

City of Mississauga Department Comments

Date Finalized: 2022-01-05	File(s): A471.21 Ward 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-01-13 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 Repair Facility - Commercial Motor Vehicle whereas By-law 0225-2007, as amended, does not permit a Motor Vehicle Repair Facility - Commercial Motor Vehicle in this instance.

Background

Property Address: 151 Watline Avenue

Mississauga Official Plan

Character Area: Gateway Employment Area
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2-96 - Employment

Other Applications: None

Site and Area Context

The subject property is located north-east of the Hurontario Street and Matheson Boulevard East intersection in the Gateway Employment Area. It contains a single storey industrial building with some vegetation in the front yard. The surrounding area context is exclusively industrial, with a mix of single and multi-unit structures, generally one storey in height. The property's

driveway is shared with the industrial building on the property immediately to the west, and a large storage area exists to the rear.

The applicant is proposing a “Motor Vehicle Repair Facility – Commercial Motor Vehicle” use 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 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 motor vehicle uses, including motor vehicle repair 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 E2-96 (Employment) in Zoning By-law 0225-2007. When the Zoning By-law came into effect Motor Vehicle Repair Facilities were permitted in E2 and E3 zones. In 2009, Council passed by-law 0379-2009, which had the effect of distinguishing Motor

Vehicle Repair Facilities between those for personal vehicles and those for commercial vehicles. The by-law had the effect of limiting Motor Vehicle Repair Facility – Commercial Motor Vehicle uses to only E3 zones due to the intensity and noxiousness of the use. Staff note that the same By-law also created the property's E2-96 zone, which permits most E3 zone uses, however the E2-96 exception zone specifically prohibits the proposed use. Given the City's active decision to remove the proposed use from the permissions of the E2-96 zone staff are of the opinion that the request does not meet 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 have concerns regarding the potential impacts of the proposed use on abutting properties given its intentional removal from the property's zone. The vehicles that would be repaired on site are materially different from those permitted to be repaired on properties in an E2 zone. Staff are of the opinion that the application does not represent an appropriate use 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 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