

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-11-11	File(s): A377/20 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-11-19

Consolidated Recommendation

The City recommends that the application be refused.

Application Details

The applicant requests the Committee to approve a minor variance to allow a Personal Service Establishment in Unit 248 of the subject property whereas By-law 0225-2007, as amended, does not permit such a use in this instance.

Background

Property Address: 2155 Leanne Boulevard

Mississauga Official Plan

Character Area: Sheridan Community Node
Designation: Office

Zoning By-law 0225-2007

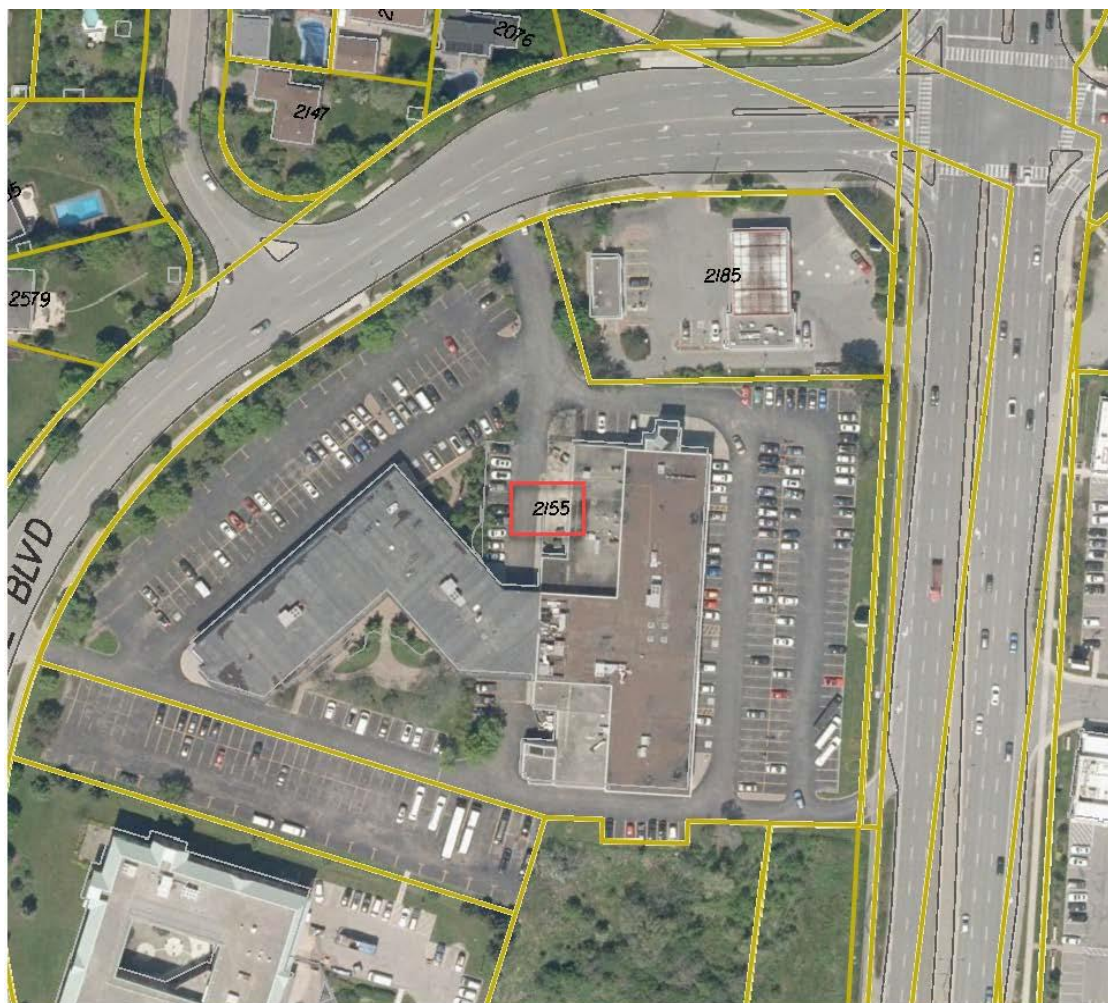
Zoning: O-12 (Office)

Other Applications

Occupancy Permit: 20-1055

Site and Area Context

The subject property is located within the Sheridan Community Node Character Area, northwest of North Sheridan Way and Erin Mills Parkway. The area consists of a mix of residential and commercial uses. Immediately south of the subject property is a long term care facility and overnight accommodation use. The subject property contains a two storey building containing a mix of office and commercial uses. The commercial uses front onto Erin Mills Parkway while office type uses are located in the rear. The application proposes a personal service establishment use whereas it is not permitted.



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:

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

The subject property is designated Office in Schedule 10 of the Mississauga Official Plan (MOP) which permits major office, secondary office and accessory uses. A personal service establishment use is only permitted in the Mixed Use and Convenience Commercial designations. The Office designation is meant to limit commercial uses that would be more suited for mixed use areas involving commercial plazas that have more of a retail atmosphere. It should be noted that the existing plaza contains commercial uses. However, a personal service establishment is not envisioned in the Office designation, as such, staff is of the opinion that the general intent and purpose of the official plan is not maintained.

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

The subject property is zoned O-12 (Office) and does not permit a personal service establishment. Personal service establishments are limited to commercial zones. The intent of the by-law is to limit the type of commercial uses permitted on this site to those that would be more suitable for commercial plazas which contain more of a mixture of uses and retail based uses. Although the subject property contains commercial uses, these uses are limited to only one building which fronts onto Erin Mills Parkway. The building located in the rear of the property contains office type uses. Through discussions with the applicant's agent, the personal service establishment is a beauty spa which only operates by appointment only. Based on the information provided, staff is of the opinion that the general intent and purpose of the zoning by-law is not maintained.

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

The subject property is located within a Community Node, surrounded by a mix of uses. The proposed use is a beauty spa that would operate by appointment only, thereby limiting the overall impact of the proposed personal service establishment from foot traffic and unscheduled appointments. Furthermore, the proposed use can be used to serve the surrounding area. However, the application proposes to add a use in a zone that did not envision a personal service establishment. As such, while the proposed use may represent orderly development of the lands, the nature of the application is not minor.

Conclusion

The Planning and Building Department recommends that the application be refused.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

Appendices

Appendix 1 – Zoning Comments

The Planning and Building Department is currently processing a certificate of occupancy permit application under file 20-1055. Based on review of the information currently available for this building permit, the variance, as requested is correct.

Comments Prepared by: Marco Palmera, Zoning Examiner

Appendix 2 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the November 19th, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Applications: DEF-A-54/20

Minor Variance Applications: A-358/20, A-373/20, A-374/20, A-377/20, A-378/20, A-382/20

Comments Prepared by: Diana Guida, Junior Planner

Appendix 3 – Ministry of Transportation of Ontario

The property-project at 2155 Leanne Boulevard, Hwy QEW., is within MTO Permit Control Area (PCA) therefore any changes to the structure(s) will require MTO review and approval, with MTO permit(s).

Comments Prepared by: Corey Caple, Corridor Management Officer