

# City of Mississauga Department Comments

Date Finalized: 2021-09-29	File(s): A364.21 Ward 3
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-10-07 1:00:00 PM

## Consolidated Recommendation

The City has no objections to the application, subject to the recommended condition being imposed. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

## Application Details

To permit the establishment of a motor vehicle sales, leasing and/or rental facility - restricted accessory to the existing motor vehicle body repair facility; whereas by-law 0225-2007, as amended, does not permit a motor vehicle sales, leasing and/or rental facility - restricted in this instance.

## Recommended Conditions and Terms

- A maximum of 6 motor vehicle(s) shall be for sale at any given time.

## Background

**Property Address:** 1095 Fewster Drive

### Mississauga Official Plan

Character Area: Northeast Employment Area

Designation: Business Employment

### Zoning By-law 0225-2007

Zoning: E2-19 - Employment

**Other Applications:** None

## Site and Area Context

The subject property is located south-east of the Eglinton Avenue East and Tomken Road intersection and currently houses a one-storey industrial structure. The immediate neighbourhood is exclusively industrial in nature, being comprised entirely of various employment uses. The properties along this portion of Fewster Drive are situated upon large parcels, with lot frontages ranging from +/- 30m (98ft) to +/- 105m (344ft). There is limited to no vegetation and landscaping on the subject property as well as surrounding properties.

The applicant is proposing accessory motor vehicle sales on the property requiring a variance for the 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*.

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 Exempt Site 3 of the Northeast Employment Character Area, and is designated Business Employment by the Mississauga Official Plan (MOP). Policy 17.7.3.3.2 under Exempt Site 3 permits outdoor storage on properties.

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?**

The subject property is zoned E2-19 (Employment) under Zoning By-law 0225-2007. This designation permits a motor vehicle body repair facility as-of-right. Section 2.1.5 (Accessory Uses) states that lands being used for a permitted use shall also be permitted to include an accessory use, provided it occurs on the same property.

The applicant's request for a motor vehicle sales use accessory to the existing autobody repair facility, as presented by this application, clearly remains subordinate and ancillary to the permitted primary land-use, in this instance.

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

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

Given the above, staff are of the opinion that, based upon the surrounding area and uses, the proposed motor vehicle sales use is appropriate and does not create a situation of conflicting land uses. The variance results in the appropriate development of the lands with any potential impacts being minor in nature.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

Enclosed for Committee's easy reference are photos depicting the front of the property.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

## Appendix 2 – Zoning Comments

The Building Department is not in receipt of any permit applications at this time and the applicant is advised that a zoning review has not been completed. We are unable to confirm the accuracy of the requested variance(s) or determine whether additional variance(s) may be required.

The applicant is advised that a completed zoning review may identify additional instances of zoning non-compliance. The applicant may consider applying for a preliminary zoning review application and submit working drawings for a detailed zoning review to be completed. A minimum of 6-8 weeks will be required to process a preliminary zoning review application depending on the complexity of the proposal and the detail of the information submitted.

Comments Prepared by: Brandon Eidner, Zoning Examiner