

City of Mississauga Department Comments

Date Finalized: 2022-03-30	File(s): A162.22
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2022-04-07 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 the retail sale of used motor vehicles proposing:

1. To permit the retail sale of used motor vehicles whereas By-law 0225-2007, as amended, does not permit the retail sale of used motor vehicles in this instance;
2. An accessory outdoor display of used vehicles with a used vehicle retail sales uses whereas By-law 0225-2007, as amended, only permits the accessory outdoor display of used vehicles with a vehicle rental use in this instance;
3. An accessory outdoor storage of used vehicles with a used vehicle retail sales use whereas By-law 0225-2007, as amended only permits the accessory outdoor storage of used vehicles with a vehicle rental use in this instance;
4. To permit an accessory outdoor display area of 184sq.m (approx. 1,981sq.ft) to be used for the retail sale of used motor vehicles, or the equivalent of 5% of the combined lot areas of 2571 and 2579 Wharton Glen Avenue; whereas By-law 0225-2007, as amended, permits a maximum accessory outdoor display area of 101.86sq.m (approx. 1,096.41sq.ft), or the equivalent to 5% of the lot area of the subject property at 2571 Wharton Glen Avenue, in this instance;
5. To permit an accessory outdoor storage area of 158sq.m (approx. 1,701sq.ft) to be used for the storage of used motor vehicles, or the equivalent of 10% of the gross floor area of the buildings on 2571 and 2579 Wharton Glen Avenue; whereas By-law 0225-2007, as amended, permits a maximum accessory outdoor storage area of 64.4sq.m (approx. 693.2sq.ft), or the equivalent of 10% of the gross floor area of the building on the subject property 2571 Wharton Glen Avenue, in this instance;
6. To permit the outdoor display of used vehicles in the front yard between the existing building and the street line; whereas By-law 0225-2007, as amended, does not permit the outdoor display of new products to be located closer to any street line than any portion of a building, structure or part thereof in this instance;

7. To permit a 2.4m fence along a portion of the perimeter of the proposed outdoor storage area whereas By-law 0225-2007, as amended, requires a 2.4m fence along the entire perimeter of an outdoor storage area in this instance;

8. One rectangular parking space adjacent to the south side wall of the warehouse building at 2579 Wharton Glen Avenue with a width of 3.05m (approx. 10.00ft) and a length of 4.8m (approx. 15.7ft) whereas By-law 0225-2007, as amended, requires a rectangular parking space to have a minimum width of 2.6m (approx. 8.5ft) and a minimum length of 5.2m (approx. 17.1ft) in this instance;

9. To permit a portion of one accessible parking space and seven proposed used vehicle display spaces to encroach into the required 3m landscape buffer in the front yard; whereas By-law 0225-2007, as amended, requires a minimum unobstructed landscape buffer of 3m in this instance;

10. To permit the landscaped buffer to be traversed by the existing driveways, the angle of which to be a minimum of 1° and a maximum of 179° measured from the lot line; whereas By-law 0225-2007, as amended, permits the landscaped buffer to be traversed by a driveway, the angle of which must be a minimum of 60° and a maximum of 120° measured from the applicable lot line in this instance;

11. To exempt the existing shared parking area and driveways of 2571 and 2579 Wharton Glen Avenue from Regulation 2.1.25.2; whereas By-law 0225-2007, as amended, requires in regulation 2.1.25.2 that a landscape buffer will not be required for that portion of the shared property line used for a driveway, condominium road, aisle or parking area which are shared with the abutting lands in this instance;

12. A minimum interior side yard setback of 5.53m (approx. 18.14ft) adjacent to the south wall of the existing building and a minimum interior side yard setback of 6.3m (approx. 20.7ft) adjacent to the north wall of the existing building; whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 6.767m (approx. 22.201ft) in this instance;

13. One Type A accessible parking space to be added to the property at 2571 Wharton Glen Avenue to meet the accessible parking space requirements for the properties at 2571 and 2579 Wharton Glen Avenue; whereas By-law 0225-2007, as amended, requires that accessible parking spaces be provided on the same lot in this instance;

14. One Type A accessible parking space to be added to the property at 2571 Wharton Glen Avenue to meet the accessible parking space requirements for the properties at 2571 and 2579 Wharton Glen Avenue; whereas By-law 0225-2007, as amended, requires 1 of the first 13 parking spaces provided on the each lot to be an accessible parking space, and 4% of the total number of remaining parking spaces on each lot to be accessible parking spaces or one additional accessible parking space in this instance;

15. A rear yard setback of 1.68m (approx. 5.51ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.50m (approx. 24.61ft) in this instance; and,

16. To allow existing parking spaces located on the shared property line of 2579 and 2571 Wharton Glen Avenue so that parking spaces for land uses on 2571 Wharton Glen Avenue can be supplied on the property at 2579 Wharton Glen Avenue; whereas By-law 0225-2007, as amended, requires that parking spaces be provided on the same lot as the land uses for which they are required in this instance.

Background

Property Address: 2571 Wharton Glen Ave

Mississauga Official Plan

Character Area: Dixie Employment Area

Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2-131 - Employment

Other Applications: None

Site and Area Context

The subject property is located within the Dixie Employment Character Area, south of Wharton Way and Dundas Street East. The immediate neighbourhood is primarily industrial commercial, consisting of one-storey buildings with little to no vegetation in the front yards. The subject property contains an existing one-storey industrial building with little to no vegetation in the front yard.

The applicant is proposing to permit the sale of used motor vehicles requiring variances related to permitting the use, outdoor display and accessory storage, outdoor storage and display areas, parking space dimensions, side yard setbacks, parking aisle width, parking space location, encroachment into a landscape buffer and parking area requirements.



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 Dixie Employment Character Area and is designated Business Employment in Schedule 10 of the Mississauga Official Plan (MOP). The Business Employment designation permits a variety of uses, including commercial, entertainment, industrial and motor vehicle uses; however, it does not permit motor vehicle sales. Staff are therefore of the opinion that the application does not maintain the general intent and purpose of the Official Plan.

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

Variance 1 requests a variance to permit the retail sale of used motor vehicles on the subject property. 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 E2 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. 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.

The proposed use does not meet the intent and purpose of the zoning by-law. Therefore, the additional variances being sought also do not meet the intent and purpose of the by-law.

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

Staff are of the opinion that the variances requested do not represent appropriate development of the subject lands. Furthermore, the variances cannot be considered minor in nature and will likely have undue impacts on abutting properties.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendix 1 – Transportation and Works Comments

Enclosed for ease reference are pictures depicting the existing property and parking areas. The information submitted with the application indicates that this parcel of land (2571 Wharton Glen Ave.) supply's the adjacent property (2579 Wharton Glen Ave.) for parking and access purposes. We question if all of the appropriate agreements are in place between the 2 property owners.

The applicant will be required to contact our Realty Section to enter into a License/Encroachment agreement with The City for the existing parking stalls that fall within the right of way for Wharton Glen Ave.







Comments Prepared by: John Salvino, 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. Furthermore, we note that a Building Permit is 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