

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-03-03 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): A72.21 Ward: 6
	Meeting date: 2021-03-11 1:00 PM

Consolidated Recommendation

The City has no objection to the application subject to the conditions. The applicant may choose to defer the application to verify the requested variances and ensure additional variances are not required.

Application Details

The applicant requests the Committee to approve a minor variance to allow a motor vehicle sales, leasing or rental facility proposing:

1. A motor vehicle sales, leasing and/or rental facility-restricted whereas By-law 0225-2007, as amended, does not permit a motor vehicle sales, leasing, and/or rental facility-restricted in this instance;
2. A drive aisle width of 3.29m (approx. 10.79ft) whereas By-law 0225-2007, as amended, requires a minimum drive aisle width of 5.50m (approx. 18.04ft) in this instance;
3. 29 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 32 parking spaces in this instance.

Amendments

While Planning Staff are not in a position to provide an interpretation of the Zoning By-law; Staff would note Variance #1 should be amended as follows:

- An accessory motor vehicle sales, leasing and/or rental facility-restricted whereas By-law 0225-2007, as amended, does not permit a motor vehicle sales, leasing, and/or rental facility-restricted in this instance;

Zoning has identified that variance #3 should be amended, as follows:

- 23 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 33 parking spaces in this instance.

Recommended Conditions and Terms

Should the committee see merit in this application, Planning Staff recommend supporting the requested parking variances subject to the following conditions:

- No more than three (3) vehicles will be offered for sale, lease or rental from the premises at one time; displayed cars shall be stored internally in the dedicated space indicated on the site plan drawings;
- There shall not be any retail signage permitted on-site for the subject business operation, save and accept any signage related to the naming of the business as required exclusively for compliance with the Ontario Motor Vehicle Industry Council regulations
- No outside storage of the vehicles for sale, lease or rental shall take place on the property
- A one-way sign for the drive aisle with IN being on the North side of the site and Out being on the South side shall be established on the property to the satisfaction of Transportation and Works.

Background

Property Address: 3450 Semenyk Court

Mississauga Official Plan

Character Area: Mavis – Erindale Employment Area
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2-16 - Employment

Other Applications: C 20-3420
BP 20-3863
A 212/04

Site and Area Context

The subject property is located at the south-east corner of the Central Parkway and Erindale Station Road intersection. The subject property is an interior parcel, with a lot area of +/- 2,326.77m² and a lot frontage of +/- 30.0m. The property currently houses a one-storey building

with minimal vegetation surrounding the built structure and periphery of the parking lot. From a land-use perspective, the immediate neighbourhood is a mixture of employment uses including a retail store, restaurants and a self-storage centre with minimal vegetation and landscape elements located at the periphery of each parcel. The properties within the immediate area possess lot frontages of +/-30.0m.

The applicant is proposing an accessory motor vehicle sales, leasing and/or rental facility – restricted requiring variances to permit the use of a motor vehicle sales, leasing and/or rental facility - restricted, as well as a reduction in drive aisle and reduction in parking spaces.



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:

Does the proposal maintain the general intent and purpose of the Official Plan?

The site is located within the Mavis- Erindale Employment Character Area, and is designated Business Employment by the Mississauga Official Plan (MOP). Pursuant to Section 11.2.11(o) & (z) (Business Employment), this designation shall permit motor vehicle body repair facilities, as well as any accessory land-uses thereto. The Applicant's proposal of a motor vehicle body repair use with accessory motor vehicle sales, as described by this application, meets the purpose and general intent of the Official Plan.

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

Variance #1 as amended pertains to an accessory use of motor vehicle sales, leasing and/or rental:

As per Zoning By-law 0225-2007, the subject property is zoned E2-16 (Employment). In accordance with Table 8.2.1 (E1 to E3 Permitted Uses and Zone Regulations), a motor vehicle body repair facility- restricted is permitted within this zone.

Pursuant to Section 2.1.5 (Accessory Uses), where the Zoning By-law provides that lands may be used for a permitted land-use, that use shall also include any accessory use, provided it occurs upon the same property.

A Letter of Justification, prepared by Deanlee Management Inc, dated January 31, 2021, has been submitted in support of the application for the requested parking variance. The Letter of Justification explains the business operations and parking requirements for the proposed motor vehicle repair facility and accessory motor vehicle sales, leasing and/or rental facility- restricted. The Letter of Justification states that cars will not be left or stored outdoors, as well as, that the motor vehicle sales, leasing and/or rental (2-3 cars) will be wholly contained within the building with no exterior display.

Staff note that an ancillary sales use is subordinate to the primary motor vehicle repair use of the property. The applicant has proposed a display area inside the building dedicated to the ancillary use that measures to be 30% of the total GFA. Although the City typically supports an ancillary use of 20% in this instance the applicant is only proposing 2-3 vehicles sales at one time, which is incidental to the larger motor vehicle repair use proposed on the property.

Staff recognize the magnitude of the proposal is a minor deviation from the by-law. Planning Staff recommend supporting the requested variance subject to the following conditions:

- No more than three (3) vehicles will be offered for sale, lease or rental from the premises at one time; displayed cars shall be stored internally in the dedicated space indicated on the site plan drawings;
- There shall not be any retail signage permitted on-site for the subject business operation, save and accept any signage related to the naming of the business as required exclusively for compliance with the Ontario Motor Vehicle Industry Council regulations

- No outside storage of the vehicles for sale, lease or rental shall take place on the property

As such, it is the opinion of Planning Staff that variance #1, as amended, maintains the purpose and general intent of the Zoning By-law.

Variance #2 as requested pertains to drive aisle:

The intent of the zoning by-law is to ensure there is adequate space for a vehicle passageway located within the parking area. Staff note that the reduced drive aisle should not burden the flow of vehicular traffic and recommend that passage through the site become dedicated to one way traffic.

Planning Staff recommend supporting the requested variance subject to the following condition:

- A one-way sign for the drive aisle with IN being on the North side of the site and Out being on the South side shall be established on the property to the satisfaction of Transportation and Works.

As such, Staff finds the reduction to be minor in nature and maintains the general intent and purpose of the by-law.

Variance #3 as amended pertains to parking spaces:

City Planning Strategies (CPS) Staff note, Zoning has indicated that the requested variance #3 seeking a parking reduction is not correct and it is Staff's understanding that the variance should be revised to provide a total of 23 parking spaces, whereas, 33 parking spaces are required. This would be a reduction of 10 parking spaces or a 30% deficiency onsite. As such, the revised parking variance is greater than 10% and requires a Parking Utilization Study (PUS).

Staff contacted the agent, Michele Starr, Deanlee Management Inc, via email on February 16, 2021, to request clarification on the proposed use. Subsequently, staff advised the agent via email that the requested variance is not accurate and that the proposed use for a motor vehicle repair and sales facility is an essential service that is open during the COVID-19 pandemic, therefore staff recommend that the applicant submit a satisfactory Parking Utilization Study (PUS). Staff routinely rely on the submission of a PUS to justify parking reductions and demonstrate the peak parking demand.

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

Should the Committee of Adjustment see merit in approving the application, given the current pandemic COVID-19 circumstances and challenges with carrying out a parking survey, staff would recommend supporting the revised parking variance on a temporary basis for up to two (2) years, subject to the following conditions:

- Following the expiration of the temporary two (2) year approval, the applicant is required to provide a satisfactory Parking Utilization Study (PUS) to address the parking

deficiency onsite

- There shall be no outdoor display or storage of motor vehicles that are being sold, leased and/or rented on the subject property
- There shall be no outdoor storage of motor vehicles on the subject property

Planning Staff have no objection with the proposed application subject to conditions noted above.

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

Considering the preceding information, the Planning and Building Department is of the opinion that the proposal can be supported subject to the conditions. In this instance the proposed ancillary motor vehicle sales use is appropriate and does not create a situation of conflicting land uses. The variance, as requested, results in both the orderly development of the lands, and whose impacts are minor in nature.

Conclusion

Based upon the preceding information, it is the opinion of Staff that the variances, as requested, meet the general intent and purpose of both the MOP and Zoning By-law; are minor in nature; and, are desirable for the orderly development of the lands. To this end, the Planning and Building Department has no objection to the variances, as amended, subject to the identified conditions being imposed.

Comments Prepared by: Brooke Herczeg, RPP Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committees easy reference are some photos which depict the subject property.







Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

“A drive aisle width of 3.29m (approx. 10.79ft) whereas By-law 0225-2007, as amended, requires a minimum drive aisle width of 5.50m (approx. 18.04ft) in this instance; and”

“29 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 32 parking spaces in this instance.”

Appendix 5 – Region of Peel Comments

We have no comments or objections to the following applications:

Minor Variance Applications: A-48/21, A-58/21, A-69/21, A-72/21, A-73/21, A-75/21, A-76/21, A-77/21, A-78/21, A-79/21, A-80/21, A-81/21.

Comments Prepared by: Diana Guida, Junior Planner