

# City of Mississauga Department Comments

Date Finalized: 2022-11-09	File(s): A552.22
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2022-11-17 1:00:00 PM

## Consolidated Recommendation

The City recommends that the application be deferred.

## Application Details

The applicant requests the Committee to approve a minor variance to allow an existing building proposing:

1. 32 parking spaces whereas By-law 0225-2007, as amended, requires 66 parking spaces in this instance; and,
2. A Restricted Motor Vehicle Indoor Sales use in Unit A of the subject property whereas By-law 0225-2007, as amended, does not permit a Restricted Motor Vehicle Indoor Sales use in Unit A of the subject property in this instance.

## Amendments

The following corrections and additional variances are required:

- 1) The applicant proposes to provide 32 parking spaces, whereas Zoning By-law No. 0225-2007, as amended, requires 53 parking spaces in this instance;
- 2) That the use of 'Motor Vehicle Sales, Leasing and Rental Facility – Restricted' be permitted in Units A and B of the existing building whereas Zoning By-law No. 0225-2007, as amended, does not permit the use of 'Motor Vehicle Sales, Leasing and Rental Facility – Restricted' on the subject lands in this instance;
- 3) The applicant proposes to provide zero accessible spaces (0 Type A and 0 Type B), whereas Zoning By-law No. 0225-2007, as amended, requires three accessible spaces to be provided in this instance (2 Type A and 1 Type B); and
- 4) The applicant is proposing to provide a one-way drive aisle width of 3.58 metres, whereas Zoning By-law No. 0225-2007, as amended, requires a minimum width of 5.5 metres for a one-way drive aisle in this instance.

## Background

**Property Address:** 1353 Britannia Rd E

### Mississauga Official Plan

**Character Area:** Northeast Employment Area

**Designation:** Business Employment

### Zoning By-law 0225-2007

**Zoning:** E2-42 - Employment

### Other Applications:

### Site and Area Context

The subject property is located on the north side of Britannia Road East, west of the intersection with Dixie Road. It currently contains a single storey, multi-tenant industrial building with associated parking. No vegetative elements are present on the subject property, which is characteristic of the surrounding area. The surrounding context is exclusively industrial, consisting of a mix of built forms on lots of varying sizes.

The applicant is proposing a motor vehicle sales use requiring variances for the use and parking.



## 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 Business Employment in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits several motor vehicle related uses.

Variance 1 proposes a reduction in the required number of parking spaces. The intent of the zoning by-law in quantifying the required number of parking spaces is to ensure that each lot is self-sufficient in providing adequate parking accommodations based upon its intended use. Section 8.4 of the official plan contemplates potential reductions in parking requirements and alternative parking arrangements in appropriate situations. Municipal Parking staff have reviewed the variance request and note as follows:

On October 21<sup>st</sup>, 2022, Staff had corresponded with the applicant in regards to a satisfactory Parking Utilization Study (PUS) being required due to the proposed parking being at a 52%. The applicant has acknowledged the requirement and advised staff of future follow-up on surveying parameters. Staff recommend the application be deferred, pending the submission of a satisfactory Parking Utilization Study (PUS).

Planning staff are in agreement with the comments from the Municipal Parking team and recommend that the application be deferred in order to allow the applicant to submit the requested information.

Furthermore staff note that the Planning and Building Department is unable to support variance 3, as amended by Zoning staff, and suggest that the applicant may wish to amend the parking allocation on site to include accessible parking spaces.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

Enclosed for Committees 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 Certificate of Occupancy permit under file C 22-3546. Based on review of the information currently available in this permit application, the variances, as requested are incorrect.

The following corrections and additional variances are required:

- 5) The applicant proposes to provide 32 parking spaces, whereas Zoning By-law No. 0225-2007, as amended, requires 53 parking spaces in this instance;
- 6) That the use of 'Motor Vehicle Sales, Leasing and Rental Facility – Restricted' be permitted in Units A and B of the existing building whereas Zoning By-law No. 0225-2007, as amended, does not permit the use of 'Motor Vehicle Sales, Leasing and Rental Facility – Restricted' on the subject lands in this instance;
- 7) The applicant proposes to provide zero accessible spaces (0 Type A and 0 Type B), whereas Zoning By-law No. 0225-2007, as amended, requires three accessible spaces to be provided in this instance (2 Type A and 1 Type B); and

- 8) The applicant is proposing to provide a one-way drive aisle width of 3.58 metres, whereas Zoning By-law No. 0225-2007, as amended, requires a minimum width of 5.5 metres for a one-way drive aisle 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.

**Staff note that the applicant has not provided an accurate sketch of the meets and bounds of the subject property. As such further variances may be identified and required. Further, variance four will most likely require further reduction as the applicant has not provided the appropriate information.**

Comments Prepared by: Tage Crooks, Zoning Examiner

### **Appendix 3 – Region of Peel**

We have no comments or objections.

Comments Prepared by: Patrycia Menko, Junior Planner