

City of Mississauga Department Comments

Date Finalized: 2024-03-13	File(s): A27.24 Ward: 3
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-03-21 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 the service and repair of Commercial Motor Vehicles on the subject property whereas the By-law 0225-2007, as amended, does not permit this use on the subject property in this instance.

Background

Property Address: 3075 Lenworth Drive

Mississauga Official Plan

Character Area: Dixie Employment Area
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2-132- Employment

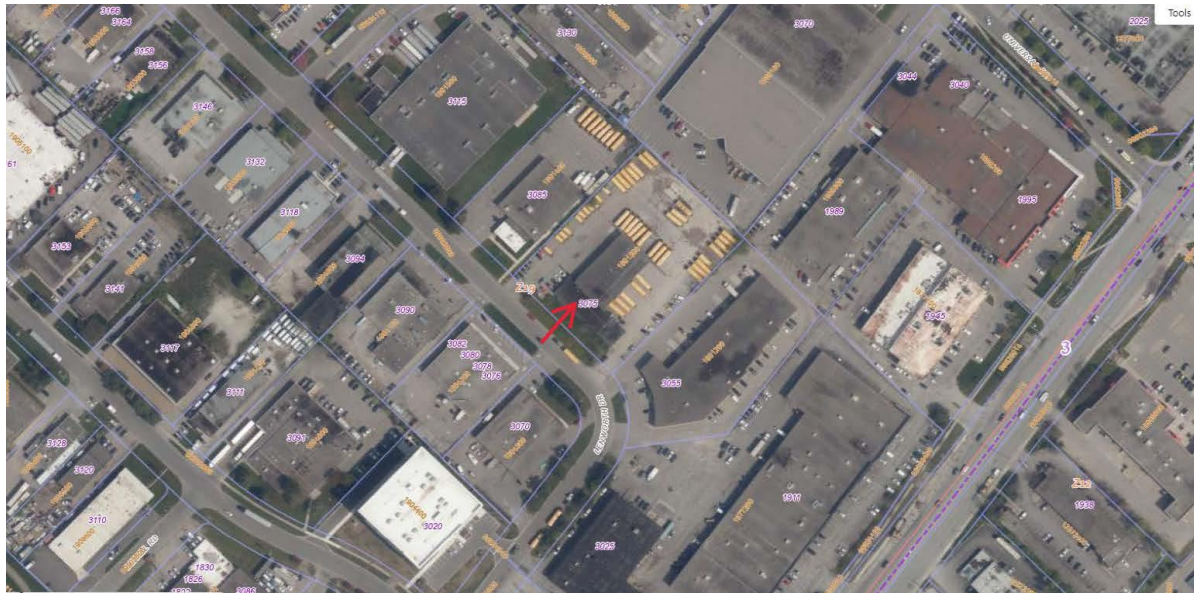
Other Applications: C 24-842

Site and Area Context

The subject property is located north-east of the Dixie Road and Dundas Street East intersection in the Dixie Employment Area. It contains a single storey industrial building with limited vegetation in the front yard. The surrounding area is exclusively industrial, with a mix of

single and multi-unit structures, generally one storey in height. The property's driveway is shared with the abutting property immediately to the north of the subject site.

The applicant is proposing a "Motor Vehicle Repair Facility – Commercial Motor Vehicle" use 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:

Planning staff note the application was deferred at the January 18th, 2024 hearing. The application is returning with the same proposed variance, requiring a change of use for the subject property.

Does the proposal maintain the general intent and purpose of the Official Plan?

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 motor vehicle uses, including motor vehicle repair facilities. Staff are satisfied that the variances maintain 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 E2-132 (Employment) in Zoning By-law 0225-2007. When the zoning by-law came into effect Motor Vehicle Repair Facilities were permitted in E2 and E3 zones. However in 2009, Council passed by-law 0379-2009, which had the effect of distinguishing Motor Vehicle Repair Facilities between those for personal vehicles and those for commercial vehicles as different uses. The by-law had the effect of limiting Motor Vehicle Repair Facility – Commercial Motor Vehicle uses to only E3 zones only 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 E2-132 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 vehicles that would be repaired on site are materially different from those permitted to be 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, T&W Development Engineering

Appendix 2 – Zoning Comments

The Building Department is currently processing a Zoning Certificate of Occupancy under file C 24-842. 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 4- Region of Peel

Please apply previous comments.

Comments Prepared by: Ayooluwa Ayoola, Planner