

# City of Mississauga Department Comments

Date Finalized: 2023-11-08	File(s): A438.23
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-11-16 1:00:00 PM

## Consolidated Recommendation

The City recommend that the application be refused.

## Application Details

The applicant requests the Committee to approve a minor variance to allow the continuation of an autobody repair garage and retail sales of used motor vehicles and to permit accessory outdoor storage on the subject property whereas By-law 0225-2007, as amended, does not permit these uses in an E2-57 Employment Zone in this instance.

## Background

**Property Address:** 1109 Seneca Ave

### Mississauga Official Plan

Character Area: Lakeview Neighbourhood  
Designation: Business Employment

### Zoning By-law 0225-2007

**Zoning:** E2-57-Commercial

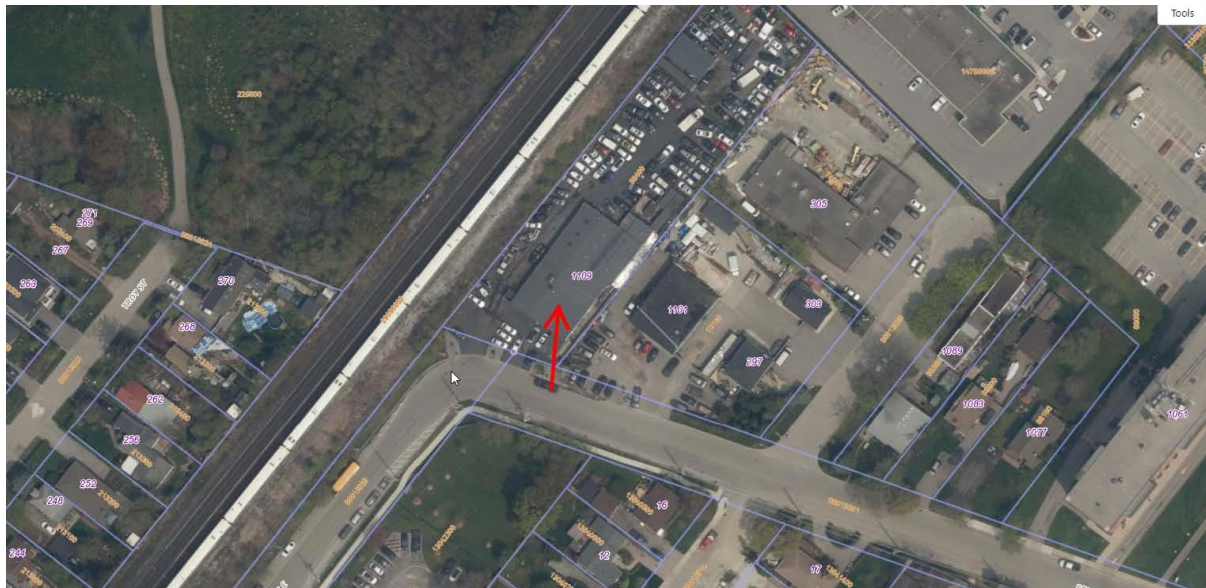
**Other Applications:** A384.20,

### Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, north of Lakeshore Road East and Seneca Avenue. The immediate area predominantly consists of

residential uses such as detached, semi-detached and apartment dwellings. Abutting the subject property to the south is a motor vehicle repair shop and contracting use. The subject property contains a mix of uses including motor vehicle repair, sales and accessory outdoor storage. The requested uses have been approved multiple times since 1988 on a temporary basis. The applicant proposes to extend the approval of the existing uses on-site. Planning staff comments remain the same as the previous minor variance application and are outlined below.

Staff recommended refusal of application A384.20, however, the application was approved by the Committee of Approval for a temporary period of three years, expiring on December 31<sup>st</sup>, 2023.



## 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 Planning staff recommend that the proposal be pursued through the formal channels of an official plan and zoning by-law amendment application.

It's worth noting that the applicant has been presenting similar applications to the Committee since as far back as 1988, and most recently in 2020.

Staff have consistently recommended refusal for requests to permit ongoing operation of an auto body repair garage, retail sales of used motor vehicles, and accessory outdoor storage use on the subject property. However, the Committee has continually granted approval of these applications subject to a temporary period of three years. The most recent application approved in 2020 (A384.20) will expire on December 31st, 2023.

The purpose of this current application is to seek permission for the continued operation of the aforementioned uses. Planning staff's opinion regarding the applicant's proposal remains unchanged. Staff continue to recommend refusal of these uses.

The subject property is currently zoned as E2-57, which explicitly prohibits these uses. Furthermore, the subject property is subject to Special Site #4 of the Lakeview Local Area Plan, which prohibits Motor Vehicle Sales and Outdoor Storage throughout the entire subject property.

As such staff continue to be of the opinion that the requested variances fail to align with the overarching intent and purpose of both the official plan and the zoning by-law. These requested uses are neither minor in nature nor conducive to the appropriate development of the lands, as they expressly contravene the regulations and policies specified in both the official plan and the zoning by-law.

In light of these considerations, staff recommend that the requested variance be refused, and that the applicant explore the route of submitting a zoning by-law and official plan amendment application should they wish to proceed with the requested uses.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

Enclosed are pictures of the existing property.





Comments Prepared by: John Salvino, 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: Minan Song, Planner in Training

## **Appendix 3 – Metrolinx**

**1109 Seneca Ave - A438.23**

Metrolinx is in receipt of the minor variance application for 1109 Seneca Ave to allow an existing autobody repair garage and retail sales of used motor vehicles to continue operating as well as to allow the use of accessory outdoor storage on the subject site. Metrolinx's comments on the subject application are noted below:

- The subject property is located immediately adjacent to the Metrolinx Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.
- As the requested variances are to maintain the existing conditions and there are no proposed new additions /structures (of a sensitive land use) which result in a further reduction to the setback of the Metrolinx corridor, (i.e. Oakville Subdivision/Lakeshore West Corridor) Metrolinx has no objections to the specified variances should the committee grant approval.

Advisory Comments:

- The Proponent is advised the following:
  - **Warning:** Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. 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

### Minor Variance: A-23-438M / 1109 Seneca Ave

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 an autobody repair facility and retail sales, as it is 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