

City of Mississauga Department Comments

Date Finalized: 2023-07-05	File(s): A224.23
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-07-13 3:30:00 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 a change of use proposing a service establishment use in an Employment Zone (E2-131) whereas By-law 0225-2007, as amended, does not permit a service establishment use in an Employment Zone in this instance.

Amendments

The Building Department is currently processing a Certificate of Occupancy Application under file C 23-5781. Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

The applicant requests the Committee to approve a minor variance to allow a service establishment in Unit 19A of the subject property, whereas By-law 0225-2007, as amended, does not permit a service establishment in E2-131 zone in this instance

Background

Property Address: 1235 Queensway East

Mississauga Official Plan

Character Area: Dixie Employment Area
Designation: Business Employment

Zoning By-law 0225-2007**Zoning: E2-131- Employment****Other Applications: none****Site and Area Context**

The subject property is located within the Dixie Employment Character Area, west of Queensway East and Dixie Road. The surrounding area north of Queensway East is comprised of a mix of commercial, employment and industrial type uses. The subject property contains a similar mix of uses found in the broader area, which include both commercial and employment uses. The area south of Queensway East consists of detached residential dwellings.

The applicant is proposing a service establishment use within a unit on the subject property, requiring a variance for 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 are as follows:

The subject property is located in the Dixie Employment Area and is designated Business Employment in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits a variety of uses, however, "Service Establishments" are not permitted under this designation.

The applicant is requesting a "Service Establishment" use where it is not permitted. Planning staff are of the opinion that the intent and purpose of the zoning by-law is not maintained by permitting uses not contemplated by the zone category and in accordance with an entirely different zoning framework.

Planning staff also note that the City has received several requests for parking reduction variances on the subject property. As such, the applicant may require additional variances.

Given the above, staff are of the opinion that the application fails to maintain the general intent and purpose of both the official plan and zoning by-law. Staff therefore recommend that the application be refused.

Comments Prepared by: Connor DiPietro, 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' 224/23.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Certificate of Occupancy Application under file C 23-5781. Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

The applicant requests the Committee to approve a minor variance to allow a service establishment in Unit 19A of the subject property, whereas By-law 0225-2007, as amended, does not permit a service establishment in E2-131 zone in this instance.

Please note that comments reflect those provided through the above permit application 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: Alana Zheng, Planner Zoning Examination

Appendix 3 – Region of Peel

Minor Variance: A-23-224M – 1235 Queensway East

Planning: Patrycia Menko (905) 791-7800 x3114

Comments:

- The subject site is located within a Regional Employment Area, identified on Schedule E-4 of the Regional Official Plan (ROP). The subject site is also located within a Provincially Significant Employment Zone.
- The proposed service establishment use does not meet the definition of Employment Area in the ROP and ROP Employment policies 5.8.
- The proposed variance is not desirable and does not keep with the general intent of the ROP, Mississauga Official Plan Business Employment policies, and local Zoning By-law. Employment areas are to be protected for employment uses, as per ROP policy 5.8.26. As such, the Region is not in support of the minor variance application.

Comments Prepared by: Patrycia Menko, Junior Planner