

City of Mississauga Department Comments

Date Finalized: 2024-09-04	File(s): A389.24 Ward: 6
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-09-12 3:30:00 PM

Consolidated Recommendation

The City has no objections to the application.

Application Details

The applicant requests the Committee to approve a minor variance to allow a change of use proposing;

1. To permit a Works Depot use on the subject property whereas By-law 0225-2007, as amended, does not permit a Works Depot use on the subject property in this instance; and,
2. An internal driveway to access the parking and loading spaces for 3473 Wolfedale Rd through 3515 Wolfdale Rd whereas By-law 0225-2007, as amended, requires an external driveway in this instance.

Amendments

The Building Department is processing an Independent Zoning Review application 24-2121. Based on review of the information available in this application, we advise that following amendment is required:

1. To permit a Contractor's Yard use on the subject property whereas By-law 0225-2007, as amended, does not permit a Contractor's Yard use on the subject property in this instance.

Background

Property Address: 3473 Wolfedale Rd

Mississauga Official Plan

Character Area: Mavis-Erindale Employment Area

Designation: Business Employment

Zoning By-law 0225-2007

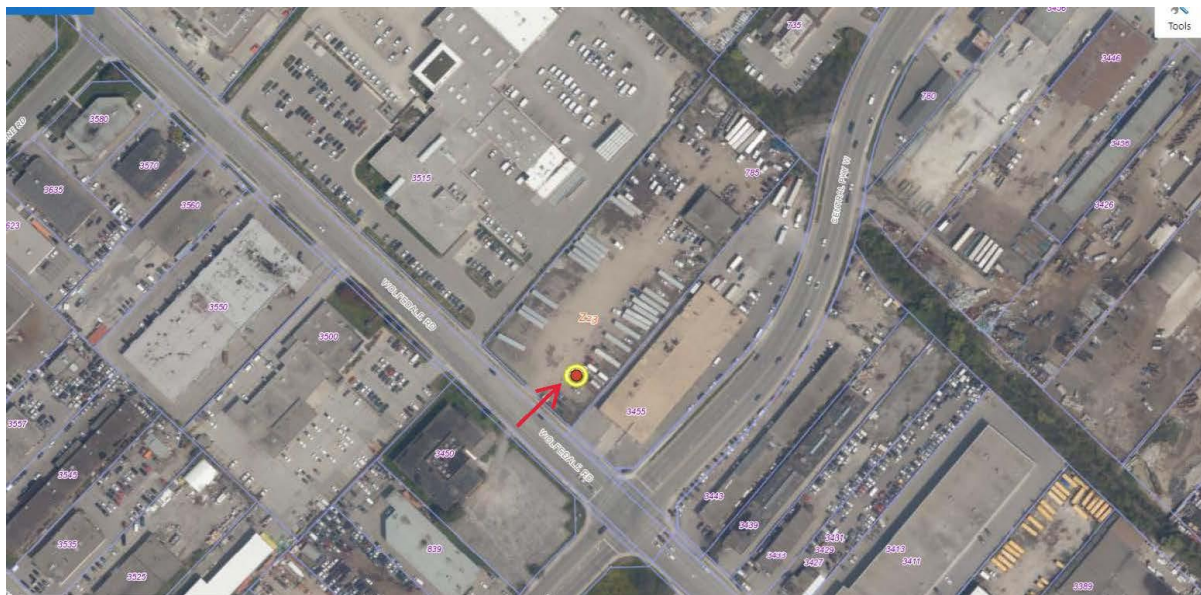
Zoning: E2-8 - Employment

Other Applications: PAM 23-66, IZR 24-2121, BP 3NEW 24-656

Site and Area Context

The subject property is located on the east side of Wolfedale Road, north of the Central Parkway West and Wolfedale Road intersection in the Mavis-Erindale Employment Area. It currently contains a single storey industrial building with an associated gravel surface parking lot. Limited landscaping and vegetative elements are present on the subject property. The surrounding context includes one and two-storey industrial buildings on various sized lots.

The applicant is proposing to construct a new two-storey building requiring variances for a use not permitted in the zone category and internal driveway access.



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 within the Mavis-Erindale Employment Area and is designated Business Employment in Schedule 10 of the Mississauga Official Plan (MOP). The Business Employment designation permits a variety of uses, including commercial, entertainment, industrial and motor vehicle uses. This designation permits uses that operate mainly within enclosed buildings. Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with the existing site conditions, the surrounding context, and the landscape of the character area.

Variance 1 seeks to permit a contractor's yard use in an E2-8 zone. The E2-8 zone permits employment-based uses that are sensitive to the surrounding uses. The proposed contractor's yard is not a permitted use. The intent and purpose of the zoning by-law is to limit noxious and high intensity uses only to areas that are zoned E3. Staff note a contractor's yard typically includes exposed materials, outdoor storage, mud tracking and various amounts of people entering/exiting the site. In reviewing the proposal, the proposed two-storey building is being constructed to store all materials indoors thereby limiting the noxiousness and unsightliness of the use. Staff note the owner of the subject property is the Region of Peel, and the proposed project is an expansion of the existing Region of Peel works yard located at 3515 Wolfedale Road, which is the abutting property to the north.

Variance 2 requests an internal driveway to access the parking and loading spaces on the subject property from 3515 Wolfedale Road. The applicant is proposing to close the existing driveway to the subject property from Wolfedale Road. The intent of the access regulations for an external driveway is to ensure appropriate ingress/egress access and to maintain adequate site circulation. As noted above, the Region of Peel owns both the subject property and the property to the north, allowing for both entrances to be consolidated there by reducing potential access conflicts on Wolfedale. The expansion the existing works yard allows the Region of Peel to organize vehicle circulation and manoeuvrability in a cohesive manner across both sites. Staff note an additional ingress access point at the south-east corner of the subject property is proposed from Central Parkway Road West. Transportation & Works have indicated no access concerns for the internal access from 3515 Wolfedale Road and the proposed ingress access from Central Parkway Road West.

Based on the preceding information, staff are of the opinion that the variances maintain the general intent and purpose of the official plan and zoning by-law, are minor and nature and contribute to orderly development of the subject property.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committees easy reference are photos depicting the currently closed access from Central Parkway West. Site Plan DWG No: ROP#19701 submitted specifically indicates “Access Entry Only” on the Site Plan and it is our understanding that this access is only to be utilized for incoming vehicles. In view of the above we would have no objections to the request.

The city has reviewed an application for a new industrial storage building under application PAM 23-66 and is currently reviewing an application under BP 3NEW 24-656.

We also note that the Region of Peel would be responsible for any costs related to any access modifications to the Central Parkway West access and also that access approval from the Traffic Section through the Access Modification Permit Application will be required.







Comments Prepared by: Tony Iacobucci, T&W Development Engineering

Appendix 2 – Zoning Comments

The Building Department is processing an Independent Zoning Review application 24-2121. Based on review of the information available in this application, we advise that following amendment is required:

1. To permit a Contractor's Yard use on the subject property whereas By-law 0225-2007, as amended, does not permit a Contractor's Yard use on the subject property in this instance.

Our comments may no longer be valid should there be changes in the Committee of Adjustment application that have yet to be submitted and reviewed through the Building Division application. To receive updated comments, the applicant must submit any changes to information or drawings separately through the above application.

Comments Prepared by: Andrea Patsalides, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

The Forestry Section of the Community Services Department has reviewed the above noted minor variance application and advises as follows:

1. No public trees shall be injured or removed. If public tree injury or removal is required, a permit must be issued as per By-law 0020-2022.
2. No private trees shall be injured or removed. If a private tree with a diameter of 15 centimetres or greater on private property is to be injured or destroyed, a permit must be issued as per By-law 0021-2022.
3. Please note if a tree is identified as a shared tree with the adjacent property owner, and the applicant intends to apply for a Tree Removal Permit, written consent must be obtained by both parties.

A Tree Removal Application to Permit the Injury or Destruction of Trees on Public and Private Property can be found at <https://www.mississauga.ca/publication/application-to-permit-the-injury-or-destruction-of-trees-on-public-and-private-property/>.

Should further information be required, please contact Jamie Meston, Landscape Architect Assistant, Forestry Section, Community Services Department at 905-615-3200 ext. 4264 or via email jamie.meston@mississauga.ca.

Comments Prepared by: Jamie Meston, Landscape Architect Assistant

Appendix 4 – Region of Peel

Minor Variance Application: A-24-389M / 3473 Wolfedale Road

Planning: Petrele Francois (905) 791-7800 x3356

Comments:

- Please be advised that the subject lands are located within the floodplain of the regulated area of the Credit Valley Conservation Authority (CVC). We request that City staff consider comments from the CVC and incorporate their conditions of approval appropriately.
- Please be advised that the subject site is located within a Provincially Significant Employment Zone (F-12). Regional staff encourage the applicant to work with the City to address the appropriate mix of land uses and land use compatibility.

Comments Prepared by: Petrele Francois, Junior Planner

Appendix 5 - CVC

Credit Valley Conservation (CVC) staff have reviewed the subject application and offer comments based on the following roles and responsibilities:

1. Delegated Responsibilities – providing comments representing the provincial interest regarding natural hazards (except forest fires) as identified in Section 3.1 of the *Provincial Policy Statement (2020)*;
2. Regulatory Responsibilities – providing comments to ensure the coordination of requirements under the *Conservation Authorities Act Section 28 regulation*, to eliminate unnecessary delay or duplication in process;
3. Source Protection Agency – providing advisory comments to assist with the implementation of the CTC Source Protection Plan under the *Clean Water Act*, as applicable.

CVC REGULATED AREA:

Based on information available, a portion of the property is located within CVC's Regulated Area due to the slope and floodplain hazards associated with Wolfedale Creek. As such, this property is subject to Section 28 of the Conservation Authorities Act and the Prohibited Activities, Exemptions, and Permits Regulation (Ontario Regulation 41/24). This regulation prohibits altering a watercourse, wetland or shoreline and prohibits development in areas adjacent to the Lake Ontario shoreline, river and stream valleys, hazardous lands and wetlands, without the prior written approval of CVC (i.e. the issuance of a permit).

PROPOSAL:

It is our understanding that the applicant is requesting the Committee to approve a minor variance to allow:

- A Works Depot use on the subject property whereas By-law 0225-2007, as amended, does not permit a Works Depot use on the subject property in this instance; and,
- An internal driveway to access the parking and loading spaces for 3473 Wolfedale Rd through 3515 Wolfedale Rd whereas By-law 0225-2007, as amended, requires an external driveway in this instance.

COMMENTS:

It is our understanding that this proposal is to allow a change in use and utilize an internal driveway on the property, reflecting existing conditions and a similar Employment use (i.e., Works Depot). Further, no new development is proposed as part of the minor variance at this time.

On this basis, CVC staff have **no objection** to the approval of the requested Minor Variance by the Committee at this time.

We note that a portion of the property is regulated by CVC and any future development proposed in the regulated area will require prior approval from CVC in the form of a permit. Please continue to consult with CVC on any plans for this property.

The applicant is to note that CVC has not received payment of the review fee of \$478 for this Minor Variance application. The applicant should forward this directly to CVC at the earliest convenience.

We trust that these comments are sufficient. If you have any questions or concerns, please do not hesitate to contact the undersigned at 905-670-1615 (ext. 3250).

Comments Prepared by: Trisha Hughes, Acting Senior Planner