

# City of Mississauga

## Memorandum:

### City Department and Agency Comments

Date Finalized: 2021-01-25	File(s): A24.21 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2021-01-28

## Consolidated Recommendation

The Planning and Building department cannot support this application. Should Committee see merit in the application, Planning Staff recommend the condition identified below be imposed.

## Application Details

The applicant requests the Committee to approve a minor variance to allow a cemetery use (existing memorial wall) to operate accessory to the Place of Religious Assembly use on the subject property whereas By-law 0225-2007, as amended, does not permit a cemetery use to operate accessory to a Place of Religious Assembly use in this instance.

## Recommended Conditions and Terms

Should Committee see merit in the application, Planning Staff recommend the following condition be imposed:

- The subject property contains approximately 1400 existing burial niches. Staff recommend that no additional burial niches shall be permitted on the subject property. Pursuant to section 84 (1) of the Funeral, Burial and Cremation Services Act, in the event that the applicant wishes to increase capacity, the applicant will need to submit a separate application for municipal approval in order for the municipality to consider whether the application is in the public interest. In the absence of municipal consent, the applicant will be prohibited from increasing the capacity of the cemetery. The applicant shall not increase the capacity of the memorial wall (columbarium) and/or cemetery use without first requesting approval from the municipality and without first obtaining any other provincial or municipal approvals, if required.

## Background

**Property Address:** 420 Traders Boulevard East

### Mississauga Official Plan

Character Area: Gateway Employment (East) Character Area

Designation: Business Employment

### Zoning By-law 0225-2007

**Zoning:** E2 - Employment

**Other Applications:** SP 99-333

SPR 2-206

SPR 4-370

**See cover letter for certificate of occupancy, building permit, pre-app zoning review and previous variances.**

### Site and Area Context

The subject property is located at the south-west corner of the Traders Boulevard East and Kennedy Road intersection. The property currently houses a two-storey building with minimal vegetation surrounding the built structure and periphery of the parking lot. From a land-use perspective, the immediate neighbourhood is a mixture of employment uses including a factory outlet, culinary school and mortgage centre with minimal vegetation and landscape elements located at the periphery of each parcel. The properties within the immediate area possess lot frontages of +/-65.0m.

The subject property is an interior parcel, with a lot area of +/- 4,600.0m<sup>2</sup> and a lot frontage of +/- 36.0m. The applicant is proposing to legalize the existing memorial wall (columbarium) requiring a variance to permit 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:

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

The site is located within the Gateway Employment (East) Character Area, and is designated Business Employment by the Mississauga Official Plan (MOP). Pursuant to Section 1 Introduction, the MOP permits community infrastructure that support a quality of life for people and communities by providing community facilities and places of religious assembly. The Place of Religious Assembly (PRA) is permitted by the Business Employment designation but the accessory cemetery use does not meet the purpose and general intent 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 applicant is proposing an accessory cemetery use where one is not permitted. The intent of the zoning by-law is to ensure the general intent and purpose

of the by-law is followed which is to preserve these lands for business employment.

While the PRA has been in operation for approximately twenty years, the applicant didn't establish the cemetery use until 2016 when a mausoleum wall (columbarium) with the capacity to hold 1400 urns was constructed. The by-law defines the mausoleum wall (columbarium) as a cemetery use that is separate from a PRA and does not consider it an accessory use to a PRA. While the proposed cemetery use does not maintain the general intent of the zoning by-law, planning staff recognize that it is not uncommon for a PRA to have a cemetery as an accessory use. Given the accessory nature of the mausoleum wall (columbarium) and history of the primary use on the property, planning staff anticipate that the PRA use will continue in the future and will provide a service to the local faith of the community. Should the Committee see merit in the application; staff recommend that the following condition be imposed:

- The subject property contains approximately 1400 existing burial niches. Staff recommend that no additional burial niches shall be permitted on the subject property. Pursuant to section 84 (1) of the Funeral, Burial and Cremation Services Act, in the event that the applicant wishes to increase capacity, the applicant will need to submit a separate application for municipal approval in order for the municipality to consider whether the application is in the public interest. In the absence of municipal consent, the applicant will be prohibited from increasing the capacity of the cemetery. The applicant shall not increase the capacity of the memorial wall (columbarium) and/or cemetery use without first requesting approval from the municipality and without first obtaining any other provincial or municipal approvals, if required.

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

While the proposed cemetery is accessory to the permitted PRA, it is not a permitted use and as a result does not maintain the intent of the zoning by-law. The location of the mausoleum wall (columbarium) is sufficiently set back from the street and screened by vegetation and a fence resulting in minimal impact on the abutting properties. Through a detailed review, planning staff cannot support this application in principle, as it is not minor in nature and is not appropriate for the subject property.

## Conclusion

Based upon the preceding information, planning staff cannot support this application. Should Committee see merit in the application, planning staff recommend that the size limitation condition be imposed.

Comments Prepared by: Brooke Herczeg RPP, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

Enclosed for Committee's easy reference are some photos depicting the area of the existing memorial wall.







Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

## **Appendix 2 – Zoning Comments**

The Building Department is not in receipt of any permit applications at this time and the applicant is advised that a zoning review has not been completed. We are unable to confirm the accuracy of the requested variance(s) or determine whether additional variance(s) may be required.

The applicant is advised that a completed zoning review may identify additional instances of zoning non-compliance. The applicant may consider applying for a preliminary zoning review application and submit working drawings for a detailed zoning review to be completed. A minimum of 6-8 weeks will be required to process a preliminary zoning review application depending on the complexity of the proposal and the detail of the information submitted.

Comments Prepared by: Brandon Eidner, Zoning Examiner

## **Appendix 3 – Parks, Forestry & Environment**

The Park Planning Section of the Community Services Department has no objections to the minor variance application submitted by the applicant.

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Should further information be required, please contact Jim Greenfield, Park Planner, Community Services Department at 905-615-3200 ext. 8538 or via email [jim.greenfield@mississauga.ca](mailto:jim.greenfield@mississauga.ca)

Comments Prepared by: Jim Greenfield, Park Planner

#### **Appendix 4 – Heritage**

No Heritage Concerns

Comments Prepared by: John Dunlop, Manager, Heritage Planning

#### **Appendix 5 – Region of Peel Comments**

Regional Planning staff have reviewed the applications listed on the January 28<sup>th</sup>, 2021 Committee of Adjustment Agenda. We have no comments or objections.

Comments Prepared by: Diana Guida, Junior Planner