

City of Mississauga Department Comments

Date Finalized: 2021-09-14	File(s): A374.21
To: Committee of Adjustment	Ward: 2
From: Committee of Adjustment Coordinator	Meeting date:2021-09-23 1:00:00 PM

Consolidated Recommendation

The City recommends the application be deferred.

Application Details

The applicant requests the Committee to approve a minor variance to allow a motor vehicle detail shop proposing:

1. A motor vehicle detailing facility - restricted to operate within Unit B of the building on the subject property as a standalone use; whereas By-law 0225-2007 as amended, does not permit a motor vehicle detailing facility – restricted use as a standalone use in this instance;
2. A total of 28 parking spaces for all uses on site; whereas By-law 0225-2007, as amended, requires a minimum of 38 parking spaces in this instance;
3. A total of 1 Type A accessible parking space; whereas By-law 0225-2007, as amended, requires a minimum of 2 accessible parking spaces (1 Type A and 1 Type B) in this instance;
4. An aisle width of 6.7m (approx. 21.98ft) whereas By-law 0225-2007, as amended, requires a minimum aisle width of 7.9m (approx. 25.92ft) in this instance;
5. An aisle width of 2.71m (approx. 8.89ft) to access parking space 12 whereas By-law 0225-2007, as amended, requires a minimum aisle width of 7.00m (approx. 22.96ft) in this instance;
6. A landscape buffer along Dundas Street West of 0m whereas By-law 0225-2007, as amended, requires a minimum landscape buffer of 4.50m (approx. 14.76ft) in this instance;
7. A landscape buffer abutting a commercial zone of 0m whereas By-law 0225-2007, as amended, requires a minimum landscape buffer abutting a commercial zone of 1.50m (approx. 4.92ft) in this instance;
8. A landscape buffer abutting a residential zone of 0m whereas By-law 0225-2007, as amended, requires a minimum landscape buffer abutting a residential zone of 4.50m (approx. 14.76ft) in this instance; and
9. A one-way aisle width of 4.3m (approx. 14.12ft) to access a parallel parking spaces whereas By-law 0225-2007, as amended, requires a minimum one-way aisle width of 5.5m (approx. 18.04ft) to access a parallel parking spaces in this instance.

City Department and Agency Comments	File:A374.21	2021/09/14	2
-------------------------------------	--------------	------------	---

Amendments

The Building Department is currently processing certificate of occupancy application 21-5890. From a review of this application it appears the following amendments are required:

1. a motor vehicle detailing facility for Motor Vehicles to operate as a standalone use from within Unit B of the building on the subject property; whereas By-law 0225-2007, as amended, does not permit a motor vehicle detailing facility to operate on the subject property in this instance;
4. An aisle width of 6.7m (approx. 21.98ft) whereas By-law 0225-2007, as amended, requires a minimum aisle width of 7m (approx. 22.96ft) in this instance;
5. An aisle width of 2.71m to access 1 parking space (Space 12) in the south-west corner of the property; whereas By-law 0225-2007, as amended, requires a minimum aisle width of 7m in this instance;
7. A landscape buffer of 0m abutting the C1 & C5-3 - Commercial zones to the west; whereas By-law 0225-2007, as amended, requires a landscape buffer with a minimum depth of 1.5m for a lot line abutting a Commercial zone in this instance;
8. A landscape buffer of 0m abutting the R2 – Residential zone to the south and R3 - Residential zone to the east; whereas By-law 0225-2007, as amended, required a landscape buffer with a minimum depth of 4.5m for a lot line abutting a Residential zone in this instance; and,
9. A one-way aisle width of 4.3m (approx. 14.12ft) to access parallel parking spaces at the rear of the property; whereas By-law 0225-2007, as amended, requires a minimum one-way aisle width of 5.5m (approx. 18.04ft) to access parallel parking spaces in this instance.

Background

Property Address: 2292 Dundas Street West

Mississauga Official Plan

Character Area: Sheridan Neighbourhood Character Area
Designation: Motor Vehicle Commercial

Zoning By-law 0225-2007

Zoning: C5-3 - Commercial

Other Applications: Certificate of Occupancy C 21-5890

Staff comments concerning the application are as follows:

The subject property is located in the Sheridan Neighbourhood Character area and is designated Motor Vehicle Commercial in Schedule 10 of the Mississauga Official Plan (MOP). The Motor Vehicle Commercial designation permits a broad range of non-residential uses including gas bar, motor vehicle repair, motor vehicle service station and motor vehicle wash uses.

Variance #1 proposes a motor vehicle detailing facility within Unit B, where the zoning by-law does not permit or contemplate this use. The proposed motor vehicle detailing facility is appropriate, as automotive uses currently exist on site.

Variance #2 proposes deficient parking on the site. The City Planning Strategies (CPS) Division has reviewed this application and their comment is as follows.

With respect to Committee of Adjustment application 'A' 374/21, 2292 Dundas Street West (Unit B), the applicant is requesting (variance #2) to allow a motor vehicle repair facility – restricted proposing a total of 28 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 38 parking spaces in this instance. This is a parking deficiency of 10 spaces or 26%. Staff reviewed the details provided in this application and note that the subject property has a previous minor variance for a parking reduction through application 'A' 176/20, seeking to allow a motor vehicle sales facility – restricted providing 29 parking spaces whereas 36 parking spaces are required. Application 'A' 176/20 was proposing a motor vehicle sales facility in Unit A accessory to Unit C, which operates as a motor vehicle repair facility. The applicant did not provide any justification for the proposed parking reduction and staff recommended that the application be deferred pending the submission of a satisfactory Parking Utilization Study (PUS).

However, Committee of Adjustment saw merit and approved application 'A' 176/20 for a temporary period of 5 years (approval will lapse on August 31, 2025) subject to the following conditions:

1. The motor vehicle sales use be limited to a maximum GFA of 20% of Unit A.
2. All vehicles used for sales be located within Unit A.
3. A maximum of 5 vehicles permitted within Unit A for sale.

To date, staff have not received a PUS to justify a parking reduction onsite.

Staff contacted the City's Parking Enforcement Section via telephone call and the Councillor's Office via email on September 8, 2021, to inquire whether there are any parking complaints and were advised that there are no parking complaints at 2292 Dundas Street West.

Given that the requested parking variance through 'A' 374/21 is a similar use with the same parking rate requirement (4.3 spaces per 100m² of GFA) as the previously approved application, staff have no further comments.

While Planning staff note the Committee's previous approval of application 'A' 176/20, Planning staff echo CPS staff's comments and recommend deferral of the application pending submission of an adequate PUS. Furthermore, Zoning staff has advised that further information is required to verify the accuracy of variance #2.

Variances #3-9 are required to legalize existing site conditions. The applicant and zoning staff determined it is worth legalizing these conditions, as the property owner would not be able to provide sufficient documentation regarding legal non-confirming status. As there is no development proposed, and the variances are required to legalize existing site conditions, Planning Staff have no concerns with these variances. If the applicant were to comply with the zoning by-law's regulations for aisle widths and landscape buffers, the site alterations could alter and interrupt the property's existing functionality. The property has supported automotive uses since the 1960s. CPS staff contacted the City's parking Enforcement Section and confirmed that there are no parking complaints at the subject property. While the proposed use may bring additional vehicular traffic to the site, the applicant's agent has informed staff that the operation will run by appointment only, which negates Planning staff's concerns about queuing onsite.

Based on the preceding information, Planning staff recommend deferral of the application to allow the applicant an opportunity to submit a PUS to staff and provide additional information to verify variance #2. Staff has no concerns with the remaining variances, as motor vehicle uses currently exist on the property and many of the variances are required to legalize existing site conditions.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committee easy reference are photos of the existing building and parking areas surrounding the building.







Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing certificate of occupancy application 21-5890. From a review of this application it appears the following amendments are required:

1. a motor vehicle detailing facility for Motor Vehicles to operate as a standalone use from within Unit B of the building on the subject property; whereas By-law 0225-2007, as amended, does not permit a motor vehicle detailing facility to operate on the subject property in this instance;
4. An aisle width of 6.7m (approx. 21.98ft) whereas By-law 0225-2007, as amended, requires a minimum aisle width of 7m (approx. 22.96ft) in this instance;

5. An aisle width of 2.71m to access 1 parking space (Space 12) in the south-west corner of the property; whereas By-law 0225-2007, as amended, requires a minimum aisle width of 7m in this instance;
7. A landscape buffer of 0m abutting the C1 & C5-3 - Commercial zones to the west; whereas By-law 0225-2007, as amended, requires a landscape buffer with a minimum depth of 1.5m for a lot line abutting a Commercial zone in this instance;
8. A landscape buffer of 0m abutting the R2 – residential zone to the south and R3 - Residential zone to the east; whereas By-law 0225-2007, as amended, required a landscape buffer with a minimum depth of 4.5m for a lot line abutting a Residential zone in this instance; and,
9. A one-way aisle width of 4.3m (approx. 14.12ft) to access parallel parking spaces at the rear of the property; whereas By-law 0225-2007, as amended, requires a minimum one-way aisle width of 5.5m (approx. 18.04ft) to access parallel parking spaces in this instance.

Further information is required to verify the accuracy of Variance 2 with respect to how many parking spaces are being provided.

Our comments are based on the plans received by Zoning staff on 2021/06/15 for the above captioned application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the certificate of occupancy process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the certificate of occupancy process in order to receive updated comments.

Comments Prepared by: Brian Bonner – Supervisor, Zoning