

City of Mississauga Department Comments

Date Finalized: 2023-03-15	File(s): A758.22
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2023-03-23 1:00:00 PM

Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the application meets the requirements of Section 45 (1) of the Planning Act. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

Application Details

The applicant requests the Committee to approve minor variances to legalize the current site conditions proposing:

1. A lot frontage of 38.74m (approx. 127.09ft) whereas By-law 0225-2007, as amended, requires a lot frontage of 48.00m (approx. 157.48ft) in this instance; and,
2. A side yard setback of 4.34m (approx. 14.23ft) to the north lot line whereas By-law 0225-2007, as amended, requires a side yard setback of 4.50m (approx. 14.76ft) to the north lot line in this instance.

Amendments

Based on review of the information currently available for this building permit, we advise that the following variance(s) should be amended as follows:

Variance 1. is not required

Variance 2. is to be revised as follows:

A rear yard setback of 4.34m (approx. 14.23ft) whereas By-law 0225-2007, as amended, requires a rear yard setback of 4.50m (approx. 14.76ft) in this instance;

Background

Property Address: 5145 Dixie Road

Mississauga Official Plan

Character Area: Northeast Employment Area
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C3-1-Commercial

Other Applications: PREAPP 21-9839

Site and Area Context

The subject property is located on the north-east corner of the Dixie Road and Aimco Boulevard intersection. It currently contains a gas station with an associated retail building. Vegetative elements are limited to locations abutting property lines, characteristic of the surrounding area. The surrounding context contains a mix of commercial and employment uses in low rise buildings.

The applicant is proposing to maintain the existing conditions requiring variances for lot frontage and side yard setback.



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 Northeast Employment Area and is designated Mixed Use in Schedule 10 of the Mississauga Official Plan (MOP). The Mixed Use designation permits a variety of commercial and employment uses. Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with the existing site conditions, the surrounding context, and the landscape of the character area.

A consent application relating to the subject property was approved by the Committee at the November 17, 2022 hearing, with the subject property representing the severed lands. While a certificate has not yet been issued for the property, staff are of the opinion that it is appropriate for the subject application to proceed as the legalization of these conditions would be required prior to the issuance of a certificate.

While the subject property is still legally a part of the larger property including 5165 Dixie Road, the two sites have functioned entirely independent of each other and no changes are proposed to the built form or the streetscape. Zoning staff have noted that the lot frontage variance is not required, and the proposed setback is only measured to a pinch point with the building. Staff are of the opinion that the application is appropriate to be handled through the minor variance process and that the application raises no concerns of a planning nature.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for this property have been addressed through Consent Application 'B' 63/22.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a building permit application under file PREAPP 21-9839. Based on review of the information currently available for this building permit, we advise that the following variance(s) should be amended as follows:

Variance 1. is not required

Variance 2. is to be revised as follows:

A rear yard setback of 4.34m (approx. 14.23ft) whereas By-law 0225-2007, as amended, requires a rear yard setback of 4.50m (approx. 14.76ft) in this instance;

Our comments are based on the plans received by Zoning staff on PREAPP 21-9839 for the above captioned building permit application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: Adam McCormack, Zoning Examiner

Appendix 3 – Region of Peel

Minor Variance Application: A-758/22 – 5145 Dixie Road

Development Engineering: Camila Marczuk (905) 791-7800 x8230

Comments:

- The Region of Peel has a Consolidated Linear Infrastructure Environmental Compliance Approval (CLI ECA # 009-S701), for the Regional Municipality of Peel Stormwater Management System. Therefore, it is the Region's mandate that no additional flows are permitted and no new connections are made to Regional Roads.
- Any Development flows are to be directed to the Local Municipality's storm sewer system or watercourses to the satisfaction of the Region of Peel, the local Conservation Authority and

all concerned departments and agencies. Alternatively, flows can be mitigated using Low Impact Development Technologies. Developers are required to demonstrate how this will be achieved through a Stormwater Management Report.

- As per the Region's Public Works Stormwater Design Criteria and Procedural Manual:
 - i. Region of Peel IDF curves shall be used for the peak flow analysis.
 - ii. Post development peak flow for each storm (from 2 year to 100 year) shall be equal to or less than pre-development.
 - iii. For orifice diameters of 100mm or greater, an orifice tube shall be use Quantity Control shall be designed to control the 24-h Chicago or 24-h SCS Type II distribution.
- In accordance with the Region's CLI ECA and provincial standards, control of the runoff from 90th percentile storm event (28mm) shall be achieved for quality control.
- For erosion control, 5mm retention at full build out is required and runoff is to be detained from a 25mm storm event over 24 to 48 hours.
- No grading will be permitted within any Region of Peel ROW to support adjacent developments.

Comments Prepared by: Patrycia Menko, Junior Planner