

City of Mississauga Department Comments

Date Finalized: 2023-10-18	File(s): A390.23 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-10-26 1:00:00 PM

Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the application meets the requirements of Section 45(1) of the Planning Act, subject to a temporary approval period of five (5) years. The applicant may wish to defer the application to ensure accuracy of the requested variances and that no additional variances are required.

Application Details

The applicant requests the Committee to approve a minor variance to allow a change of use proposing to continue to permit a Commercial Motor Vehicle Repair Facility on the property whereas By-law 0225-2007, as amended, does not permit that use in this instance.

Background

Property Address: 6970 Kenderry Gate

Mississauga Official Plan

Character Area: Gateway Employment Area (East)
Designation: Business Employment

Zoning By-law 0225-2007

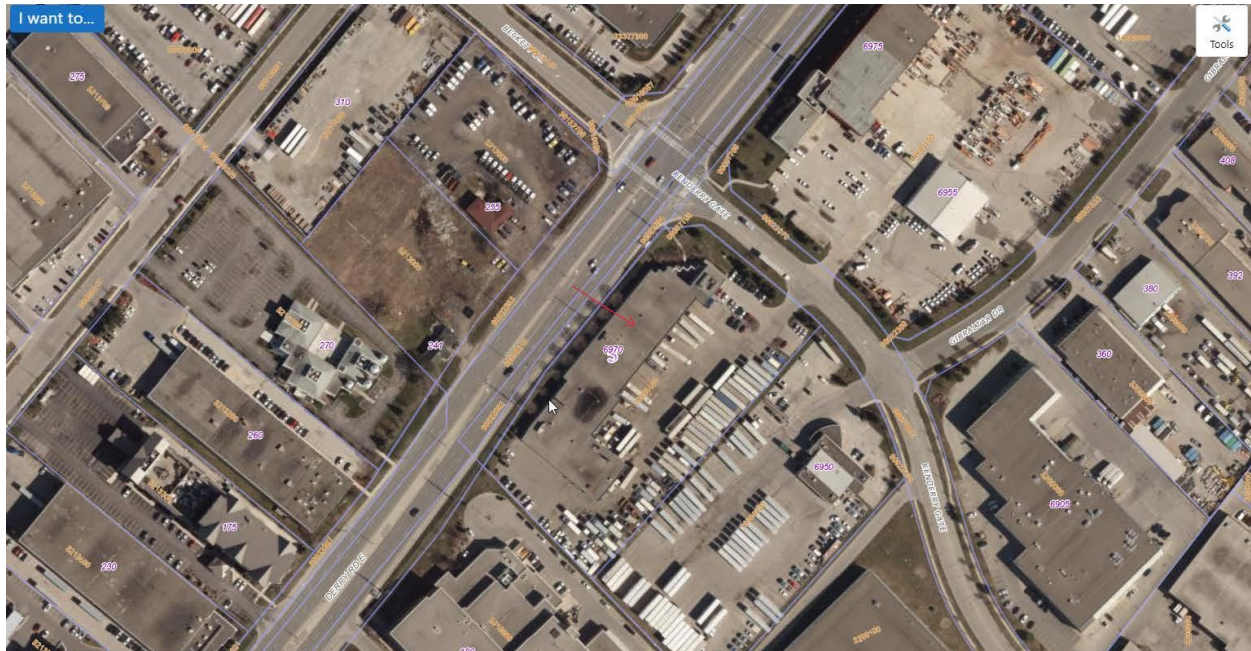
Zoning: E2-53- Employment

Other Applications: None

Site and Area Context

The subject property is located on the south-west corner of the Derry Road East and Kenderry Gate intersection. It has a lot area of 16,188m² (174,246.18ft²) and currently contains a multi-storey industrial building. Limited vegetation and/or landscaping elements are present on the subject property, which are characteristic of the area. The surrounding area context includes various sizes of industrial buildings.

The applicant proposes the operation of a Commercial Motor Vehicle Repair Facility 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:

Staff note the subject property has been granted various temporary approvals (Files: A308/9, A44/13, A381/18) from the Committee of Adjustment for the operation of a commercial motor vehicle repair facility. The temporary approval for the Commercial Motor Vehicle Repair Facility on the subject property will expire on October 31st, 2023.

In reviewing the zoning by-law, Sentence 8.2.3.53.1 states the E2-53 zone permits the repair and service of trucks and truck trailers, including the installation of heating/air conditioning equipment, with temporary outdoor storage of trucks and truck trailers, accessory to the repair and service operation. The definition for a Commercial Vehicle Repair Facility identifies both diagnosing and/or detailing uses. As such, the variance is seeking to permit the extension of the temporary Commercial Vehicle Repair Facility use including the additional uses being the commercial vehicle diagnosing and detailing.

Staff find the application to be technical in nature, as the E2-53 zone permits the repair and service of trucks and truck trailers. It is staff's opinion that the proposal is sympathetic to the surrounding area and does not impact the neighbouring properties or streetscape. Through a detailed review of the application, staff are of the opinion that the application is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning 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

We note that a Zoning Certificate of Occupancy Permit is required. In the absence of a Zoning Certificate of Occupancy Permit we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has not been completed.

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

Comments Prepared by: Candice Williams, Zoning Examiner

Appendix 3 – Region of Peel

Minor Variance: A-23-390M / 6970 Kenderry Gate

Planning: Ayooluwa Ayoola (905) 791-7800 x8787

Comments:

- We recognize that the subject site is located within a Regional Employment Area, identified on Schedule E-4 of the Regional Official Plan (ROP) and within a Provincially Significant Employment Zone. The Region has no objections to the proposal to continue to permit a Commercial Motor Vehicle Repair Facility, as it is in keeping with the general intent of the ROP, can be considered compatible with the existing land use patterns, and will not significantly impact employment opportunities in the area.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner