

City of Mississauga

Memorandum:

City Department and Agency Comments

Ramen Date Finalized: 2025-03-27	File(s): A67.25
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:4/3/2025 1:00:00 PM

Consolidated Recommendation

The City has no objection to the application, as amended.

Application Details

The applicant requests the Committee to approve an application under Section 45(2) of the Planning Act to allow the expansion of an existing Waste Processing Station whereas By-law 0225-2007, as amended, does not allow the expansion of a Waste Processing Station use in this instance.

Amendments

The Building Department is currently processing a zoning certificate and building permit application under file C22-4086 and BP 3NEW 24-507. Based on review of the information currently available for this building permit, Zoning staff advise that the variance should be amended as follows:

- The applicant requests the Committee to approve an application under Section 45(2) of the Planning Act to allow the expansion of an existing Waste Processing Station (including smelting and foundry operations) within 800m of a residential zone whereas By-law 0225-2007, as amended, does not allow the expansion of a Waste Processing Station use in this instance.

Background

Property Address: 1333 Tonolli Rd

Mississauga Official Plan

Character Area: Dixie Employment Area
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2-134-Employment

Other Applications: Zoning certificate and building permit application under file C22-4086 and BP 3NEW 24-507

Site and Area Context

The subject property is located in the Dixie Employment Area, northwest of the Queensway East and Dixie Road intersection. The immediate area consists of a variety of uses including commercial, employment and industrial. The subject property currently contains a waste processing station.

The application is proposing an addition requiring approval for the expansion of an existing legal non-conforming use under Section 45 (2) of the Planning Act.



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 are as follows:

The subject property is located in the Dixie Employment Area Character Area and is designated Business Employment in Schedule 10 of the Mississauga Official Plan (MOP). Pursuant to Section 11.2.11 (w), the Business Employment designation permits waste processing stations.

The applicant is proposing an expansion of the existing waste processing facility, seeking approval under Section 45 (2) of the Planning Act.

The current application proposes the addition of 6 fabric covered storage structures to replace the existing open-air storage of the batteries to comply with the Ministry of the Environment, Conservation, and Parks (MECP) permit requirements. In addition, the applicant is also proposing an expansion of the existing metal clad slag storage building.

Staff note that the existing use has been operating since 1958, including the smelting and foundry component, wherein it was in compliance with the zoning by-law at the time. With changes to the zoning by-law over the years, the use became legal non-conforming.

The applicant provided the City with an affidavit detailing its historical use and operation, giving justification for the use having legal non-conforming status. The City has reviewed the affidavit and is in agreement with the conclusion that the use enjoys legal non-conforming status.

Further, Site Plan approval for the site (SPAX 22-83) has been approved, allowing the applicant to proceed to building permit. During the building permit review, staff noted that the smelting and foundry operation was not permitted, which has triggered the current application under Section 45 (2) of the Planning Act.

Section 45 (2) stipulates the following:

(2) In addition to its powers under subsection (1), the committee, upon any such application,

(a) where any land, building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law, may permit,

(i) the enlargement or extension of the building or structure, if the use that was made of the building or structure on the day the by-law was passed, or a use permitted under subclause (ii) continued until the date of the application to the committee, but no permission may be given to enlarge or extend the building or

structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed, or

(ii) the use of such land, building or structure for a purpose that, in the opinion of the committee, is similar to the purpose for which it was used on the day the by-law was passed or is more compatible with the uses permitted by the by-law than the purpose for which it was used on the day the by-law was passed, if the use for a purpose prohibited by the by-law or another use for a purpose previously permitted by the committee continued until the date of the application to the committee; or

(b) where the uses of land, buildings or structures permitted in the by-law are defined in general terms, may permit the use of any land, building or structure for any purpose that, in the opinion of the committee, conforms with the uses permitted in the by-law. R.S.O. 1990, c. P.13, s. 45 (2).

As such, the Committee of Adjustment has the authority to permit the expansion of a legal non-conforming use.

Staff are satisfied that the proposal respects the official plan policies and is essential to the operations of the current use. Additionally, staff are of the opinion that the proposal does not pose any significant changes to the current operations of the waste processing station.

Staff recognise that the use has been in operation since 1958 and that the expansion is completely contained within the subject property. By permitting the expansion as proposed, the resulting development will comply with the MCEP regulations, thereby improving the operations of the facility.

Given the above, staff are satisfied that the application is appropriate to be handled under Section 45 (2) of the Planning Act. Further, the application raises no concerns of a planning nature.

Comments Prepared by: Shivani Chopra, 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 expansion of the waste processing station will be addressed by our Development Construction Section through Building Permit BP 3NEW-24/507.

Comments Prepared by: John Salvino, Development Engineering Technologist











Appendix 2 – Zoning Comments

The Building Department is currently processing a zoning certificate and building permit application under file C22-4086 and BP 3NEW 24-507. 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 an application under Section 45(2) of the Planning Act to allow the expansion of an existing Waste Processing Station (including smelting and foundry operations) within 800m of a residential zone whereas By-law 0225-2007, as amended, does not allow the expansion of a Waste Processing Station use in this instance.

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 – 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.

An 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