

# City of Mississauga Department Comments

Date Finalized: 2022-01-05	File(s): A6.22 Ward 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-01-13 3:00:00 PM

## Consolidated Recommendation

The City recommends that the application be deferred pending comments from the GTAA. Should Committee see merit in the application, Planning staff recommend the below condition be imposed.

## Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a residential addition proposing a total height of three storeys whereas By-law 0225-2007, as amended, permits a maximum height of one storey in this instance.

## Recommended Conditions and Terms

Written confirmation shall be received from the Transportation and Works Department that a noise study has been received and is acceptable to the City of Mississauga.

## Background

**Property Address:** 7198 - 7214 Airport Road

### Mississauga Official Plan

Character Area: Malton Neighbourhood  
Designation: Mixed Use

### Zoning By-law 0225-2007

**Zoning:** C4-47 - Commercial

**Other Applications:** PREAPP 21-7102

## Site and Area Context

The subject property is located on the north-west corner of Airport Road and Beverly Street in the Malton neighbourhood. It contains a single storey multi-unit commercial plaza with limited landscaping and vegetation. Entrances to the units face onto Airport Road, while the parking lot is located behind the plaza at the rear of the property. The surrounding area context includes a mix of commercial, parkland, and apartments along Airport Road as well as lower density residential in surrounding neighbourhoods. Building heights in the area range from 1 to 2 storeys for commercial plazas and low density residential dwellings up to 6 storeys for the nearby apartment building to the north.

The applicant is proposing a two storey addition for residential uses requiring a variance for height.



## 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:

The subject property is located in the Malton Neighbourhood Character Area and is designated Mixed Use in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits a variety of uses including retail, restaurants, and offices. The designation also contemplates residential development within the designation.

The requested variance proposes a two storey addition above the existing plaza to facilitate residential development on the subject property. The subject property was originally zoned R4 under By-law 5500. A rezoning application changed the zoning classification in 2002 to DC (District Commercial) under By-law 5500. A concurrent site plan application was approved by the City permitting a second storey containing a total of 9 dwelling units. The GTAA appealed the decision to the OMB which sided with the GTAA due to concerns regarding noise from the airport on the subject property. The OMB ruled that any reference to residential permissions for this site must be removed from the By-law, and the property was limited to 1 storey despite the current 2 storey minimum on the base C4 zone.

Staff note that since the OMB decision there have been changes in policy. After the decision of Council but prior to the OMB hearing OPA 125 came into effect, barring new residential development within the 35 NEF contour, where the property is located. In 2019 new Official Plan policies came into effect, marking Malton as an exception zone and permitting new residential development subject to conditions, including noise studies.

Along the west side of this portion of Airport Road are several commercial properties, and all except the subject property are zoned C4 with no exception zone. This designation requires a minimum of two storeys and permits a maximum of 3 stories as of right. Generally the plazas along this stretch are 2 stories in height while standalone commercial buildings are 1 storey. Across Airport Road are dwellings with R4-1 zoning, and behind the plaza are dwellings with R3-69 zoning. Both of these zones allow a height of 9m (29.5ft) to a sloped roof or 7.5m (24.6ft) to a flat roof, which is able to accommodate a two storey dwelling. Staff note that the proposed 3 storey structure would align with the planned character of the area and that the subject property is the only property in the immediate vicinity limited to a single storey.

Staff note that GTAA comments regarding this application remain outstanding. Recognizing the recent Official Plan policy changes and that staff look to the expertise of the GTAA on matters surrounding noise generated by the airport and aircraft, staff cannot complete its assessment of the application until such time as GTAA comments are provided for consideration. Staff therefore recommend deferral of the application at this time to allow the GTAA to submit comments.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

It is our understanding that through a previous rezoning application the designation of this property was changed to permit second storey residential units, however, the GTAA appealed and won the decision at the OMB not to have a residential use due to concerns regarding airport noise.

It should also be noted that the previous Council Resolution 0300-2002 (Council date 2002-11-06) made reference to conditions pertaining to the lifting the proposed 'H' Holding Category requiring an updated Phase II Environmental Site Assessment (ESA) and/or a Site Remediation Report, a completed Record of Site Condition and an executed Development Agreement in a form satisfactory to the City of Mississauga.

In view of the above, in particular the receipt of GTAA comments and the limited information provided to adequately review the request, we recommend that the request be deferred.







Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

## **Appendix 2 – Zoning Comments**

The Building Department has processed a Preliminary Zoning Review application under file PREAPP 21-7102. 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.

Our comments are based on the plans received by Zoning staff on 2021/09/16 for the above captioned application. Please note that these comments may no longer be valid should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the building permit process. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the building permit process in order to receive updated comments.

Comments Prepared by: Brian Bonner, Supervisor