

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2024-12-04	File(s): A546.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:12/12/2024 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application, subject to the conditions. The applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Application Details

The applicant requests the Committee to approve a minor variance to allow outdoor storage of fencing materials (wood and chain link) and accessory retail sales of fencing materials whereas By-law 0225-2007, as amended, does not permit such a use in this instance.

Recommended Conditions and Terms

Should Committee see merit in the application, Planning staff recommend the following conditions:

1. The application be approved for a temporary period.
2. No advertising of the retail business or showroom shall be permitted on the premises.

Background

Property Address: 346 Derry Rd W

Mississauga Official Plan

Character Area: Meadowvale Village Neighbourhood
Designation: Business Employment, Residential Low Density II

Zoning By-law 0225-2007

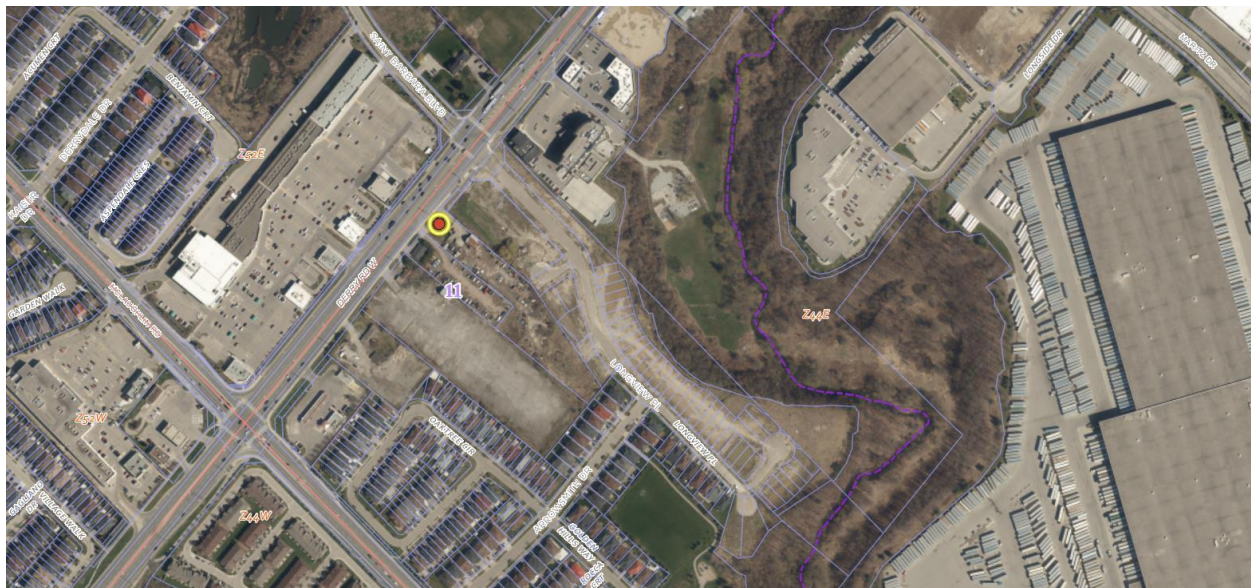
Zoning: D - Development

Other Applications: None

Site and Area Context

The subject property is located on the south side of Derry Road West, east of the McLaughlin Road and Derry Road West intersection in the Meadowvale Village Neighbourhood Character Area. It is an interior lot containing a one and a half storey structure and a detached garage in the rear yard. Limited landscaping and vegetative elements are present on the subject property. This section of Derry Road West is an area under transition as abutting lands to the east and south have recently received planning approval for residential development while commercial and business employment uses are present along Derry Road West.

The applicant is proposing outdoor storage of fencing materials and the accessory retail sales of fencing materials 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 of the four tests to this minor variance request are as follows:

Planning staff note for the Committee's information that the subject outdoor storage of fencing material and accessory retail sales was previously granted under files 'A374.83', 'A445.85', 'A568.87', 'A569.89', 'A471.91', 'A620.94', 'A571.99', 'A753.2', 'A465.4', 'A461.6', 'A372.11', 'A503.16' and 'A472.19'.

Planning staff further note the subject property was previously zoned 'A' (Agricultural) when the variance was granted under file 'A461.6', and was changed to a 'D', development zone, when Zoning By-law 0225-2007 was approved by Council.

Section 19.11.2 of the MOP, implemented by Mississauga Official Plan Amendment (MOPA) 126, allows for minor changes to be made on lands zoned "D" (Development). The proposed amendments will allow the addition of temporary uses without jeopardizing the future vision for the neighbourhood. It further states the lands can be considered for a minor variance if the proposed use meets the following criteria:

- a. Where a new use is proposed, the proposed use is temporary/seasonal;
- b. The proposed use is compatible with the planned function and character of the Character Area and will not have an adverse effect on the surrounding properties;
- c. Any proposed building additions and/or alterations are limited in scope; and
- d. The site is not on lands designated Greenlands and/or any proposed development will not impact any environmental feature that has been identified on the lands by the City or Conservation Authority

Staff note the proposed use is temporary, compatible for the subject property and will not negatively impact the planned function of the property. The subject property is zoned Development which permits only the existing uses on the subject property on the day of the passing of the by-law. The intent of the Development zone is to allow existing land uses to continue until such time as the property goes through a development application to facilitate an appropriate redevelopment of the property. Staff are satisfied that the proposal represents a minor alteration and will not negatively impact the long term development of the site in line with official plan policies. Staff further note there are no changes proposed to the existing site.

Through a detailed review of the application, staff are of the opinion that the application is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning nature.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment

Appendices

Appendix 1 – Transportation and Works Comments

Should Committee see merit in the applicant's request we would suggest that approval be for a temporary period of time so as not to impede on any future redevelopment of the subject and adjacent properties.







Comments Prepared by: Tony Iacobucci, Development Engineering

Appendix 2 – Zoning Comments

We note that a Zoning Certificate of Occupancy Permit is required. In the absence of a Zoning Certificate of Occupancy Permit 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.

Comments Prepared by: Crystal Abainza, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

Forestry Comments

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 Technician, Forestry Section, Community Services Department at 905-615-3200 ext. 4264 or via email jamie.meston@mississauga.ca.

Comments Prepared by: Jamie Meston, Landscape Technician

Appendix 4 – Region of Peel Comments

We have no comments or objections.

Comments Prepared by: Petrele Francois, Junior Planner