

City of Mississauga Department Comments

Date Finalized: 2024-10-03	File(s): A440.24 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-10-10 1:00:00 PM

Consolidated Recommendation

The City has no objection to variances 2 and 3, subject to the amendments, however recommends variance 1 be refused.

Application Details

The applicant requests the Committee to approve a minor variance to allow an outdoor pool proposing:

1. an outdoor pool located on the subject property whereas By-law 0225-2007, as amended, does not permit an outdoor pool wholly provided within enclosed building on the subject property in this instance;
2. An interior side yard setback of 6.36m (approx. 20.87ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 7.50m (approx. 24.61ft) in this instance;
3. An aisle width of 3.61m (approx. 11.84ft) whereas By-law 0225-2007, as amended, requires a minimum aisle width of 7.00m (approx. 22.97ft) in this instance.

Amendments

The Building Department is currently processing a building permit application under file BP 24-2928. Based on review of the information currently available for this building permit, we advise that the following variance(s) should be amended as follows:

The applicant requests the Committee to approve a minor variance to allow an outdoor pool for an Adult Entertainment Establishment and Restaurant proposing:

1. An outdoor pool located on the subject property whereas By-law 0225-2007, as amended, requires an Adult Entertainment Establishment and Restaurant uses to be located wholly within a building, structure or part thereof;

Based on review of the information currently available for this building permit, we advise that more information is required to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

2. An interior side yard setback of 6.36m (approx. 20.87ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 7.50m (approx. 24.61ft) in this instance;

3. An aisle width of 3.61m (approx. 11.84ft) whereas By-law 0225-2007, as amended, requires a minimum aisle width of 7.00m (approx. 22.97ft) in this instance.

Background

Property Address: 1625 Sismet Rd Unit 7&8

Mississauga Official Plan

Character Area: Northeast Employment Area (West)
Designation: Industrial

Zoning By-law 0225-2007

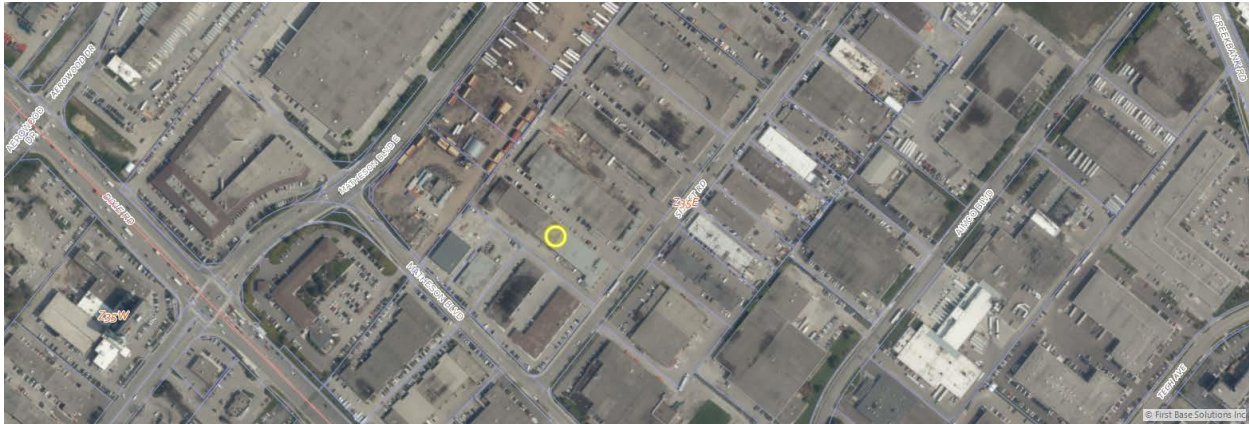
Zoning: E3 - Employment

Other Applications: BP 24-2928

Site and Area Context

The subject property is located southeast of the Dixie Road and Matheson Boulevard East intersection in the Northeast Employment Character Area. It is an interior lot containing a one storey multi-tenant industrial building with an associated paved parking lot. Limited landscaping and vegetative elements are present on the subject property. The surrounding area consists exclusively of industrial uses on lots of varying sizes.

The applicant is proposing to construct an outdoor pool requiring variances for the location of the use, side yard setback and aisle width.



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 Northeast Employment (West) Character Area and is designated Industrial in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits Adult Entertainment Establishments. Section 9 of the 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 requests an outdoor pool to be located on the subject property, whereas the by-law requires an Adult Entertainment Establishment and Restaurant uses to be located wholly within the building or structure or part thereof. The intent of the by-law regulation is to ensure services of which the principal feature, characteristic or advertisement is the nudity or partial nudity of any person is contained mostly indoors and out of view from the public realm. Outdoor swimming pools are only permitted accessory to detached, semi-detached, linked, duplex, triplex, fourplex and street townhouse dwellings in residential zones, and accessory to active recreational uses in open space zones. The outdoor swimming pool proposed undermines the intended use and functionality of the surrounding E3 zoned area, as the City's most noxious and intense uses are permitted within E3 zoned sites. Additionally, staff are of the opinion that the outdoor swimming pool would not be compatible with industrial uses found in these areas due to heavy traffic, noise, pollution and other factors. While Planning staff recognize the use is permitted indoors on the subject property, staff are unable to support the use outdoors as it conflicts with the planned industrialization of the surrounding context.

Variations 2 requests a reduced side yard setback. The general intent of this portion of the by-law is to ensure that an adequate buffer exists between the massing of primary structures on

adjoining properties, appropriate drainage patterns can be maintained and that access around the building ultimately remains unencumbered. Staff note the proposed reduction to the outdoor pool area retains a similar side yard setback of the existing building on the subject property. Additionally, staff note the reduced side yard setback is prevalent for a small portion of the site and increases as you move towards the rear of the subject property. Staff are of the opinion the reduced setback will not have impacts to the abutting properties or streetscape and will not impact the functionality of the site for employment uses. Furthermore, Transportation and Work's staff have noted no drainage concerns.

Variance 3 requests a reduced drive aisle width. The intent of this regulation is to ensure there is a sufficient space for vehicles to access and exit parking stalls and allow for appropriate vehicular circulation within the subject property. Staff note the proposed reduction in drive aisle width is triggered by a curbside parking spot located along the south-west side yard property line. Staff further note the proposed drive aisle width reduction is prevalent for the 7.25m (23.78ft) curbside parking spot length, and increases as you move towards the rear of the property. Staff are of the opinion that the reduction drive aisle width will maintain appropriate site circulation on the subject property.

Planning staff have concerns regarding the potential impacts of the surrounding industrial uses and the appropriateness of the location of the outdoor pool on the subject property. Staff are of the opinion variance 1 does not meet the general intent and purpose of the official plan and zoning by-law, is not minor in nature and does not represent an appropriate use or orderly development of the subject property. However, staff are of the opinion variances 2 and 3 meet the four tests of a minor variance.

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 proposed outdoor pool which is currently under construction. From our site inspection and the photos, we note that there are two existing gas meters, which the Site Plan depicts being enclosed. In this regard, the applicant is to ensure that any works proposed in the area of the existing gas meters are approved/acceptable to the utility company, including accessibility from the utility company to the meters.

Comments Prepared by: Tony Iacobucci, Development Engineering







Appendix 2 – Zoning Comments

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Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: Ramsen Hedoo, Planner.

Appendix 3 – Region of Peel

We have no comments or objections.

Comments Prepared by: Petrele Francois, Junior Planner