

# City of Mississauga Department Comments

Date Finalized: 2021-11-24	File(s): A451.21 Ward 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-12-02 1:00:00 PM

## Consolidated Recommendation

The City recommends that the application be refused.

## Application Details

The applicant requests the Committee to approve a minor variance to allow a Motor Vehicle Sales, Leasing and/or Rental Facility - Restricted use for unit 3, whereas By-law 0225-2007, as amended, only permits a Motor Vehicle sales, Leasing and/or Rental Facility - Commercial Motor Vehicles use in this instance.

## Background

**Property Address:** 1885 Sismet Road Unit 3

### Mississauga Official Plan

Character Area: Northeast Employment Area  
Designation: Industrial

### Zoning By-law 0225-2007

**Zoning:** E3 - Employment

**Other Applications:** C 20-3713

### Site and Area Context

The subject property is located south-east of the Matheson Boulevard East and Creekbank Road intersection in the Northeast Employment Area. It currently contains a single storey, multi-unit industrial building with frontage onto both Sismet Road and Matheson Boulevard East. Next

to no landscaping or vegetation exists on the property. The surrounding area context consists predominantly of single storey, multi-unit industrial buildings with limited to no vegetation.

The applicant is proposing a Motor Vehicle Sales, Leasing and/or Rental Facility – Restricted, 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:

The subject property is located in the Northeast Employment Character Area and is designated Industrial in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits several industrial and motor vehicle uses. The sole variance requested proposes a Motor Vehicle Sales, Leasing and/or Rental Facility – Restricted use. The intent and purpose of the

zoning by-law is to permit motor vehicle retail uses in a Commercial zone with other retail uses and to not create precedence in establishing retail car dealerships in employment zones as of right. Staff note that vehicle sales and rentals are permitted within the E3 zone, however it is limited to commercial vehicles and not regular cars. This is due to the commercial vehicles more appropriately serving surrounding businesses and the intensity of the use when selling, renting, and repairing those types of commercial motor vehicles.

While the City has supported non-commercial motor vehicle sales uses in Employment Areas in the past, they have been accessory to a permitted use whereas the applicant is proposing the use as a primary use in this instance. The intent and purpose of the Zoning By-law is not maintained by permitting uses not contemplated by the zone category and in accordance with an entirely different zoning framework. Furthermore staff are of the opinion that the application is not appropriate development of the subject lands and is not 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 subject property.







Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

## **Appendix 2 – Zoning Comments**

The Building Department is currently processing a Zoning Certificate of Occupancy application under file C 20-3713. Based on review of the information currently available in this permit application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

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: Marco Palerma