

City of Mississauga Department Comments

Date Finalized: 2023-06-14	File(s): A171.23
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-06-22 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 permit a Motor Vehicle Body Repair Facility in an E2-131 Zone whereas By-law 0225-2007, as amended, does not permit a Motor Vehicle Body Repair Facility in an E2-131 Zone in this instance.

Background

Property Address: 1952 Mattawa Ave

Mississauga Official Plan

Character Area: Dixie Employment Area
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2-131 - Employment

Other Applications: Certificate of Occupancy under file C 23-6319.

Site and Area Context

The subject property is located within the Dixie Employment Area, located southwest of the Dundas Street East and Wharton Way intersection. The subject property contains a one-storey building that includes commercial uses. The subject property contains no vegetation. The broader area consists of commercial, employment, and open space/greenlands uses.

The application proposes a Motor Vehicle Body Repair Facility in an E2-131 Zone.



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).

This designation permits several motor vehicle related uses including service, repair, wash, and rental, however it does not permit motor vehicle sales uses. Planning staff are of the opinion that the intent and purpose of the MOP are not maintained by permitting uses not contemplated by the land designation and in accordance with an entirely different framework.

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

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 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.

Planning staff are of the opinion that the intent and purpose of the zoning by-law are not maintained by permitting uses not contemplated by the zone category and in accordance with an entirely different zoning framework.

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

Given the above, Planning staff are of the opinion that the application is neither minor in nature nor appropriate development of the subject property. Staff therefore recommend that the application be refused.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committees easy reference are photos of the existing property. We have no concern with the proposed Minor Variance. We ask that the vehicles that are parked within the Municipal Boulevard be relocated to be within the applicant's own lands as per the parking stalls indicated on the provided plan.





Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Certificate of Occupancy under file C 23-6319. Based on review of the information currently available in this permit application, the variances, as requested are correct.

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: Tage Crooks, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has no objections to the above noted minor variance application and advises as follows:

The lands to the rear of the property are owned by the City of Mississauga, identified as Etobicoke Valley (P-238), classified as a Significant Natural Area within the City's Natural Heritage System, and zoned G1. Section 6.3.24 of the Mississauga Official Plan states that the Natural Heritage System will be protected, enhanced, restored and expanded through the following measures:

- a) ensuring that development in or adjacent to the Natural Heritage System protects and maintains the natural heritage features and their ecological functions through such means as tree preservation, appropriate location of building envelopes, grading, landscaping...

Should the application be approved, Community Services provides the following notes:

1. Construction access from the adjacent park/greenlands is not permitted.
2. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
3. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.

Should further information be required, please contact Nicholas Rocchetti, Park Planning Assistant, Community Services Department at 905-615-3200 ext. 4659 or via email Nicholas.Rocchetti@mississauga.ca.

Comments Prepared by: Nicholas Rocchetti, Park Planning Assistant

Appendix 4 – Region of Peel

We have no comments or objections.

Comments Prepared by: Patrycia Menko, Junior Planner