

City of Mississauga Department Comments

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| Date Finalized: 2023-10-18 | File(s): A388.23 |
| To: Committee of Adjustment | Ward: 5 |
| From: Committee of Adjustment Coordinator | Meeting date:2023-10-26 1:00:00 PM |

Consolidated Recommendation

The City recommends the application be deferred for redesign.

Application Details

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

1. A front yard setback of 1.00m (approx. 3.28ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 7.50m (approx. 24.61ft) in this instance;
2. A landscape buffer of 1.00m (approx. 3.28ft) whereas By-law 0225-2007, as amended, requires a minimum landscape buffer of 4.50m (approx. 14.76ft) in this instance;
3. A north drive aisle width of 5.50m (approx. 18.04ft) whereas By-law 0225-2007, as amended, requires a minimum drive aisle width of 7.00m (approx. 22.97ft) in this instance;
4. A west drive aisle width of 6.40m (approx. 21.00ft) whereas By-law 0225-2007, as amended, requires a minimum drive aisle width of 7.00m (approx. 22.97ft) in this instance; and,
5. A south drive aisle width of 6.85m (approx. 22.47ft) whereas By-law 0225-2007, as amended, requires a minimum drive aisle width of 7.00m (approx. 22.97ft) in this instance.

Amendments

While Planning staff is not in a position to interpret the zoning by-law, staff note variances 4 & 5 should be removed due to its redundancy.

Background

Property Address: 7420 Bren Road

Mississauga Official Plan

Character Area: Northeast Employment Area (West)

Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2-19- Employment

Other Applications: None

Site and Area Context

The subject property is located north-east of the Derry Road East and Torbram Road intersection. It has a lot area of +/- 6,030.03m² (64,909.60ft²) and currently contains a multi-storey industrial building. Limited vegetation or landscaping elements are present on the subject property, which is characteristic of the area. The surrounding area context includes various sizes of industrial buildings.

The applicant is proposing to construct multiple additions to the existing building on the subject property requiring variances for front yard setback, landscape buffer and drive aisle width.



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 Character Area and is designated Business Employment in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits a variety of employment uses.

Variance 1 requests a reduction in the front yard setback. Section 9 of the MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with existing site conditions, the surrounding context and the landscape of the character area. The intent of the front yard setback provision is to ensure sufficient buffers are provided both to the streetscape and between structures in order to maintain the character of the area and to ensure there is appropriate space for landscaping. The proposed addition maintains a 1m (3.28ft) front yard setback for approximately half of the frontage of the subject property. The proposed addition does not allow for an appropriate area for landscaping between the structure and the street. Further, the proposed industrial warehouse addition adds additional massing to the building and brings it closer to the street. Staff are not satisfied that the proposal maintains an appropriate setback from the street and further note the proposed addition is not compatible with the surrounding context.

Variance 2 requests a reduced landscape buffer. The intent of the landscape buffer is to ensure that an appropriate buffer exists along all lot lines. Staff note the variance represents an existing condition which does not have any notable impact on the streetscape. Based on this, staff are of the opinion that an appropriate buffer is maintained between the parking area and the streetscape.

Variance 3 requests a reduced aisle width. The intent of this regulation is to ensure there is sufficient space for vehicles to access and exit parking stalls and allow for circulation within the subject property. Staff note that the request represents an existing condition on the property. Access to the rear of the property is available via both sides of the building and staff are satisfied that appropriate circulation on the site can be maintained.

Given the above, Planning staff are satisfied that variances 2 and 3 meet the four tests of a minor variance, however recommend that the application be deferred in order to allow the applicant to redesign the proposal pertaining to variance 1.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We note for Committee's information that any Transportation and Works Department concerns/requirements for the proposed addition will be addressed through the Building Permit Process.

From our site inspection and from the Site Plan DWG No: A1 submitted, we note that some modifications will be required to the northwesterly limits of the proposed building, or alternatively the existing access will have to be modified to accommodate the proposed addition. Should the existing westerly access require modifications, an Access Modification Permit will be required.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

We note that a Building Permit is required. In the absence of a Building Permit we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed.

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

Comments Prepared by: Candice Williams, Zoning Examiner

Appendix 3- Metrolinx

7420 Bren Road - A388.23

Metrolinx is in receipt of the minor variance application for 7420 Bren Rd to facilitate the construction of a new addition to the existing commercial/industrial building. Metrolinx's comments on the subject application are noted below:

- The subject property is located within direct exposure of the Metrolinx Weston Subdivision which carries Metrolinx's Kitchener GO Train service.

Advisory Comments:

- The Proponent is advised the following:
 - **Warning:** The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that 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.

Comments Prepared by: Farah Faroque, Project Analyst

Appendix 4 – Region of Peel

Minor Variance: A-23-388M / 7420 Bren Road

Development Engineering: Brian Melnyk (905)-791-7800 x3602

Comments:

- Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. Regional site servicing connection approvals are required prior to the local municipality issuing full building permit. All works associated with the servicing of this site will be at the applicant's expense. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner