

City of Mississauga Department Comments

Date Finalized: 2023-09-13	File(s): A336.23
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2023-09-21 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 change of use proposing a motor vehicle repair (commercial motor) in an E2 Zone whereas By-law 0225-2007, as amended, does not permit this use in an E2 Zone in this instance.

Amendments

The applicant requests the Committee to approve a minor variance to permit a Motor Vehicle Repair Facility - Commercial Motor Vehicle use within ***Unit XYZ*** on the subject property zoned E2 – Employment; whereas By-law 0225-2007, as amended, does not permit a Motor Vehicle Repair Facility - Commercial Motor Vehicle use in an E2 – Employment zone in this instance.

Background

Property Address: 1746 Alstep Drive

Mississauga Official Plan

Character Area: Northeast Employment Area (West)
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2-Employment

Other Applications: C23-6754**Site and Area Context**

The subject property is located south-east of the Dixie Road and Derry Road East intersection in the City's Northeast Employment Character Area. The property has a frontage of +/- 57.83 (189.73ft). It contains a single storey industrial building with limited vegetation in the front yard. The surrounding area predominantly consist of one and two-storey industrial buildings with limited vegetation and significant hardscaping. The area is located in close proximity to Pearson International Airport.

The applicant is proposing a new Motor Vehicle Repair Facility – Commercial Motor Vehicle use on the subject property requiring a variance to permit 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 Area Character Area and is designated Business Employment in Schedule 10 of the Mississauga Official Plan (MOP). This

designation permits many different uses, including Motor Vehicle Commercial uses which includes motor vehicle repair. As the use is permitted under the MOP the proposal 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 (Employment) in zoning by-law 0225-2007, which does not permit the proposed use. When the by-law came into effect Motor Vehicle Repair Facilities were permitted only in E2 and E3 zones, however a by-law was later passed to further distinguish between facilities for personal vehicles and facilities for commercial vehicles. With this distinction made, Council passed by-law 0379-2009 which 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. Given the City's active decision to remove the proposed use from the permissions of the E2 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 the abutting properties given its intentional removal from the property's zone. While an E3 zone does exist approximately 380 metres north of the subject property, on the north side of Derry Road, the property is centrally located within the E2 zone and away from the more noxious uses located in the E3 zone. The vehicles that would be repaired on site are materially different from those being 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: Daniel Grdasic, 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 Certificate of Occupancy application under file C23-6754. Based on review of the information currently available in this 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: Brooke Herczeg, Zoning Examiner

Appendix 3 – Region of Peel

We have no comments or objections.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner