

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-09-01	File(s): A368.21 Ward 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-09-09 1:00:00 PM

Consolidated Recommendation

The Planning & Building Department has no objections to the application.

Application Details

The applicant requests the Committee to approve a minor variance to allow a service kiosk/gas bar proposing:

1. A landscape buffer of 3.0m (approx. 9.84ft) whereas By-law 0225-2007, as amended, requires a minimum landscape buffer of 4.5m (approx. 14.76ft) in this instance; and
2. An interior side yard of 4.6m (approx. 14.98ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 5.5m (approx. 18.04ft) in this instance.

Background

Property Address: 5835 Airport Road

Mississauga Official Plan

Character Area: Northeast Employment Area
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2-38 - Employment

Other Applications: SP 20-02

Site and Area Context

The subject property is located on the north-east corner of Airport Road and Bresler Drive in the Northeast Employment Area. The property currently contains a gas station and is located across the street from Pearson International Airport. Other uses in the surrounding area include a gas station, airport parking and offices. The site has limited existing vegetation, mostly located in the municipal boulevard.

The applicant is proposing to reconstruct the existing gas bar and accessory building requiring variances for side yard setback and landscape buffer.



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 located in the Northeast Employment Character Area and is designated Business Employment in Schedule 10 of the Mississauga Official Plan (MOP). The proposed gas bar and accessory use are permitted uses under this designation and therefore maintain the general intent and purpose of the Official Plan.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

Variance 1 proposes a reduction of the landscape buffer. The reduction is proposed along the sight triangle abutting the intersection and the Bresler Drive frontage. The landscape buffer along the Airport Road frontage is proposed to meet the by-law requirement. The intent of this

portion of the by-law is to ensure that an appropriate buffer exists abutting all lot lines. For the portion abutting the sight triangle, the additional landscaping located on the municipal boulevard reduces the impact of the proposed reduced buffer. For the Bresler Drive frontage, the site plan shows a reduction of access points off Bresler Drive from two to one. This will allow for additional landscaping within the buffer, resulting in an improvement to existing conditions on the property. Staff are satisfied that the proposal maintains an appropriate buffer for the subject property.

Variance 2 requests a reduced side yard to the proposed building on the property. The intent of the side yard setback regulation is to ensure an adequate buffer between structures on adjoining properties. Staff are satisfied that the proposed side yard reduction will not negatively impact the abutting property. Furthermore staff are satisfied that the reduction permits an appropriate buffer in the eventuality that the adjoining Park N Fly parking lot were to be redeveloped.

Given the above staff are of the opinion that the variances maintain the general intent and purpose of the Zoning By-law.

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

Staff are satisfied that the proposal represents appropriate development of the subject lands. The variances, both individually and cumulatively, are minor in nature and will not create undue impacts on abutting properties and the public realm.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We are noting that any Transportation and Works Department concerns/requirements for the proposed development are being addressed through the Site Plan Application Process (SP20-02).

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Site Plan Approval application under file SP 20-2. Based on review of the information currently available in this permit application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Please note that comments reflect those provided through the above permit 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: Marco Palerma, Zoning Examiner

Appendix 3 – Trans-Northern Pipelines Inc.

Since Trans-Northern has a high-pressure pipeline within the development area, TNPI requests the preliminary site development plans for review to ensure the development meets or exceeds our Crossing Guidelines. Please note, any development plans within the right-of-way will require a Crossing Permit. Development planned within 30m; the Prescribed Areas defined by the CER (Canadian Energy Regulator) will required a Controlled Area Access Permit. Each of these permit types can be requested by following the steps described near the end of this response.

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 propose 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 TNPI 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 TNPI 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 Sandrine Exibard-Edgar, Team Lead, Property Administrator via email at: crossingrequestseast@tnpi.ca.