

City of Mississauga Department Comments

Date Finalized: 2023-02-01	File(s): A744.22
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2023-02-09 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application, as amended, subject to the condition and a temporary approval period of 5 years.

Application Details

The applicant requests the Committee to approve a minor variance to permit the existing recycling depot use proposing:

1. A recycling depot (waste processing station and waste transfer station) in a C3-1 Zone whereas By-law 0225-2007, as amended, does not permit the use on the subject property in this instance and,
2. A recycling depot use less than 800m (approx. 2624.67ft) from a Residential Zone whereas By-law 0225-2007, as amended, does not permit this use within 800m (approx. 2624.67ft) of a Residential Zone in this instance.

Amendments

While Planning staff are not in a position to interpret the zoning by-law, based on a review it does not appear that any residential properties exist within 800m of the subject property. Variance 2 may therefore not be required.

Recommended Conditions and Terms

1. There shall be no outdoor storage on the subject property.

Background

Property Address: 5033 Maingate Dr

Mississauga Official Plan

Character Area: Northeast Employment Area
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C3-1 - Commercial

Other Applications: None

Site and Area Context

The subject property is located on the east side of Maingate Drive, north of the Eglinton Avenue East intersection. It currently contains a two-storey industrial building with an associated office use and an associated surface parking lot. No landscaping and vegetative elements are present on the subject property. The surrounding area context is predominantly industrial, consisting of low rise industrial buildings on lots of varying sizes. Commercial uses are present in the larger area context.

The applicant is proposing to continue the existing use, requesting variances for the use and setback to a residential zone.



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:

The subject property is located in the Mavis-Erindale Employment Area and is designated Mixed Use in Schedule 10 of the Mississauga Official Plan (MOP). It is zoned C3-1 under Zoning By-law 0225-2007. Neither the MOP designation nor the zoning permit the proposed use in this instance, however staff note that the property abuts a designation and zone that would permit the proposed use as of right.

The subject property has been used as a waste transfer and processing station since at least the year 2000, when a Certificate of Occupancy and a minor variance were granted to the benefit of the same company currently proposing to operate on the subject property. Temporary variances to allow the use to continue were approved in 2007 and 2017. The property did not have an appropriate approval in place between 2012 (when the 2007 application expired) and 2017, however the use continued to operate on the subject property.

Given the ongoing use of the site and no significant changes to the scale of operations, staff are satisfied that the continued operation of the site is appropriate in this instance. Staff are of the opinion that a temporary approval would be an advisable condition to ensure the use is not cemented as a permanent use for the site and to ensure the site will be developed/utilized for a use envisioned by the official plan and zoning by-law in the long term.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committee's reference are some photos depicting the subject property.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

In the absence of a Development application we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed. The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

For scope of work that does not require Site Plan Approval/Building Permit/Zoning Certificate of Occupancy Permit, the applicant may consider applying for a Preliminary Zoning Review application. A detailed site plan drawing and architectural plans are required for a detailed zoning review to be completed. A minimum of 6-8 weeks is required depending on the complexity of the proposal and the quality of information submitted.

Comments Prepared by: Brooke Herczeg, Zoning Examiner

Appendix 3 – Region of Peel

We have no comments or objections.

Comments Prepared by: Patrycia Menko – Junior Planner, Planning and Development Services