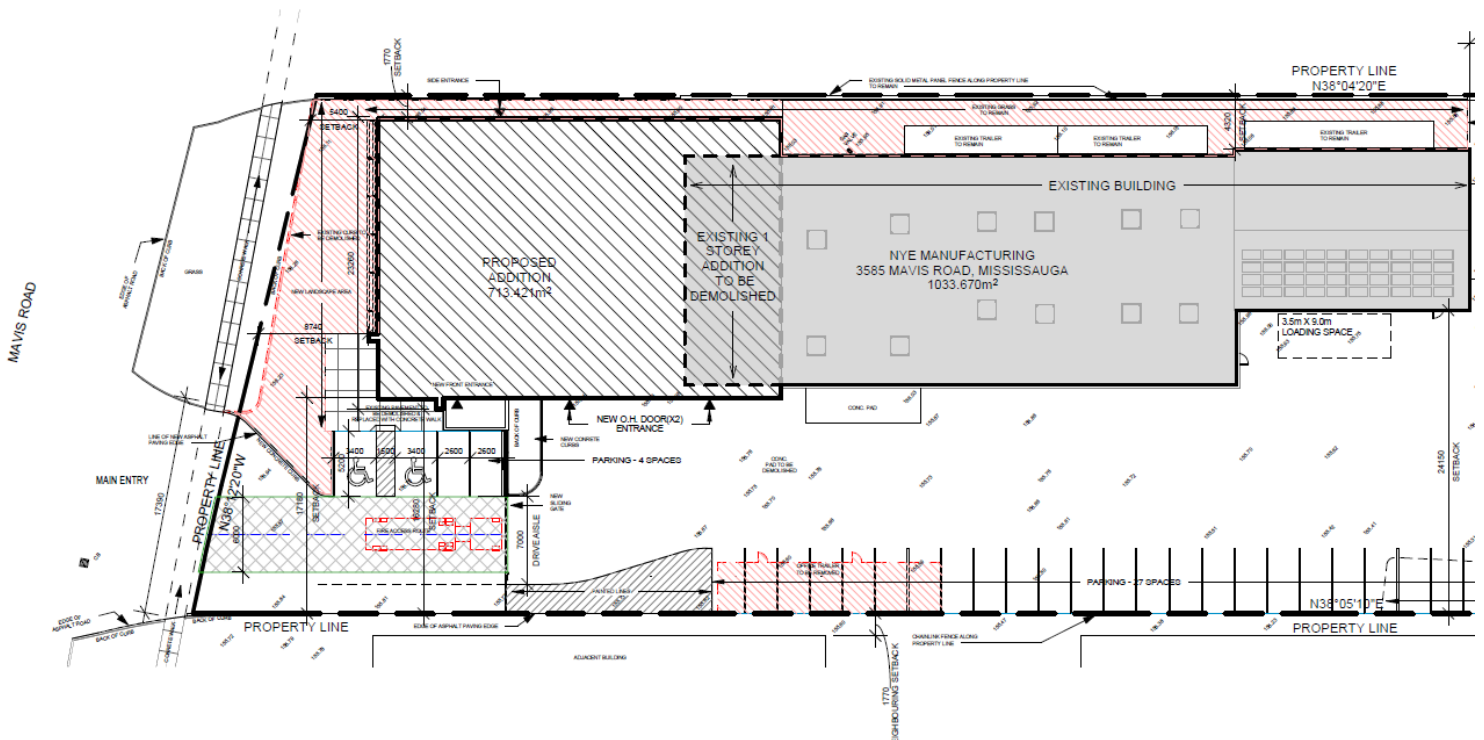
3585 Mavis Road (NYE Manufacturing)

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1. Committee of Adjustment Application (October 29, 2020)

Site Plan



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Date Finalized: 2020-10-21	File(s): A335/20 Ward: 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-10-29

Consolidated Recommendation

The City recommends that the application be refused.

Application Details

The Applicant requests the Committee to approve a minor variance to permit the construction of a two storey addition, proposing a gross floor area of 692.90m² (approx. 7458.31sq.ft) to the existing industrial building with an existing gross floor area of 1193.40 m² (approx. 12,845sq.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 an interior parcel located south-east of the Burnhamthorpe Road West and Mavis Road intersection and currently houses a two-storey, industrial structure with attached surface parking area. 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 to +/-160m.

The subject property is an interior parcel, with a lot area of 7,970.5m² and a frontage of +/-41.0m.



Comments

Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment the authority to grant relief from the requirements stipulated by the municipal Zoning By-law, provided that such applications meet the requirements set out under Section 45(1) and/or 45(2) (a) or (b) of the *Planning Act*.

Staff comments concerning 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 designated Mixed Use by the Mississauga Official Plan (MOP).

Special Site 1 proposes that the lands fronting upon the east side of Mavis Road will eventually be comprised of both residential and mixed commercial land-uses.

While Section 16.11.2.1.3(g) (Site 1) of the Official Plan does recognize the historical nature of these lands by permitting existing industrial land-uses; these policies further regulate that: only minor alterations / additions to existing industrial structure shall be permitted; and, when such existing industrial uses cease operation, the lands must be developed in accordance with the Mixed Use designation of this Plan. The intent of these aforementioned policies is ultimately to phase-out non-complying industrial land-uses to promote the eventual transition of this area into a mixed commercial/residential corridor.

It is the opinion of Planning Staff that the proposed 692.90m², 2-storey addition does not constitute minor construction, as identified above. Further, in contrast to developing the lands in accordance with the planned vision of MOP, the Applicant's proposal further ingrains an industrial land-use in this area and serves to potentially preclude the future redevelopment of these lands, as envisioned by the Official Plan.

This application does not meet the general intent or purpose of the Official Plan.

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

As per Zoning By-law 0225-2007, the subject property is zoned D-10 (Development).

The intent of the D Zone 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.

While the D-10 (Development) zone does contemplate some manner of construction, this has specifically been regulated to only minor alterations / additions to any existing industrial facility.

It is the opinion of Planning Staff that the proposed 692.90m², 2-storey addition does not constitute minor construction, as identified above, and serves to not only undermine the planned function of this property, but also, is in contradiction to the general intent of the Zoning By-law.

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

Given the significant deviations to the planned vision of both the Official Plan and Zoning By-law necessary in facilitating this proposal, it is the opinion of Planning Staff that the application

cannot be viewed as being minor in nature, nor do the required amendments to the policy framework result in the orderly development of the lands.

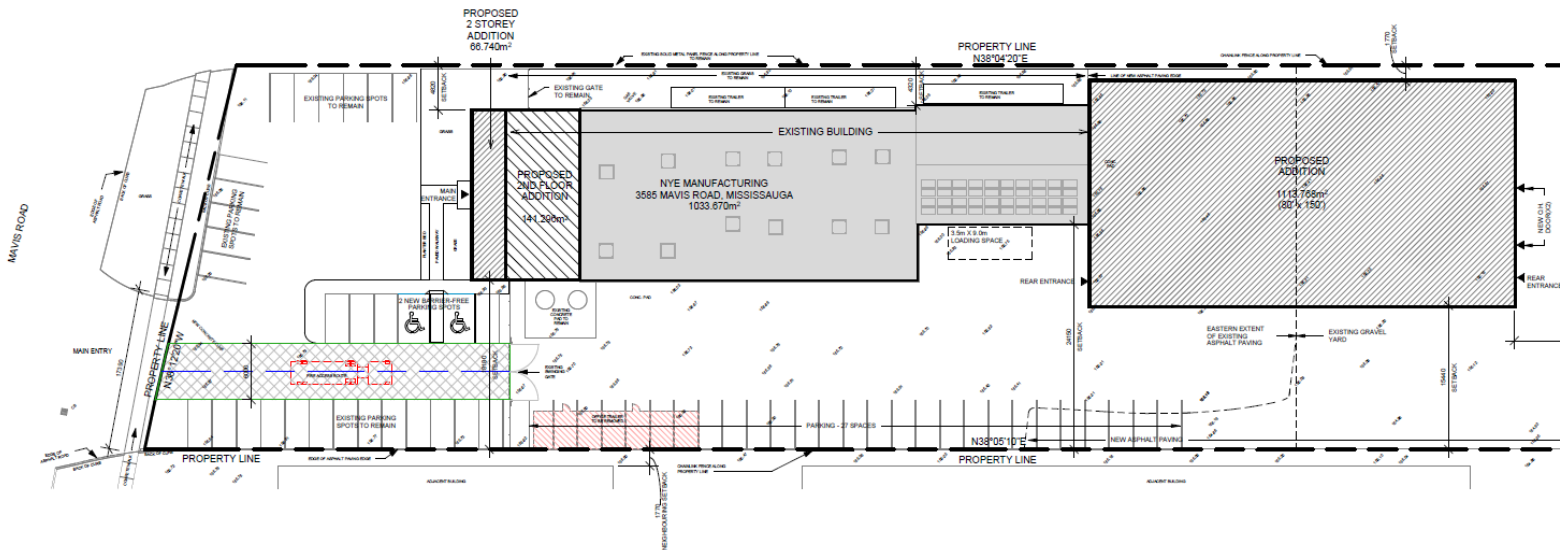
Conclusion

Based upon the preceding, it is the opinion of staff that the variance, as requested, does not meet criteria established by Section 45(1) of the *Planning Act*. The Planning and Building Department recommends that the application be refused

Comments Prepared by: Roberto Vertolli, Committee of Adjustment Planner

2. Committee of Adjustment Application (December 2, 2021)

Site Plan



Planning Analysis

City Department and Agency Comments

Date Finalized: 2021-11-24 To: Committee of Adjustment	File(s): A459.21 Ward 7
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.



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