

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-04-14	File(s): A133.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-04-22 1:00 PM

Consolidated Recommendation

The City recommends that the application be refused.

Application Details

The applicant requests the Committee to approve a minor variance to allow:

1. Outdoor storage in excess of 5% of the lot area or 10% of the gross floor area - non residential of the building, whichever is lesser, whereas By-law 0225-2007, as amended, permits a maximum outdoor storage of 5% of the lot area or 10% of the gross floor area - non residential of the building, whichever is lesser; and
2. Outdoor display in excess of 5% of the lot area whereas By-law 0225-2007, as amended, permits a maximum outdoor display of 5% of the lot area in this instance.

Recommended Conditions and Terms

Should Committee see merit in the application, staff recommends the following conditions be added to the application:

- Outdoor storage/display shall not be located in the front yard
- Subject to be in general conformity with the proposed site plan

Background

Property Address: 2525 Haines Road

Mississauga Official Plan

Character Area: Dixie Employment Area

Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2-134 - Employment)

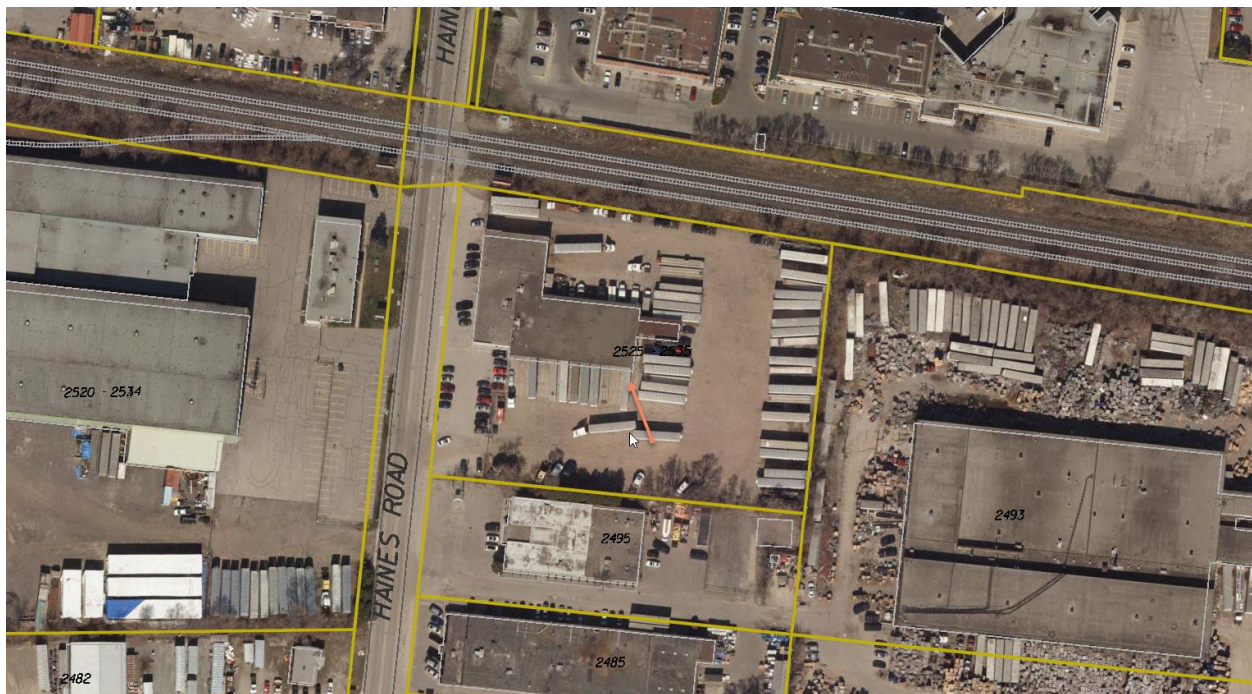
Other Applications

Certificate of Occupancy: 21-5613

Site and Area Context

The subject property is located within the Dixie Employment Character Area, southeast of Dundas Street East and Cawthra Road. The area south of the railway tracks consists mainly of manufacturing and industrial types uses with outdoor storage. The subject property contains a two storey building, used for a trucking business also consisting of outdoor storage.

The applicant is proposing to use the building for commercial motor vehicle sales, leasing and renting, requiring variances related to an excess of outdoor storage and outdoor display.



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 Business Employment in the Schedule 10 of the Mississauga Official Plan (MOP) which permits motor vehicle repair, trucking terminals, and manufacturing, among other uses. The Business Employment designation does not permit outdoor storage which is only limited to the Industrial designation. As the official plan did not envision outdoor storage within this designation, 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 variances requested proposes outdoor storage and display area of greater than 5% of the total lot area whereas a maximum 5% of the total lot area or 10% of the gross floor area of the building (whichever is lesser) is permitted. The general intent of the zoning by-law was to limit the amount of outdoor storage and display areas and to have the main feature of a site being the primary use. Through discussions with the applicant, approximately 57% of the lot area will be used for outdoor storage and display. The proposed area for outdoor storage significantly exceeds what the by-law intended. As such, staff is of the opinion that the general intent and purpose of the zoning by-law is not maintained.

It should be noted that the E2-134 (Employment) permits all uses within the E3 zone with the exception of a few uses. The E3 zone is generally located in more dense industrial areas and permits the use of outdoor storage without limiting it to a set amount. However, despite more industrial type uses being permitted within the zone, the requirement for outdoor storage is required.

Should Committee see merit in the application, staff recommends the following conditions be added to the application:

- Outdoor storage/display shall not be located in the front yard
- Subject to be in general conformity with the proposed site plan

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

The subject property is located in an area that contains a significant amount of outdoor storage and manufacturing/industrial type uses. While the proposed variances are not out of context with

the surrounding neighbourhood, staff cannot support the requested variances in principle due to the intent of the official plan and zoning by-law not being met. As such, staff is of the opinion that the application does not represent orderly development of the lands and is not minor in nature.

Conclusion

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

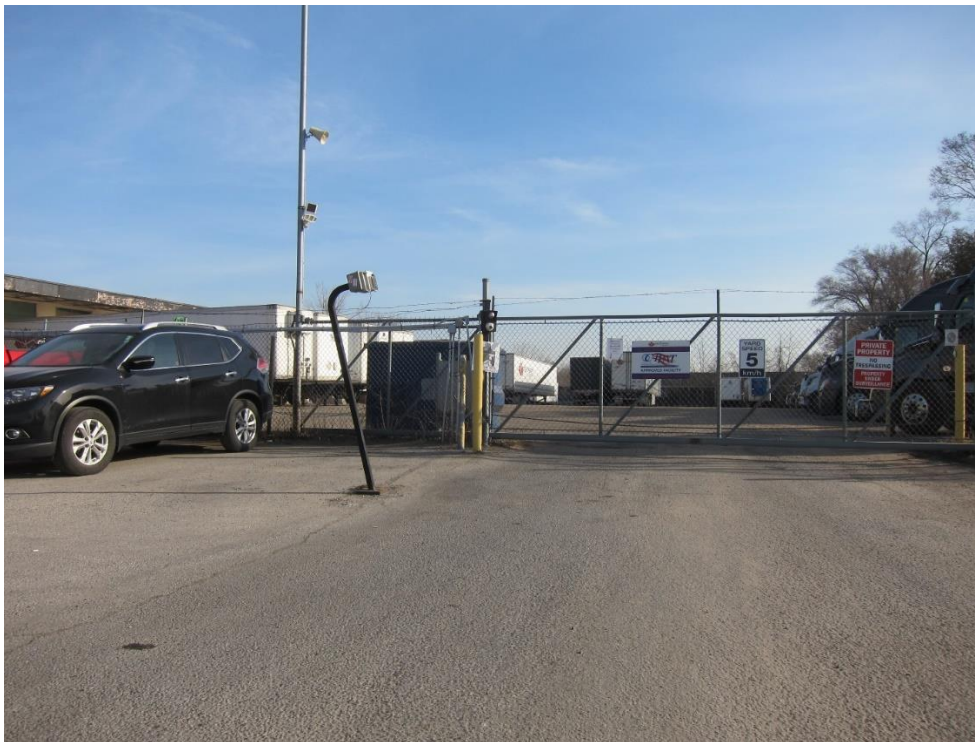
Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committees easy reference are photos depicting the subject property.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Pre-Application Zoning Review under file 21-5301. Based on review of the information currently available in this application, we advise that additional information is required in order to verify the accuracy of the requested variances and whether any additional variances are required.

Please note that comments reflect those provided through the above application and should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the application file noted above, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments.

Comments Prepared by: Richard Thompson, Zoning Examiner

Appendix 5 – Region of Peel Comments

We have no comments or objections.

Comments Prepared by: Diana Guida, Junior Planner

Appendix 7 – Trans Northern Pipelines Inc

Thank you for providing Trans-Northern with the Committee of Adjustment agenda for April 18, 2021 which includes a request for proposed development to allow for a minor variance to allow the outdoor storage and display of commercial motor vehicles and construction equipment whereas the current by-law does not allow outdoor storage and display of commercial motor vehicles and construction equipment in this instance. Trans-Northern currently operates a high-pressure petroleum products transmission pipeline within a 60 foot right of way on the adjacent property West, running Northwest to Southeast on the proposed development relating to 2525 Haines Road, Mississauga.

TNPI requests the preliminary site plan to review as many of the requested activities would not be approved within the TNPI right-of-way. Please note, any development plans within the right-of-way will require a permit and must follow out Crossing Guidelines (attached to this email) which can be requested by following the steps described near the end of this response. For planning purposes please note the following restrictions regarding development as follows:

- Storage is not allowed on the right-of-way, including vehicle storage of all sizes
- Development must not impede the view of the right-of-way (ie, height)
- Structures must be kept outside of the right-of-way

- Temporary vehicle crossing to support the construction will require TNPI permit
- Multi-unit or high-capacity buildings must be approved within the lot area described as 2525 Haines Road

Please note that, Trans-Northern is regulated by the Canada Energy Regulator. Section 335 (1) and (2) of the Canadian Energy Regulator Act, provides that:

- *It is prohibited for any person to construct a facility across, on, along or under a pipeline or engage in an activity that causes a ground disturbance within the prescribed area unless the construction or activity is authorized or required by the orders made under subsection (3) or (4) or regulations made under subsections (5) or (6) and done in accordance with them.*

- **Prohibition — vehicles and mobile equipment**

It is prohibited for any person to operate a vehicle or mobile equipment across a pipeline unless

- **(a)** *that operation is authorized or required by orders made under subsection (3) or (4) or regulations made under subsections (5) or (6) and done in accordance with them; or*
- **(b)** *the vehicle or equipment is operated within the travelled portion of a highway or public road.*

Additionally, should the applicant proposes to cross the pipeline with a vehicle or construct a facility across, on, along or under the pipeline, the applicant would be required to contact Trans-Northern prior to commencement of their work to receive the required authorization. This process can be initiated through Ontario One Call (1-800-400-2255). A representative from Trans-Northern will attend on site mark the pipeline location, confirm safe work practices, and advise of any permit requirements.

Should the applicant require further information on the technical requirements related to ground disturbance or crossing of the pipeline, they may contact Cliff Lee, Crossing Coordinator via email at : crossingrequestseast@tnpi.ca.

As always, Trans-Northern appreciates being circulated Committee of Adjustment agendas for proposed development within 200m of the TNPI pipeline.

Comments Prepared by: Michelle Gruszecki, Property and Right of Way Administrator