

City of Mississauga Department Comments

Date Finalized: 2024-05-01	File(s): A191.24
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2024-05-09 1:00:00 PM

Consolidated Recommendation

The City recommends the application be deferred to identify the correct use on the subject property.

Application Details

The applicant requests the Committee to approve a minor variance to allow a motor vehicle rental facility on the subject property proposing:

1. A motor vehicle sales facility use whereas By-law 0225-2007, as amended, does not permit such a use in this instance; and,
2. An office trailer of 19.00sq m (approx. 204.52sq ft) whereas By-law 0225-2007, as amended, does not permit the erection of any new building or structures in this instance.

Background

Property Address: 1480 Derry Road E

Mississauga Official Plan

Character Area: Northeast Employment Area
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: D

Other Applications: None

Site and Area Context

The subject property is located on the south-west corner of the Dixie Road and Derry Road East intersection in the Northeast Employment Area. It is currently vacant for the exception of an existing trailer located on the subject property. The subject property has a lot area of 0.17ha (0.43ac) and a lot frontage of 55.57m (182.31ft). There are no vegetative elements present on the subject property. The surrounding contains a mix of airport and employment uses, as well as vacant lands, with varying built forms on lots of varying sizes.

The applicant is proposing a motor vehicle sales facility use and the erection of an office trailer requiring a variance for the use and the structure on the subject property.



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 a prior application (A257.18) with the same application scope was approved by the Committee of Adjustment on October 4th, 2018 for a temporary period of 3 years. Additionally, there is an existing rezoning application on the subject property proposing a gas bar with an accessory convenience retail and service kiosk and a take-out restaurant.

The subject property is located in the Northeast Employment Area and is designated Mixed Use in Schedule 10 of the Mississauga Official Plan (MOP).

The applicant has proposed a motor vehicle sales facility use and an office trailer on the subject property. The site plan submitted also indicates the subject property will be utilized for the parking of trucks. In correspondence with the agent on file, it has been confirmed the trucks parked on the subject property will be advertised for purchase and the application is seeking a temporary approval. Staff note the current use proposed is incorrect and does not apply as per the information provided by the agent. While planning staff are not in a position to interpret the zoning by-law, staff note the motor vehicle sales, leasing and or rental facility – commercial motor vehicle use would be the appropriate variance to be sought. Staff suggest contacting the Zoning department for further confirmation.

Given the above, staff recommend the application be deferred to identify the correct use.

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. We note that any access related requirements will be addressed by the Region of Peel as both Derry Road East and Dixie Road are under the Region's jurisdiction.





Comments Prepared by: Tony Iacobucci, Development Engineering Technician

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.

We note that a Building Permit is required. In the absence of a Building 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, Zoning Examiner

Appendix 3- Region of Peel

Minor Variance: A-24-191M / 1480 Derry Rd. E.

Development Engineering: Wendy Jawdek (905) 791-7800 x6019

Comments:

- This site does not have frontage on existing municipal sanitary sewer.
- Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. All works associated with the servicing of this site will be at the applicant's expense. For more information, please contact Servicing Connections by email at siteplanservicing@peelregion.ca.
- Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Site Servicing approvals may be required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections by email at siteplanservicing@peelregion.ca.
- For location of existing water and sanitary sewer Infrastructure please contact Records by e-mail at PWSERVICERequests@peelregion.ca.
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Planning: Petrele Francois (905) 791-7800 x3356

Comments:

- The subject site is located within an Employment Area as protected in the Region of Peel Official Plan (RPOP), identified on Schedule E-4 of the RPOP, and within a Provincially Significant Employment Zone. The Region does not support of the proposed use of a motor vehicle rental facility, as it does not meet the definition of employment land uses, the employment policies of RPOP section 5.8.

Comments Prepared by: Petrele Francois, Junior Planner