

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-11-04	File(s): A368/20 Ward 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-11-12

Consolidated Recommendation

The City has no objections to the requested variance, as amended, subject to the conditions. The applicant may choose to defer the application to verify the accuracy of the variance and ensure additional variances are not required.

Application Details

The applicant requests the Committee to approve a minor variance to allow a funeral establishment without frontage onto a public road whereas By-law 0225-2007, as amended, requires frontage onto a public road in this instance.

Amendments

The variance should be amended as follows:

To permit a funeral establishment on a lot that does not have frontage on a street identified on Schedules 2.1.2.2(1) or (2) whereas Zoning by-law 0225-2007, as amended requires that all lots to be used for a funeral home shall have frontage on a street identified on Schedules 2.1.2.2(1) or (2).

Recommended Conditions and Terms

Staff recommends the following conditions be added to the application:

- The business operation be conducted wholly within the building
- Cremations and visitations are not permitted on-site

Background

Property Address: 2416 Haines Road

Mississauga Official Plan

Character Area: Dixie Employment Area
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2-131 (Employment)

Other Applications

Occupancy Permit: 20-2281

Site and Area Context

The subject property is located within the Dixie Employment Character Area, northeast of Queensway East and Cawthra Road. The area predominantly consists of industrial type uses with some commercial uses within the immediate and broader area. The subject property contains one - two storey and three - one storey multi-unit buildings. The application proposes a funeral establishment without frontage on a public road identified in the by-law whereas a funeral establishment is required to have frontage on a road identified in the by-law.



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 are as follows:

The subject site contains an existing funeral establishment which was approved by the Committee of Adjustment through minor variance application 'A' 158/10 as well as the expansion of this funeral establishment through application 'A' 209/11. The Planning and Building Department had no objections with either application. The previous applications were approved subject to there being no cremation or visitation on-site.

Through discussions with the applicant's agent, the proposed use will operate in a similar fashion and will not be used for cremations and for visitations. The intent of the zoning by-law is

to limit potential traffic impacts and to ensure that funeral establishments are situated at locations that provide sufficient visibility and access. As cremations and visitations will not be conducted on-site, potential traffic impacts to the surrounding area will be minimized. Furthermore, the subject site is designated Business Employment in Schedule 10 of the Mississauga Official Plan which permits the use of funeral establishments. Should Committee see merit in the application, staff recommends the following conditions be added to the application:

- The business operation be conducted wholly within the building
- Cremations and visitations are not permitted on-site

As such, staff is of the opinion that the application meets the requirements outlined in Section 45(1) of the Planning Act.

Conclusion

The Planning and Building Department has no objections to the requested variance, as amended, subject to the conditions. The applicant may choose to defer the application to verify the accuracy of the variance and ensure additional variances are not required.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committees easy reference are photos depicting the existing parking areas of the site.





Comments Prepared by: David Martin, Supervisor, Development Engineering

Appendix 2 – Zoning Comments

The Planning and Building Department is currently processing a certificate of occupancy permit application under file 20-2281. Based on review of the information currently available for this application, we advise that the following variances should be amended as follows:

To permit a funeral establishment on a lot that does not have frontage on a street identified on Schedules 2.1.2.2(1) or (2) whereas Zoning by-law 0225-2007, as amended requires that all lots to be used for a funeral home shall have frontage on a street identified on Schedules 2.1.2.2(1) or (2).

Notwithstanding the above, based on review of the information currently available for this application, we advise that more information is required to verify the accuracy of the requested variance or determine whether additional variances will be required. To be specific, the floor layout provided does not appear to be consistent with a funeral establishment (embalming) use

and the GFA will have to be verified before parking compliance can be confirmed. Information provided shows 1800 m², which is not in keeping with standard unit sizes.

Comments Prepared by: Sandra Morrison, Zoning Examiner

Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the November 12th, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Minor Variance Applications: DEF-A-261/20, A-346/20, A-347/20, A-353/20, A-354/20, A-357/20, A-360/20, A-363/20, A-364/20, A-365/20, A-367/20, A-368/20, A-370/20, A-372/20

Comments Prepared by: Diana Guida, Junior Planner

Appendix 7 – Trans-Northern Pipelines Inc

Thank you for providing Trans-Northern with the Committee of Adjustment Agenda for November 12, 2020 which includes the location for the proposed development to approve a minor variance to allow a funeral establishment without frontage onto a public road located on the Southwest side of Haines Road. Trans-Northern currently operates a high-pressure petroleum products transmission pipeline within a 60 foot right of way on the adjacent property Northeast and adjacent to the proposed development relating to 2416 Haines Road.

Since Trans-Northern has a high-pressure pipeline adjacent to the development, TNPI requests the preliminary site development plans to review to ensure the development meets or exceeds our Crossing guidelines. Furthermore, any building that may be high occupancy (ie. event holding centres) are requested to be set-back from the TNPI line 30m. Please note, any development plans within the right-of-way will require a Crossing Permit. Development planned within 30m, the *Prescribed Areas* defined by the CER (Canadian Energy Regulator) will require a Controlled Area Access Permit. Each of these permit types can be requested by following the steps described near the end of this response.

Please note that, Trans-Northern is regulated by the Canada Energy Regulator. Section 335 (1) and (2) of the Canadian Energy Regulator Act, provides that:

- *It is prohibited for any person to construct a facility across, on, along or under a pipeline or engage in an activity that causes a ground disturbance within the prescribed area unless the construction or activity is authorized or required by the orders made under subsection (3) or (4) or regulations made under subsections (5) or (6) and done in accordance with them.*

- **Prohibition — vehicles and mobile equipment**

It is prohibited for any person to operate a vehicle or mobile equipment across a pipeline unless

- **(a)** *that operation is authorized or required by orders made under subsection (3) or (4) or regulations made under subsections (5) or (6) and done in accordance with them; or*
- **(b)** *the vehicle or equipment is operated within the travelled portion of a highway or public road.*

Please note, should the applicant proposes to cross the pipeline with a vehicle or construct a facility across, on, along or under the pipeline, the applicant would be required to contact Trans-Northern prior to commencement of their work to receive the required authorization. This process can be initiated through Ontario One Call (1-800-400-2255). A representative from Trans-Northern will attend on site mark the pipeline location, confirm safe work practices, and advise of any permit requirements.

Should the applicant require further information on the technical requirements related to ground disturbance or crossing of the pipeline, they may contact Cliff Lee, Crossing Coordinator via email at : crossingrequestseast@tnpi.ca.

As always, Trans-Northern appreciates being circulated Committee of Adjustment Notices which include development proposals and/or plans within 200 m of any TNPI asset.

Comments Prepared by: Michelle Gruszecki, Property & Right of Way Administrator