

City of Mississauga Department Comments

Date Finalized: 2022-01-05	File(s): A437.21 Ward 3
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-01-13 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application, as amended, subject to the recommended condition.

Application Details

The applicant requests the Committee to approve a minor variance to allow a Motor Vehicle Sales facility whereas By-law 0225-2007, as amended, does not permit a Motor Vehicle Sales facility 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:

To allow a Motor Vehicle Sales-Leasing and/or Rental Facility whereas By-law 0225-2007, as amended, does not permit a Motor Vehicle Sales-Leasing and/or Rental Facility 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: 1160 Crestlawn Drive #6

Mississauga Official Plan

Character Area: Northeast Employment Area
Designation: Business Employment

Zoning By-law 0225-2007**Zoning: E2-19 - Employment****Other Applications:** C 21-6409**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 Crestlawn Drive are situated upon large parcels, with lot frontages ranging from +/- 30m (98ft) to +/- 130m (427ft). 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(n) & (z), this designation shall permit motor vehicle repair facilities, as well as any accessory land-uses thereto. The Applicant's proposal of a motor vehicle 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 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 auto 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 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 21-6409. Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

1. The applicant requests the Committee to approve a minor variance to allow a Motor Vehicle Sales-Leasing and/or Rental Facility whereas By-law 0225-2007, as amended, does not permit a Motor Vehicle Sales-Leasing and/or Rental Facility 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: Marco Palerma