

City of Mississauga Department Comments

Date Finalized: 2023-08-09	File(s): A257.23
To: Committee of Adjustment	Ward: 7
From: Committee of Adjustment Coordinator	Meeting date:2023-08-17 1:00:00 PM

Consolidated Recommendation

The City recommends the application be refused.

Application Details

The applicant requests the Committee to approve a minor variance to allow a change of use proposing a motor vehicle body repair facility in an E2-131 Zone whereas By-law 0225-2007, as amended, does not permit motor vehicle body repair facility in an E2-131 Zone in this instance.

Background

Property Address: 2526 Cawthra Rd

Mississauga Official Plan

Character Area: Dixie Employment Area
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2-131- Employment

Other Applications: C 23-6321

Site and Area Context

The subject property is located on the west side of Cawthra Road, south of the Dundas Street East intersection. It currently contains a two storey industrial building and tent structure with an associated paved and gravel lot containing numerous motor vehicles stored outdoors. There are limited landscaping and vegetative elements present on the subject property. The surrounding

area context consists of a variety of uses including the Cawthra Shelter to the south, manufacturing and warehousing facilities to the west and a railway to the north.

The applicant is proposing a 'Motor Vehicle Body Repair Facility' at 2526 Cawthra Road 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:

The subject property is located in the Dixie Employment Area and is designated Business Employment in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits a variety of industrial, office and employment uses. Motor vehicle body repair facilities are permitted under this designation. Staff are satisfied that the variance maintains 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 E2-131 (Employment) in Zoning By-law 0225-2007. The proposed variance seeks to permit a motor vehicle service use where it is not permitted. Staff note that motor vehicle body repair facilities are permitted within Employment zones, but only in the E3 classification due to the intensity and noxiousness of the use. In 2018, Council passed By-law 0229-2018 establishing the E2-131 zone, that only permitted the legally existing

manufacturing uses of oil based paints, oil based coatings, solvent based adhesives and resins, and natural synthetic rubber. The amendment specifically did not permit the application of these materials and products. The proposed motor vehicle body repair facility would facilitate the application of oil based paints and oil based coatings. Given the above, staff are of the opinion that the variance does not maintain the general intent and purpose of the by-law as it represents the introduction of a use specifically prohibited when the E2-131 zone was considered.

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

Staff are of the opinion that the variance do not represent appropriate development of the subject lands and cannot be considered minor in nature.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committees easy reference are photos depicting the subject property and note that we have no objections to the business which has operated at this location since the late 1950's.

Comments Prepared by: Joe Alava, Development Engineering



Appendix 2 – Zoning Comments

The Building Department is currently processing a Zoning Certificate of Occupancy permit under file C 23-6321. 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- Metrolinx

2526 Cawthra Rd

Metrolinx is in receipt of the minor variance application for 2526 Cawthra Rd, to allow an existing motor vehicle body repair facility. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of Canadian Pacific Railway's (CP Rail) Galt Subdivision which carries Metrolinx's Milton GO Train service.
- As the requested variance has no implication on Metrolinx property (i.e. Milton Corridor) Metrolinx has no objections to the specified variances should the committee grant approval.
- The Proponent shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the Railway Corridor
 - **Warning:** The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

Comments Prepared by: Farah Faroque, Project Analyst

Appendix 4- Region of Peel Comments

Minor Variance: A-23-257M 2526 Cawthra Road

Development Engineering: Camila Marczuk (905) 791-7800 x8230

Comments:

- The Region of Peel has a Consolidated Linear Infrastructure Environmental Compliance Approval (CLI ECA # 009-S701), for the Regional Municipality of Peel Stormwater

Management System. Therefore, it is the Region's mandate that no additional flows are permitted, and no new connections are made to Regional Roads.

- Development flows are to be directed to the Local Municipality's storm sewer system or watercourses, to the satisfaction of the Region of Peel, the local Conservation Authority and all concerned departments and agencies. Alternatively, flows can be mitigated using Low Impact Development Technologies. Developers are required to demonstrate how this will be achieved through a Stormwater Management Report.
- As per the Region's Public Works Stormwater Design Criteria and Procedural Manual
 - Region of Peel IDF curves shall be used for the peak flow analysis.
 - Post development peak flow for each storm (from 2 year to 100 year) shall be equal to or less than pre-development.
 - For orifice diameters of 100mm or greater, an orifice tube shall be used.
 - Quantity Control shall be designed to control the 24-h Chicago or 24-h SCS Type II distribution.
- In accordance with the Region's CLI ECA and provincial standards, control of the runoff from 90th percentile storm event (28mm) shall be achieved for quality control.
- For erosion control, 5mm retention at full build out is required and runoff is to be detained from a 25mm storm event over 24 to 48 hours.
- No grading will be permitted within any Region of Peel ROW to support adjacent developments.
- There is a Regional water easement on the subject property. Please be advised that unauthorized encroachments on Regional easements will not be permitted. Certain restrictions apply with respect to Regional easements as per the documents registered on title.

Comments Prepared by: Ayoola Ayooluwa, Junior Planner