

City of Mississauga Department Comments

Date Finalized: 2024-09-19	File(s): A411.24
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2024-09-26 1:00:00 PM

Consolidated Recommendation

The City recommends the application be refused.

Application Details

The applicant requests the Committee to approve a minor variance to allow the outdoor storage of trailers on the subject property whereas By-law 0225-2007, as amended, does not permit such a use in this instance.

Background

Property Address: 7380 Airport Rd

Mississauga Official Plan

Character Area: Northeast Employment Area (West)
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2 - Employment

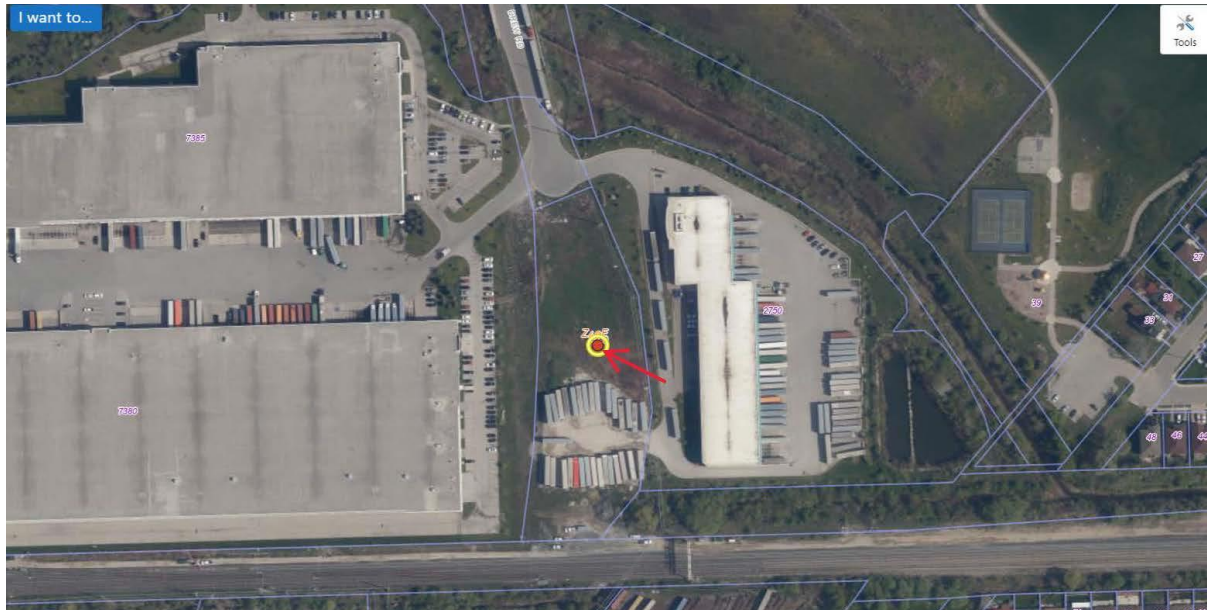
Other Applications: None

Site and Area Context

The subject property is located north-west of the Airport Road and Derry Road East intersection in the Northeast Employment Area (West) Character Area. It currently contains a vacant parcel of land with an associated surface parking lot and also contains outdoor storage of trailers.

Limited vegetative elements are present on the subject property. The surrounding area context is predominantly heavy industrial uses.

The applicant is proposing the continued operation of the outdoor storage of trailers as a permitted use.



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*.

Planning staff note that the Committee previously approved the same variance on a temporary basis under file A48/20. Planning staff recommended refusal of the application at that time.

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 designated “Business Employment” in Schedule 10 of the Mississauga Official Plan (MOP) which permits manufacturing, research and development and trucking terminals, among other uses. The official plan only permits outdoor storage in the Industrial designation. The Business Employment and Industrial designation is meant to separate more heavy industrial uses that includes outdoor storage and higher order employment uses. As

outdoor storage was not envisioned in the Business Employment designation, staff is of the opinion that the general intent and purpose of the official plan is not maintained.

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

The subject property is zoned E2 (Employment) which permits uses such as manufacturing, truck terminals, restaurants, etc. Outdoor storage as a primary use is only permitted within the E3 (Employment) zone. The intent and purpose of the zoning by-law is to only permit outdoor storage in the E3 zone which is limited to industrial uses and to not create precedence in permitting industrial uses, while the E2 zone is intended for higher order employment uses. As such, staff is of the opinion that the general intent and purpose of the zoning by-law is not maintained.

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

The subject property is located between a manufacturing use and truck terminals with railway tracks immediately south of the subject property. The portion of the site being used for outdoor storage is closer to the rear of the property, minimizing potential impacts to abutting properties. However, the application proposes to add a use in a zone that did not envision outdoor storage. Planning staff are of the opinion that the proposal is not minor in nature and does not contribute to orderly development of the subject property.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This department has no objections to the approval of this minor variance which would allow the outdoor storage of trailers on lands owned by the City of Mississauga. Should Committee see merit in the request we would recommend that a condition of approval be that the Committee be in receipt of a letter from the City's Realty Services Section confirming that the Licence Agreement with Dufferin Construction for the use of City owned land is in place.

We acknowledge that the intent of this application is to extend the previous approval granted under File A 48/20 which will lapse on March 1, 2024.







Comments Prepared by: Tony Iacobucci, Development Engineering

Appendix 2 – Zoning Comments

The Building Division processed Certificate of Occupancy application C 19-8475. Based on the review of the information, no permit is required. Our comments may no longer be valid should there be changes in the Committee of Adjustment application that have yet to be submitted and reviewed through the Building Division application. To receive updated comments, the applicant must submit any changes to information or drawings separately through the above application.

Comments Prepared by: Emily Majeed, Planner-in-Training

Appendix 3 – Parks, Forestry & Environment

The Forestry Section of the Community Services Department has no objections to the above noted minor variance application and advises as follows:

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1. No public trees shall be injured or removed. If public tree injury or removal is required, a permit must be issued as per By-law 0020-2022.
2. No private trees shall be injured or removed. If a private tree with a diameter of 15 centimetres or greater on private property is to be injured or destroyed, a permit must be issued as per By-law 0021-2022.
3. Please note if a tree is identified as a shared tree with the adjacent property owner, and the applicant intends to apply for a Tree Removal Permit, written consent must be obtained by both parties.

A Tree Removal Application to Permit the Injury or Destruction of Trees on Public and Private Property can be found at <https://www.mississauga.ca/publication/application-to-permit-the-injury-or-destruction-of-trees-on-public-and-private-property/>.

Should further information be required, please contact Jamie Meston, Landscape Technician, Forestry Section, Community Services Department at 905-615-3200 ext. 4264 or via email jamie.meston@mississauga.ca.

Comments Prepared by: Jamie Meston, Landscape Technician

Appendix 4 – Region of Peel

Minor Variance Application: A-24-411M / 7380 Airport Road

Planning: Petrele Francois (905) 791-7800 x3356

Comments:

- Please be advised that the subject lands are located in the regulated area of the Toronto and Region Conservation Authority (TRCA). We request that City staff consider comments from the TRCA and incorporate their conditions of approval appropriately.

Comments Prepared by: Petrele Francois, Junior Planner

Appendix 5 – Metrolinx

Metrolinx is in receipt of the Minor Variance application for 7380 Airport Rd to extend permission for the outdoor storage of trailers on the subject site to February 28, 2027, and to allow access to the site via the neighbouring property at 2750 Drew Rd as circulated on August 30, 2024, and to be heard at Public Hearing on September 26, 2024, at 1PM. Metrolinx's comments on the subject application are noted below:

- The subject property is located adjacent to the Metrolinx Weston Subdivision which carries Metrolinx's Kitchener GO Train service.

GO/HEAVY-RAIL – ADVISORY COMMENTS

- As the requested variances are to maintain the existing conditions and there are no proposed new additions /structures (of a sensitive land use) which result in a further reduction to the setback of the Metrolinx corridor, (i.e. Weston Subdivision/Kitchener Corridor) Metrolinx has no objections to the specified variances should the committee grant approval.
- Please keep Metrolinx involved as a stakeholder in the comprehensive site application (if applicable) as there may be further requirements/comments should any future development be contemplated on the subject lands.
- Please note that should future development be contemplated (and additional development applications to support this are submitted), the properties would be subject to further review/comment. At such time, further requirements may include (but is not limited to) having the Owner enter into an Adjacent Development Agreement outlining all required works to protect Metrolinx interests and registering an environmental easement for operational emissions on title. In this case, the Owner shall be responsible for all costs for the preparation and registration of agreements/undertakings/easements/warning clauses as determined appropriate by Metrolinx, to the satisfaction of Metrolinx.
- Metrolinx would like to note that additional drainage from the proposed development is not permitted onto Metrolinx-owned lands, without prior approval from Metrolinx and our Technical Advisor.
- 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 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 \(No. 0-31\)](#)

Should you have any questions or concerns, please contact farah.faroque@metrolinx.com.

Comments Prepared by: Farah Faroque, Project Analyst, Third Party Project Review