

City of Mississauga Department Comments

Date Finalized: 2021-09-29	File(s): A380.21 Ward 5
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 variance 7, however recommends that the remaining variances be refused.

Application Details

The applicant requests the Committee to approve a minor variance to allow a motor vehicle repair, wash, body repair and pound facility proposing:

1. A motor vehicle body repair facility use whereas By-law 0225-2007, as amended, does not permit a motor vehicle body repair facility use in this instance;
2. A motor vehicle body repair facility – commercial motor vehicle use whereas By-law 0225-2007, as amended, does not permit a motor vehicle body repair facility – commercial vehicle use in this instance;
3. A motor vehicle repair facility – commercial motor vehicle use whereas By-law 0225-2007, as amended, does not permit a motor vehicle repair facility – commercial vehicle use in this instance;
4. A motor vehicle wash facility – commercial motor vehicle use whereas By-law 0225-2007, as amended, does not permit a motor vehicle wash facility – commercial vehicle use in this instance;
5. A motor vehicle pound facility use whereas By-law 0225-2007, as amended, does not permit a motor vehicle pound facility use in this instance;
6. A rear yard of 0m whereas By-law 0225-2007, as amended, requires a minimum rear yard of 7.00m (approx. 22.96ft) in this instance; and
7. A drive aisle width of 6.00m (approx. 19.68ft) whereas By-law 0225-2007, as amended, requires a minimum drive aisle width of 7.00m (approx. 22.96ft) in this instance.

Amendments

Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

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2. A motor vehicle body repair facility – commercial motor vehicle use whereas By-law 0225-2007, as amended, does not permit a motor vehicle body repair facility – commercial motor vehicle use in this instance;
3. A motor vehicle repair facility – commercial motor vehicle use whereas By-law 0225-2007, as amended, does not permit a motor vehicle repair facility – commercial motor vehicle use in this instance;
6. A rear yard of 0m whereas By-law 0225-2007, as amended, requires a minimum rear yard of 7.50m (approx. 22.96ft) in this instance;
7. A drive aisle width of 5.50m (approx. 18.04ft) whereas By-law 0225-2007, as amended, requires a minimum drive aisle width of 7.00m (approx. 22.96ft) in this instance.

In addition, the following variance(s) should be added:

- Insufficient number of accessible parking spaces provided on site. One (1) accessible parking space has been provided whereas By-law 0225-2007, as amended, requires a minimum of two (2) accessible parking spaces in this instance;

Background

Property Address: 2684 Drew Road

Mississauga Official Plan

Character Area: Northeast Employment Area
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2 - Employment

Other Applications: PREAPP 21-7277

Site and Area Context

The subject property is located north-east of the Derry Road East and Torbram Road intersection in the Northeast Employment Area. It has a lot area of +/- 6,512m² (70,095ft²) and a frontage of +/- 53.6m (175.9ft). The property contains a single storey industrial building with little vegetation and landscaping, which is mostly located along the property lines. The context of the

The applicant is seeking to change the use of the proposed property, requiring variances for various vehicle related uses, the rear setback and the drive aisle width.



Planning

Staff comments concerning the application of the four tests to this minor variance request are as follows:

The subject property is located in the Northeast Employment Character Area and is designated Business Employment in Schedule 10 of the Mississauga Official Plan (MOP). This designation

permits a variety of uses, including motor vehicle body repair, motor vehicle repair, and motor vehicle wash facilities. Staff are satisfied that the variances maintain the general intent and purpose of the Official Plan.

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

The subject property is zoned E2 (Employment) in zoning by-law 0225-2007, which does not permit any of the proposed uses. When the Zoning By-law came into effect Motor Vehicle Repair Facilities and Motor Vehicle Wash Facilities were permitted in E2 and E3 zones. A subsequent zoning amendment regarding these uses provide distinguishable characteristics between facilities for personal vehicles and facilities for commercial vehicles. With this distinction made, Council passed by-law 0379-2009 which had the effect of limiting Motor Vehicle Repair Facility – Commercial Motor Vehicle and Motor Vehicle Wash Facility – Commercial Motor Vehicle uses to only E3 zones due to the intensity and noxiousness of the use. Furthermore the remaining proposed uses are only permitted in E3 ones given their anticipated intensity and noxiousness. Given the above staff are of the opinion that variances 1-5 do not meet the general intent and purpose of the zoning by-law.

Variance 6 requests a reduced setback for parked vehicles as part of the pound facility. Given that staff are unsupportive of the use, staff are also unsupportive of the associated reduction in the setback requirement.

Variance 7 requests a reduced aisle width. The intent of this regulation is to ensure there is sufficient space for vehicles to pass each other. Staff note that the request represents an existing condition on the subject property. Access to the rear of the property is available via both sides of the building and therefore staff are satisfied that appropriate circulation on the site can be maintained. Staff are satisfied that variance 7 maintains the general intent and purpose of the Zoning By-law.

Zoning staff have identified an additional variance for accessible parking. Planning staff note that the site plan submitted with the application indicates two accessible parking spaces, however both appear to be Type B spaces, whereas one would be required to be a Type A space. Staff are not supportive of a reduction in accessible parking spaces and are of the opinion that a reduction in accessible parking spaces in this instance does not maintain the general intent and purpose of the Zoning By-law.

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

Planning staff are of the opinion that the reduction in aisle width is appropriate for the subject property and minor in nature. Variances 1-5 propose to introduce multiple uses not intended for an E2 zone and are therefore not minor in nature. Finally, staff find that the variances regarding the reduction in setback and accessible parking spaces do not represent appropriate development of the lands.

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 currently processing a Preliminary Zoning Review application under file PREAPP 21-7277. Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

4. A motor vehicle body repair facility – commercial motor vehicle use whereas By-law 0225-2007, as amended, does not permit a motor vehicle body repair facility – commercial motor vehicle use in this instance;
5. A motor vehicle repair facility – commercial motor vehicle use whereas By-law 0225-2007, as amended, does not permit a motor vehicle repair facility – commercial motor vehicle use in this instance;
8. A rear yard of 0m whereas By-law 0225-2007, as amended, requires a minimum rear yard of 7.50m in this instance;

9. A drive aisle width of 5.50m whereas By-law 0225-2007, as amended, requires a minimum drive aisle width of 7.00m (approx. 22.96ft) in this instance.

In addition, the following variance(s) should be added:

- Insufficient number of accessible parking spaces provided on site. One (1) accessible parking space has been provided whereas By-law 0225-2007, as amended, requires a minimum of two (2) accessible parking spaces in this instance;

Please note that comments reflect those provided through the above permit application and should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the application file noted above, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments.

Comments Prepared by: Adam McCormack, Zoning Examiner