

City of Mississauga Department Comments

Date Finalized: 2023-07-12	File(s): A242.23 Ward: 10
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-07-20 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application, subject to a temporary approval period of 4 years. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that no additional variances are required.

Application Details

The applicant requests the Committee to approve a minor variance to allow a temporary sales office whereas By-law 0225-2007, as amended, permits only existing structures and uses in this instance.

Recommended Conditions and Terms

1. A temporary approval period of 4 years.
2. No sales shall occur on site until receipt of draft plan approval.

Background

Property Address: 6596 Ninth Line

Mississauga Official Plan

Character Area: Residential Medium Density, Parkway Belt West
Designation: Ninth Line Neighbourhood

Zoning By-law 0225-2007

Zoning: D- Development and PB1-Parkway Belt

Other Applications: None

Site and Area Context

The subject property is a vacant parcel of land located south-west of the Derry Road West and Ninth Line intersection. The lands on the east side of Ninth Line are predominantly detached dwellings. The undeveloped parcel is on the west side of Ninth Line and has historically been utilized for agricultural purposes.



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 Ninth Line Neighbourhood Character Area and is designated Residential Medium Density in Schedule 10 of the Mississauga Official Plan (MOP). The Residential Medium Density designation permits a range of townhouse built forms.

The applicant is requesting an extension to the variance previously approved under file number A345/19 which permitted a temporary sales office use. The sole variance requests a continuation of the temporary sales office use in a Development zone. The intent of the Development zone is to allow existing land uses to continue until such a time as the property goes through a development application to facilitate an appropriate redevelopment of the property. The subject and surrounding properties are currently subject to official plan amendment, rezoning and subdivision applications which have proceeded through the process to a sufficient point to allow for a continued use of the sales centre. Furthermore, staff note that

no alterations have been proposed to the site and the applicant continues to comply with the previous conditions put forth by the Committee.

Given the ongoing use and no significant changes to the existing structure, staff are satisfied that a continued operation of the existing sales office is appropriate in this instance. Staff are of the opinion that a temporary approval would be advisable, subject to compliance with the conditions.

Comments Prepared by: Shivani Chopra, Planner in Training

Appendices

Appendix 1 – Transportation and Works Comments

This department has no objections to extend permissions for the existing Sales Office which was approved under a previous request, File 'A' 345/19.

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 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has no objections to the above noted minor variance application and advises as follows:

Should the application be approved, Community Services provides the following notes:

1. Given that the property is subject to a development application, TM-19003 & TM-19004, all of Community Services' comments and/or requirements are being addressed through the development application.
2. Access from the adjacent City owned lands is not permitted.
3. Construction access from the adjacent City owned lands is not permitted.
4. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.

5. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.
6. Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, c.P. 13, as amended) and in accordance with the City's policies and by-laws.

Should further information be required, please contact Nicholas Rocchetti, Park Planning Assistant, Community Services Department at 905-615-3200 ext. 4659 or via email Nicholas.Rocchetti@mississauga.ca.

Comments Prepared by: Nicholas Rocchetti, Park Planning Assistant

Appendix 4 – HRCA

Conservation Halton (CH) has reviewed the Minor Variance application for 6596 Ninth Line (File A242.23) as per our responsibilities under Ontario Regulation 162/06 and our provincially delegated responsibilities under Ontario Regulation 686/21 (e.g., represent provincial interests for Sections 3.1.1-3.1.7 of the Provincial Policy Statement (PPS); review planning applications and technical reports and comment on natural hazard and wetland matters).

Ontario Regulation 162/06

CH regulates all watercourses, valleylands, wetlands, Lake Ontario and Hamilton Harbour shoreline and hazardous lands, as well as lands adjacent to these features. The subject property, 6596 Ninth Line (shown as 6588 Ninth Line on CH mapping), is adjacent to the East Lisgar Branch of Sixteen Mile Creek and the flooding and erosion hazards associated with that watercourse. CH regulates a distance of 15 metres from the limit of the greatest hazard associated with the creek in this particular area. Permission is required from CH prior to undertaking any development within CH's regulated area and must meet CH's *Policies and Guidelines for the Administration of Ontario Regulation 162/06 and Land Use Planning Policy Document*, dated April 27, 2006 (last amended, November 26, 2020):

<https://conservationhalton.ca/policies-and-guidelines>.

Requested Minor Variance

CH staff understands the abovementioned variance is requested to allow a temporary sales office whereas By-law 0225-2007, as amended, permits only existing structures and uses in this instance. CH understands a Minor Variance (File No. A345/19) was previously granted to allow for this temporary use, and that the current variance application is to extend the temporary use permission for the sales office and parking area that already exist on site. In this regard, there is no new development being proposed in association with this variance application.

The temporary sales office is associated with ongoing Zoning By-law and Plan of Subdivision Application files OZ 19 12, OZ 19 13, 21T-M193 and 21T-M194, which are currently under review by the City and CH and have not yet received approval. The studies associated with the

Planning Applications, including but not limited to a Comprehensive Environmental Impact and Integration Study (CEIIS), will confirm the existing and proposed limits of the flooding and erosion hazards, wetlands, and associated regulated areas, which will inform the limit of proposed development. Based on the applicant's Cover Letter, it is understood that the Owner will continue to comply with the prior approval condition that no sales occur on site until receipt of draft plan approval.

Conclusion

CH staff has **no objection** to the requested minor variance as it is to allow continued use of an existing sales office and parking area that are located outside of CH's regulated area.

Comments Prepared by: Emma DeFields, Senior Environmental Planner

Appendix 5 – Region of Peel

We have no comments or objections.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner