

City of Mississauga Department Comments

Date Finalized: 2022-08-10	File(s): A379.22
To: Committee of Adjustment	Ward: 8
From: Committee of Adjustment Coordinator	Meeting date:2022-08-18 3:00:00 PM

Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the application meets the requirements of Section 45 (1) of the Planning Act. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that all required variances have been identified.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a new building proposing:

1. Relief from provisions of Section 1.1.4 which requires yards, setbacks and buffers to the E2/C3 zone boundary; whereas Section 1.1.4 requires minimum zone yards, setbacks and buffers to a zone boundary where a lot contains more than one zone and a building is not constructed across the zone line whereas By-law 0225-2007, as amended, requires these provisions in this instance;
2. 29 parking spaces whereas By-law 0225-2007, as amended, requires a minimum number of 66 parking spaces in this instance;
3. 2 accessible parking spaces whereas By-law 0225-2007, as amended, requires a minimum number of 3 parking spaces in this instance;
4. A self storage facility in a General Commercial Zone whereas By-law 0225-2007, as amended, does not permit a self storage facility in a General Commercial Zone in this instance; and,
5. A reduced interior side yard setback of 4.9 m (approximately 16.1 ft) to a transformer whereas By-law 0225-2007, as amended, requires a side yard setback of 7.5 m (approximately 24.6 ft) to a transformer in this instance.

Amendments

Zoning staff advise that the following variances should be deleted (due to Zoning By-law amendment 0117-2022):

2. 29 parking spaces whereas By-law 0225-2007, as amended, requires a minimum number of 66 parking spaces in this instance;
3. 2 accessible parking spaces whereas By-law 0225-2007, as amended, requires a minimum number of 3 parking spaces in this instance;

Background

Property Address: 3539, 3541 and 3545 Platinum Drive

Mississauga Official Plan

Character Area: Churchill Meadows Employment Area
Designation: Business Employment & Mixed Use

Zoning By-law 0225-2007

Zoning: C3/E2 - Commercial and Employment

Other Applications: Site Plan application under file SP 2-11

Site and Area Context

The subject property is located within the Churchill Meadows Employment Area, south east of the Ninth Line and Eglinton Avenue West intersection. The subject property is currently vacant with no vegetation. The surrounding area contains employment and commercial uses along with vacant lands.

The application proposes a new building requiring variances for relief from provisions of Section 1.1.4, a self-storage facility use and a reduced interior side yard setback in the zoning by-law.



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 are as follows:

The subject property is designated Business Employment and Mixed Use on Schedule 10 of the Mississauga Official Plan (MOP). While the majority of the subject property is designated Business Employment, there is a small portion at the rear of the subject property that is designated Mixed Use. The lands designated as Mixed Use was added to the original lands designated Employment by way of Part Block 1 on Plan 43M1977.

The subject property is zoned both Employment (E2) and General Commercial (C3). The E2 Zone permits industrial related uses, including the proposed self storage facility use. However, the self storage facility use is not permitted in the C3 Zone.

Staff note variances #1 and 4 are technical in nature. Through the registration of Plan 43M1977, while new parcel boundaries were created, the zoning boundaries were not updated to reflect the new property lines of the subdivision. As result, many properties with frontage along Platinum drive are split-zoned E2 and C3. The applicant is seeking relief from the provisions under Section 1.1.4, as this section considers the zone boundary of the C3 zone as a property line, thereby requiring development standards, such as yards, setbacks, buffers, etc. to be measured from the zone boundary and not the property line. Staff note that a majority of the property is zoned E2 and that the split zoning is a technical nuance. Furthermore, the redevelopment of the subject lands for a self-storage use is in keeping with the surrounding context, as the subject lands and the surrounding context are designated and zoned for commercial and employment related uses.

Variance #5 pertains to a reduced interior side yard setback to a transformer. Staff has discussed this variance with the Planner reviewing the associated Site Plan application and have no concerns with this variance. Furthermore, staff is of the opinion that the transformer does not create significant massing concerns and will not interfere with the function of the proposed self-storage facility or surrounding uses.

Comments Prepared by: Connor DiPietro, 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 building are being addressed through the Site Plan approval process, SPI-22/011.



Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Site Plan application under file SP 2-11 W8. Based on review of the information currently available in this permit application, variances # 1, 4, and 5, as requested are correct.

Furthermore, we also advise that the following variances should be deleted (due to Zoning By-law amendment 0117-2022):

2. 29 parking spaces whereas By-law 0225-2007, as amended, requires a minimum number of 66 parking spaces in this instance;
3. 2 accessible parking spaces whereas By-law 0225-2007, as amended, requires a minimum number of 3 parking spaces in this instance;

Please note that comments reflect those provided through the above permit application submitted on 07/06/2022 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: Jeanine Benitez, Zoning Examiner