

# City of Mississauga Department Comments

Date Finalized: 2023-03-15 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): B92.22, A36.22 & A37.22 Ward: 5
	Meeting date:2023-03-23 1:00:00 PM

## Consolidated Recommendation

The City recommends that the application be deferred.

## Application Details

The applicant requests the Consent of the Committee to sever a parcel of land for the creation of a new lot. The parcel of land has a frontage of approximately 165.14m (approx. 541.80ft) and an area of approximately 15,959.48sq m (171,786.41sq ft).

The applicant requests a minor variance for the severed lands of B92/22 proposing:

1. An interior side yard setback of 6.77m (approx. 22.21ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 7.50m (approx. 24.61ft) in this instance;
2. 62 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 94 parking spaces in this instance;
3. A southern landscape buffer of 0.46m (approx. 1.51ft) whereas By-law 0225-2007, as amended, requires a landscape buffer of 4.50m (approx. 14.76ft) in this instance;
4. A western landscape buffer of 3.04m (approx. 9.97ft) whereas By-law 0225-2007, as amended, requires a landscape buffer of 4.50m (approx. 14.76ft) in this instance;
5. A southern landscape buffer of 3.10m (approx. 10.17ft) whereas By-law 0225-2007, as amended, requires a landscape buffer of 4.50m (approx. 14.76ft) in this instance; and,
6. A southern landscape buffer of 3.50m (approx. 11.48ft) whereas By-law 0225-2007, as amended, requires a landscape buffer of 4.50m (approx. 14.76ft) in this instance.

The applicant requests a minor variance for the retained lands of B92/22 proposing:

1. An interior side yard setback of 6.71m (approx. 22.01ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 7.50m (approx. 24.61ft) in this instance; and,
2. 2 accessible parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 3 accessible parking spaces in this instance.

**Recommended Conditions and/or Terms of consent**

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A36/23 & A37/23 must be finalized

**Recommended Conditions and/or Terms of minor variance**

- Variance(s) approved under file(s) A36/23 & A37/23 shall lapse if the consent application under file B92/22 is not finalized within the time prescribed by legislation.

**Background**

**Property Address:** 7550 and 7570 Torbram Rd

**Mississauga Official Plan**

Character Area: Northeast Employment Area  
Designation: Industrial

**Zoning By-law 0225-2007**

**Zoning:** E3 - Employment

**Other Applications:** PREAPP 22-4880

**Site and Area Context**

The subject property is located on the west side of the Torbram Road and Rena Road intersection. It currently contains two single storey industrial buildings with an associated surface parking lot. Limited landscaping and vegetative elements are present on the subject property, adjacent to a small creek that runs adjacent to the northerly and easterly property lines. The property is bordered to the south and west by train tracks. The surrounding area context is exclusively industrial, consisting of low rise industrial buildings with surface parking lots on lots of varying sizes.

The applicant is proposing to sever the existing lot into two requiring variances for side yard setbacks, landscaped buffers, and parking.



## Comments

### Planning

#### Provincial Matters

The Provincial Policy Statement 2020 (PPS 2020) and Growth Plan for the Greater Golden Horseshoe promote efficient development and land use, directing the focus towards intensification and redevelopment. The proposal is consistent with the general directive in provincial policy.

#### Planning Act

Section 51 (24) of the *Planning Act* sets out the criteria for land division in the Province of Ontario. In evaluating such requests, the Committee needs to be satisfied that the proposal meets not only the criteria set out under Section 51(24), but also municipal requirements identify in local legislation.

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. In evaluating such requests, the Committee needs to be satisfied that the proposal meets the four tests set out in the *Planning Act*.

Staff comments concerning the applications for consent and the four tests to the minor variance request are as follows:

The applicant is proposing to sever the existing lot into two properties, with lot areas of 1.60ha (3.95ac) and 1.77ha (4.37ac) and lot frontages of 165.14m (542ft) and 96.74m (317ft).

The subject property is located in the Northeast Employment Area and is designated Industrial in Schedule 10 of the Mississauga Official Plan. This designation permits a variety of

employment and commercial uses. Staff are satisfied that the proposed lots are appropriate to facilitate uses envisioned in the official plan and are of the opinion that the severance meets the requirements of Section 51(24) of the Planning Act.

In addition to the proposed consent, the applicant is proposing variances for both the proposed severed and retained parcels, including a variance for parking on the severed lands. The intent of the zoning by-law in quantifying the required number of parking spaces is to ensure that each lot is self-sufficient in providing adequate parking accommodations based upon its intended use. Section 8.4 of the official plan contemplates potential reductions in parking requirements and alternative parking arrangements in appropriate situations. Municipal Parking staff have reviewed the variance request and note as follows:

With respect to Committee of Adjustment application 'B' 92/22, 'A' 36/22, 'A' 37/22 located at address 7550 and 7570 Torbram Rd., the applicant is requesting to allow on the severed lands of 'B' 92/22:

- 62 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 94 parking spaces in this instance.

The proposed parking is at a 34% deficiency from the City's requirements as stipulated within Zoning By-law 0225-2007. As per the City's parking Terms of Reference, the City requires the submission of a Parking Utilization Study (PUS) to justify reductions more than 10% from current Zoning By-law standards. A PUS was not submitted, and without proper justification, staff have concerns with the large proposed reduction.

#### Staff Comments

Staff recommend the application be deferred, pending the submission of a satisfactory Parking Utilization Study (PUS).

- Staff advise that a satisfactory Parking Utilization Study is required to be submitted.
  - Please refer to the City's Parking Terms of Reference for parking justification requirements to be included with a formal submission.
  - The consultant should confirm the survey methodology with staff prior to conducting parking surveys. Details can also be found in the above hyperlink, under the City's Parking Terms of Reference.

Planning staff are in agreement with the comments provided by Municipal Parking and are therefore unable to support the proposed consent at this time. Planning staff therefore recommend that the application be deferred until the requested information can be submitted to and reviewed by Municipal Parking.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

This department has no objections to the applicant's request to create a new lot. We note from our review and site inspection of this property that servicing and ingress/egress access easements will be required.

The applicant has provided no information with regards to the required easements with the exception of some notes referring to "Proposed Servicing Easement" and "Proposed Vehicular & Servicing Easement" which have been depicted on the Surveyor's Sketch submitted with the application.

In view of the above and should Committee see merit in the applicant's request, we are providing the following conditions/requirements to be imposed as conditions of approval:

#### A. Items Required Prior to the Issuance of Final Consent

##### 1. Servicing Plan

A Servicing Plan is to be submitted for our review/approval which would clearly identify the location of any existing underground services to both the existing industrial buildings located on this property. Upon the review of the Servicing Plan the location and width of any required easements can be addressed.

##### 2. Draft 43R-Plan Requirement

A Draft 43R-Plan will be required for our review/approval in order that the location and width of any proposed servicing and access right-of-way easements to be established can accurately be described as parts on the Draft 43R-Plan.

##### 3. Required Easement(s)

Upon the review of Item's A1 and A2, and the confirmation of the required easement(s), the applicant/owner will be required to provide a letter/schedule prepared by the applicant's Solicitor which would specifically describe the new private easement(s) to be established. It should also be noted that any documentation received will be forwarded as an attachment with our clearance memo to the Committee of Adjustment Office in order that any new proposed private easement(s) can be identified and also be incorporated into the Certificate of Secretary-Treasurer.

#### 4. 0.3m Reserve Requirement on Torbram Road

The applicant will be required to make the appropriate arrangements to establish a 0.3m Reserve along the Torbram Road frontage of these lands. The applicant's surveyor is to prepare and submit the Draft 43R-Plan illustrating the required dedication. Following this approval, the applicant's surveyor is to deposit the accepted 43R-Plan and forward a copy of the registered plan to the City's Legal Services Section to finalize the process.

Should additional clarification or information be required with regard to the 0.3m Reserve, please contact Michael Turco at 905 615-3200 ext. 3597 or [michael.turco@mississauga.ca](mailto:michael.turco@mississauga.ca).

#### 5. Fee Requirements as Per Fees and Charges By-Law

As per the City of Mississauga's Fees and Charges By-law there will be a fee required to be paid to the Legal Services Department for their services, in particular for the preparation of legal documents. The fee amount payable will be in accordance with the current Fees and Charges Bylaw and be submitted to the Transportation and Works Department in the form of a certified cheque.

### **B. General Information**

#### 1. Site Plan Approval

Any re-development of the subject lands will require the owner obtaining Site Plan Approval where any site specific conditions/requirements relating to detailed lot grading and drainage, servicing, access, etc. can be addressed.

#### 2. Storm Sewer Outlet

The applicant is advised that the storm sewer outlet for the subject lands is the existing 825mm diameter storm sewer on Torbram Road.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

### **Appendix 2 – Zoning Comments**

The Building Department is currently processing a Preliminary Zoning Review Application under file PREAPP 22-4880. 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: Alana Zheng, Zoning Examiner

### **Appendix 3 – Parks, Forestry & Environment**

The Park Planning Section of the Community Services Department has reviewed the consent application and wishes to impose the following condition(s):

1. The applicant shall provide a cash contribution of \$16,102.25 for the planting of twenty-five (25) street trees on Torbam Road. This figure is subject to the most recent Fees and Charges By-law at the time of payment and is therefore subject to change.

In addition, Community Services notes the following:

1. Payment for street tree fees and charges can be made at the Parks and Forestry customer service counter located at 950 Burnhamthorpe Road West in the form of a certified cheque, bank draft, or money order payable to the City of Mississauga. Please contact Nicholas Rocchetti regarding the payment process.
2. Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, c.P. 13, as amended) and in accordance with the City's policies and by-laws.

Should further information be required, please contact Nicholas Rocchetti, Park Planning Assistant, Community Services Department at 905-615-3200 ext. 4659 or via email [Nicholas.Rocchetti@mississauga.ca](mailto:Nicholas.Rocchetti@mississauga.ca).

Comments Prepared by: Nicholas Rocchetti, Park Planning Assistant

### **Appendix 4 – Region of Peel**

#### **Consent and Minor Variance Applications: B-92/22, A-36/22, A-37/22 – 7550 & 7570 Torbram Road**

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

#### **Comments:**

- There is a Regional easement on the subject property. Please be advised that unauthorized encroachments on Regional easements will not be permitted. Certain restrictions apply with respect to Regional easements as per the documents registered on title.
- Please note that severing the lands may adversely affect the existing location of the water and sanitary sewer services, if any exist. The result of this may require the applicant to install new water / sanitary servicing connections to either the severed or retained lands in

compliance with the Ontario Building Code. The applicant may require the creation of private water / sanitary sewer servicing easements.

**Condition:**

- Arrangements satisfactory to the Region of Peel, Public Works shall be made with respect to the location of existing and installation of new services and/or possible required private service easements.

Development Planning: Patrycia Menko (905) 791-7800 x3114

**Comment:**

- Please be advised that the subject property is located within the limits of the regulated area of the Toronto and Region Conservation Authority (TRCA). Regional Planning staff therefore, request that the Committee and City staff consider comments from the TRCA and incorporate their conditions of approval appropriately.

Comments Prepared by: Patrycia Menko, Junior Planner

**Appendix 5- Metrolinx**

7550 and 7570 Torbram Rd

Metrolinx is in receipt of the consent application for 7550 and 7570 Torbram Rd to facilitate the severance of the land for the creation of a new lot with existing industrial buildings to remain. Metrolinx's comments on the subject application are noted below:

- The subject property is located immediately adjacent to Metrolinx's Weston Subdivision which carries Metrolinx's Kitchener GO Train service.
- As per section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, the Owner shall grant Metrolinx an environmental easement for operational emissions. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property. A copy of the form of easement is included for the Owner's information. The applicant may contact [Derek.Brunelle@Metrolinx.com](mailto:Derek.Brunelle@Metrolinx.com) with questions and to initiate the registration process. (It should be noted that the registration process can take up to 6 weeks).
- The Proponent shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the Railway Corridor
  - **Warning:** Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. There may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity,



notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

- In accordance with the Railway Safety Act and Transport Canada Guidelines, storage of certain hazardous materials near railway corridors is subject to setback regulations. Metrolinx will require the proponent to acknowledge if the storage of hazardous material is being proposed and, if so, that proper Transport Canada regulations are being applied. The below links are provided as reference:
  - [Anhydrous Ammonia Bulk Storage Regulations \(No. 0-33\)](#)
  - [Ammonium Nitrate Storage Facilities Regulations \(No. 0-36\)](#)
  - [Flammable Liquids Bulk Storage Regulations \(No. 0-32\)](#)
  - [Liquefied Petroleum Gases Bulk Storage Regulations \(No. 0-31\)](#)
  
- Please be advised that should the subject property undergo any future re-development, Metrolinx will need to be circulated any future development applications/plans for review and the development will be subject to Metrolinx guidelines for Adjacent Developments in Proximity of Principal Main Line Tracks. Please refer to the Adjacent Development Guidelines for more information:  
[https://assets.metrolinx.com/image/upload/v1678378450/Images/Metrolinx/Adjacent\\_Development\\_Guidelines\\_EN\\_Version\\_5\\_0\\_February\\_2023.pdf](https://assets.metrolinx.com/image/upload/v1678378450/Images/Metrolinx/Adjacent_Development_Guidelines_EN_Version_5_0_February_2023.pdf). Future development may be subject to, but not limited to, the requirements for a drainage report, noise and vibration report (should there be high occupancy uses), and a rail safety report prepared by a qualified consultant and shall be submitted for review and satisfaction of Metrolinx and our Technical Advisor. The Owner may be required to enter into an “Adjacent Development Agreement” with Metrolinx stipulating how applicable concerns will be addressed as it relates to rail safety requirements.
  
- Please ensure that Metrolinx is circulated on any future development proposal at this subject site.

Comments Prepared by: Farah Faroque, Intern, Third Party Projects Review

## Appendix A – CONDITIONS OF PROVISIONAL CONSENT

**SHOULD THE COMMITTEE GRANT A PROVISIONAL CONSENT, THE FOLLOWING IS A LIST OF THE RECOMMENDED CONDITIONS TO BE ATTACHED TO THE DECISION AND THESE CONDITIONS MAY BE REVISED BY THE COMMITTEE AT THE PUBLIC MEETING.**

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
  
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the conveyed land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for

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any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no services easement(s) and/or right(s)-of-way, are necessary.

3. A letter shall be received from the City of Mississauga, Manager of Zoning Plan Examination, indicating that the conveyed land and retained lands comply with the provisions of the Zoning By-law, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding. ("A" 36/22 and A36/22)
4. A letter shall be received from the City of Mississauga, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated March 15, 2023.
5. A letter shall be received from the City of Mississauga, Park Planning, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated March 15, 2023.
6. A letter shall be received from the Region of Peel, Development Services/Public Works, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated March 10, 2023.
7. A letter shall be received from Metrolinx indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated March 10, 2023.