



Report Committee of Adjustment

Filing Date: November 8, 2022

Hearing Date: May 30, 2023

File: A-2022-0361

**Owner/
Applicant:** SONEIL MISSISSAUGA INC.

Address: 350 Rutherford Road S. Unit #10

Ward: WARD 3

Contact: Simran Sandhu, Planner I

Recommendations:

That application A-2022-0361 is supportable, subject to the following conditions being imposed:

1. That the extent of the variance be limited to that shown on the sketch attached to the Notice of Decision;
 2. That the Private School use be approved for a temporary period of five (5) years from the date of the decision of the Committee;
 3. That a Record of Site Condition (RSC) must be filed to the Ministry of Environment, Conservation and Parks within 12 months of the committee's decision; and,
 4. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

The application was previously deferred at the December 6, 2022 Committee of Adjustment hearing. As outlined in the previous staff report (Appendix A) staff required further information for the requested variance. The applicant was advised through a Pre-Consultation in June of 2021 that the proposed use change to a private school is considered a change to a more sensitive land use, a Record of Site Condition (RSC), is mandated by the Environmental Protection Act. In order to file an RCS, an Environmental Site Assessment (ESA) are needed. The applicant has provided staff with both the ESA

and Noise Study to be reviewed and staff find both studies satisfactory and do not identify any concerns with the proposed use.

Existing Zoning:

The property is zoned 'Service Commercial (SC-3098)', according to By-law 270-2004, as amended.

Requested Variance:

The applicant is requesting the following variance:

1. To permit a private school to operate from unit 10 whereas the by-law does not permit the proposed use.

Current Situation:

1. Maintains the General Intent and Purpose of the Official Plan

The property is designated 'Business Corridor' in the Official Plan and 'Service Commercial' in the Highway 410 and Steeles Secondary Plan. The Business Corridor designation permits a broad range of employment and employment-related uses. Policy 4.4.1 states that lands within the Business Corridor designations are planned to accommodate a broad range of business, service and institutional uses to serve the general public and adjacent employment areas. It is recognized that employment areas typically accommodate a certain range of ancillary uses without negatively impacting the viability of employment lands or employment operations. Therefore, the requested variance to permit an institutional use for a private school conforms with the general intent of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

The variance is requested to permit a private school to operate from unit 10 whereas the by-law does not permit the proposed use. The intent of the by-law in restricting an institutional use is to protect against conflicting land uses. The existing zoning (SC-3098) for the subject property permits commercial uses, including a commercial, technical or recreational school and office. Both these uses currently exist on the property.

The private school use is not expected to have any adverse impacts on the adjacent properties or on other businesses located within the same building. In order to ensure that the private school can function compatibly with the uses currently operating within the building, as well as the other uses permitted in the Zoning By-law, staff are recommending that the private school use be approved for a temporary period of five (5) years. Subject to the recommended conditions of approval, the variance maintains the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The requested variance is intended to permit a private school to operate from unit 10 whereas the by-law does not permit the proposed use. The proposed private school is not expected to adversely impact the property or other tenants located within the commercial plaza. In order to ensure that the private school can function compatibly with the uses currently operating within the building, as well as the other

uses permitted in the Zoning By-law, staff recommend that the private school use be approved for a temporary period of five (5) years.

Allowing the proposed private school to operate within unit 10 of the commercial plaza will not conflict with the current businesses or the overall function of the building and no impacts such as excess noise, increased traffic or visual impacts on the streetscape are anticipated. Subject to the recommended conditions of approval, the requested variances are desirable for the appropriate development of the land.

4. Minor in Nature

The requested variance to allow for a private school is not anticipated to create any negative impact on the use of either the subject property or the surrounding properties. Subject to the recommended conditions, the variance is deemed minor in nature.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Simran Sandhu", enclosed within a circular scribble.

Simran Sandhu, Planner I

Appendix A: Previous Staff Report



Report Committee of Adjustment

Filing Date: November 8th, 2022
Hearing Date: December 6th, 2022
File: A-2022-0361
**Owner/
Applicant:** Soneil Mississauga Inc.
Address: 350 Rutherford Road S. Unit #10
Ward: 3
Contact: Rabia Ahmed, Planner I

Recommendations:

That application A-2022-0361 be deferred no later than the last meeting of June 2023.

Background:

The property contains two commercial buildings containing seven Commercial, Technical and Recreational Schools as well as office uses. The property is designated 'Business Corridor' in the Official Plan and 'Service Commercial' in the Highway 410 and Steeles Secondary Plan. The property is zoned 'Service Commercial' subject to Special Section 3098 (SC-3098), according to By-law 270-2004, as amended. The applicant is seeking a variance to permit a private school to operate from Unit 10 whereas the by-law does not permit the proposed use. The private school use is considered an Institutional Use in the by-law whereas the current office and Commercial, Technical and Recreational School uses on the subject property are considered Commercial Use in the by-law. The subject property is adjacent to lands zoned Industrial Two (M2) according to By-law 270-2004. The M2 designation permits heavy industrial uses including the processing of hazardous waste chemicals, under the condition that there is a minimum separation of 1000m from Residential, Open Space and Institutional zones.

Existing Zoning:

The property is zoned 'Service Commercial,' subject to Special Section 3098 (SC-3098), according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a private school to operate from Unit 10 whereas the by-law does not permit the proposed use.

Current Situation:

Staff has reviewed the information provided by the applicant, and finds that further information is needed to contemplate the proposed use change. The applicant was advised through a Pre-Application Consultation in May and June of 2021 that as the proposed use change to a private school is considered a change to a more sensitive land use, a Record of Site Condition (RSC) is mandated by the Environmental Protection Act. In order to file an RSC, an Environmental Site Assessment (ESA) Phase One, and potentially an Environmental Site Assessment Phase Two, as may be recommended by the ESA Phase One, are needed. These studies will allow staff to appropriately assess the feasibility of introducing a sensitive land use on the subject lands. These required studies have not been provided with the current Minor Variance application. Staff recommend a flexible deferral of the application to allow time for the applicant to provide this information and for staff to review and make a recommendation.

Respectfully Submitted,

Rabia Ahmed

Rabia Ahmed, Planner I