

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-10-21	File(s): A335/20 Ward: 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-10-29

Consolidated Recommendation

The City recommends that the application be refused.

Application Details

The Applicant requests the Committee to approve a minor variance to permit the construction of a two storey addition, proposing a gross floor area of 692.90m² (approx. 7458.31sq.ft) to the existing industrial building with an existing gross floor area of 1193.40 m² (approx. 12,845sq.ft); whereas, By-law 0225-2007, as amended, permits only minor alterations or additions to existing industrial facilities, buildings and structures, in this instance.

Background

Property Address: 3585 Mavis Road

Mississauga Official Plan

Character Area: Fairview Neighbourhood
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: D-10 (Development)

Other Applications:

None

Site and Area Context

The subject property is an interior parcel located south-east of the Burnhamthorpe Road West and Mavis Road intersection and currently houses a two-storey, industrial structure with attached surface parking area. Contextually, this portion of Mavis Road is comprised of a combination of heavy industrial and mixed commercial uses; with the subject property providing a minor transitional area between these aforementioned land-uses. The properties along this portion of Mavis Road are situated upon large parcels, with lot frontages ranging from +/-40m to +/-160m.

The subject property is an interior parcel, with a lot area of 7,970.5m² and a frontage of +/-41.0m.



Comments

Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment the authority to grant relief from the requirements stipulated by the municipal Zoning By-law, provided that such applications meet the requirements set out under Section 45(1) and/or 45(2) (a) or (b) of the *Planning Act*.

Staff comments concerning this minor variance request are as follows:

Does the proposal maintain the general intent and purpose of the Official Plan?

The site is located within Special Site 1 of the Fairview Neighbourhood Character Area and designated Mixed Use by the Mississauga Official Plan (MOP).

Special Site 1 proposes that the lands fronting upon the east side of Mavis Road will eventually be comprised of both residential and mixed commercial land-uses.

While Section 16.11.2.1.3(g) (Site 1) of the Official Plan does recognize the historical nature of these lands by permitting existing industrial land-uses; these policies further regulate that: only minor alterations / additions to existing industrial structure shall be permitted; and, when such existing industrial uses cease operation, the lands must be developed in accordance with the Mixed Use designation of this Plan. The intent of these aforementioned policies is ultimately to phase-out non-complying industrial land-uses to promote the eventual transition of this area into a mixed commercial/residential corridor.

It is the opinion of Planning Staff that the proposed 692.90m², 2-storey addition does not constitute minor construction, as identified above. Further, in contrast to developing the lands in accordance with the planned vision of MOP, the Applicant's proposal further ingrains an industrial land-use in this area and serves to potentially preclude the future redevelopment of these lands, as envisioned by the Official Plan.

This application does not meet the general intent or purpose of the Official Plan.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

As per Zoning By-law 0225-2007, the subject property is zoned D-10 (Development).

The intent of the D Zone is to recognize and give legal rights, in the interim, to a previously permitted land-use which the City acknowledges is not in line with the future vision of the Municipality during a period in which the area transitions.

While the D-10 (Development) zone does contemplate some manner of construction, this has specifically been regulated to only minor alterations / additions to any existing industrial facility.

It is the opinion of Planning Staff that the proposed 692.90m², 2-storey addition does not constitute minor construction, as identified above, and serves to not only undermine the planned function of this property, but also, is in contradiction to the general intent of the Zoning By-law.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

Given the significant deviations to the planned vision of both the Official Plan and Zoning By-law necessary in facilitating this proposal, it is the opinion of Planning Staff that the application

cannot be viewed as being minor in nature, nor do the required amendments to the policy framework result in the orderly development of the lands.

Conclusion

Based upon the preceding, it is the opinion of staff that the variance, as requested, does not meet criteria established by Section 45(1) of the *Planning Act*. The Planning and Building Department recommends that the application be refused

Comments Prepared by: Roberto Vertolli, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposed two storey addition will be addressed through the Building Permit and Site Plan Application Process.





Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

The Building Department is not in receipt of any permit applications at this time. In the absence of any permit application, this Department is unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a full zoning review has not been completed.

Comments Prepared by: Brian Bonner, Zoning Examiner

Appendix 5 – Region of Peel Comments

Development Engineering: Camila Marczuk (905) 791-7800 x8230

Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Site Servicing approvals are required prior to the local municipality issuing building permit. For more information, please call our Site Servicing Technicians at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca

Comments Prepared by: Diana Guida, Junior Planner