

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-01-13	File(s): A15.21 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2021-01-21

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 dog training facility whereas By-law 0225-2007, as amended, does not permit a dog training facility in this instance.

Amendments

The following variance should be added to the application

The applicant requests the Committee to approve a minor variance to allow a dog training facility providing parking at a rate of 3.6 spaces per 100m² of GFA Non-Residential whereas By-law 0225-2007, as amended, does not permit a dog training facility in this instance and would require parking at the rate of 5.4 spaces per 100m² of GFA Non-Residential.

Background

Property Address: 1728 Lakeshore Road West

Mississauga Official Plan

Character Area: Clarkson-Lorne Park Neighbourhood
Designation: Mixed Use

Zoning By-law 0225-2007

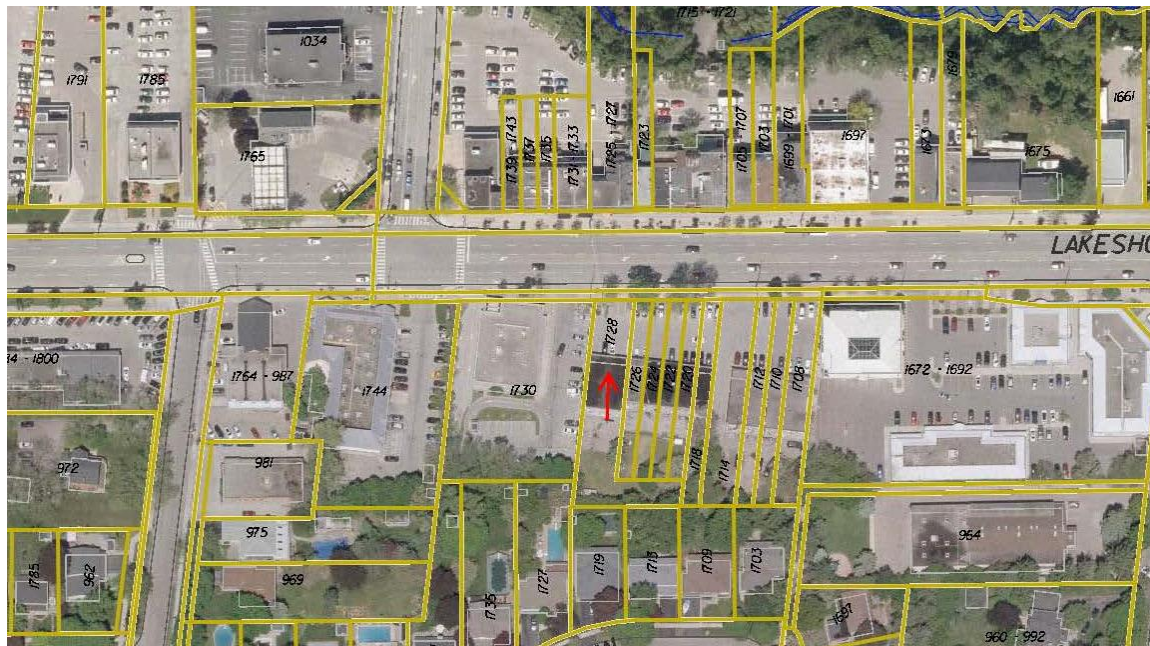
Zoning: C4-65 (Commercial)

Other Applications

Occupancy Permit: 20-2263

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, southeast of Lakeshore Road West and Clarkson Road North. The surrounding area consists of a mix of restaurant, commercial and office uses fronting onto Lakeshore Road West. The subject property contains an existing two storey building. The applicant is proposing a dog training facility as a standalone 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 and Zoning By-law?

The subject property is designated Mixed Use in Schedule 10 of the Mississauga Official Plan, which permits restaurants, personal service establishments, and retail, among other uses. The zoning by-law permits similar uses to the official plan, as well as animal care establishments. Animal care establishments within the zoning by-law is defined as where animals are groomed or kept on a temporary basis excluding overnight accommodation. The zoning by-law also contains an 'animal boarding establishment' use which is defined as where animals are bred, raised, groomed, trained or kept for a fee on a temporary basis and may include outdoor facilities. Through the occupancy permit, the Zoning Division identified this use as an animal boarding establishment which is only permitted in the E2 and E3 (Employment) zones as the definition includes training. However, the applicant applied for a dog training facility as an undefined term as the business operates as a dog training facility only. The proposed use is not permitted in either the official plan or zoning by-law, furthermore, a similar use such as an animal boarding establishment which is a defined term was not contemplated within the mixed use designation and commercial zone. As such, staff is of the opinion that the variance does not maintain the intent and purpose of the official plan.

Through discussions with the Zoning Division, as the applicant has applied for an undefined use, a parking rate of 5.4 spaces per 100 m² would be applied to the use. As such, should Committee see merit in the application, it is recommended that a variance be included to reduce the parking rate to an animal boarding establishment, a similar use.

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

The applicant states that the site will be used for training only and will not have overnight accommodation or require the use of outdoor storage, thereby limiting the impact of the proposed use to the residential neighbourhood abutting the subject property to the south. However, the zoning by-law and official plan do not permit the proposed use and do not contemplate similar uses within the designation and zoning category. As such, staff is of the opinion that the application is not minor in nature and does not represent orderly development of the lands.

Conclusion

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

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This Department has no objections, comments or requirements with respect to C.A. 'A' 15/21.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Planning and Building Department is currently processing a certificate of occupancy permit application under file 20-2263. Based on review of the information currently available for this building permit, the variance requested should be amended as follows:

The applicant requests the Committee to approve a minor variance to allow a dog training facility providing parking at a rate of 3.6 spaces per 100m² of GFA Non-Residential whereas By-law 0225-2007, as amended, does not permit a dog training facility in this instance and would require parking at the rate of 5.4 spaces per 100m² of GFA Non-Residential.

Comments Prepared by: Sandra Morrison, Zoning Examiner

Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the January 21st, 2021 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Deferred Applications: DEF-A-338/20.

Consent Applications: B-1/21, B-2/21.

Minor Variance Applications: A-355/20, A-407/20, A-9/21, A-14/21, A-15/21, A-16/21, A-17/21, A-18/21, A-19/21, A-36/21, A-37/21.

Comments Prepared by: Diana Guida, Junior Planner