

# City of Mississauga Department Comments

Date Finalized: 2024-05-22	File(s): A215.24
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2024-05-30 1:00:00 PM

## Consolidated Recommendation

The City recommends the application be deferred to submit the required documentation.

## Application Details

The applicant requests the Committee to approve a minor variance to allow a change of use proposing:

1. A motor vehicle repair facility – commercial motor vehicles whereas By-law 0225-2007, as amended, does not permit this use in this instance; and,
2. 38 parking spaces (includes 2 barrier free parking spaces) whereas By-law 0225-2007, as amended, requires a minimum of 68 parking spaces in this instance.

## Background

**Property Address:** 1146 Westport Cres, Units 3&4

### Mississauga Official Plan

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

### Zoning By-law 0225-2007

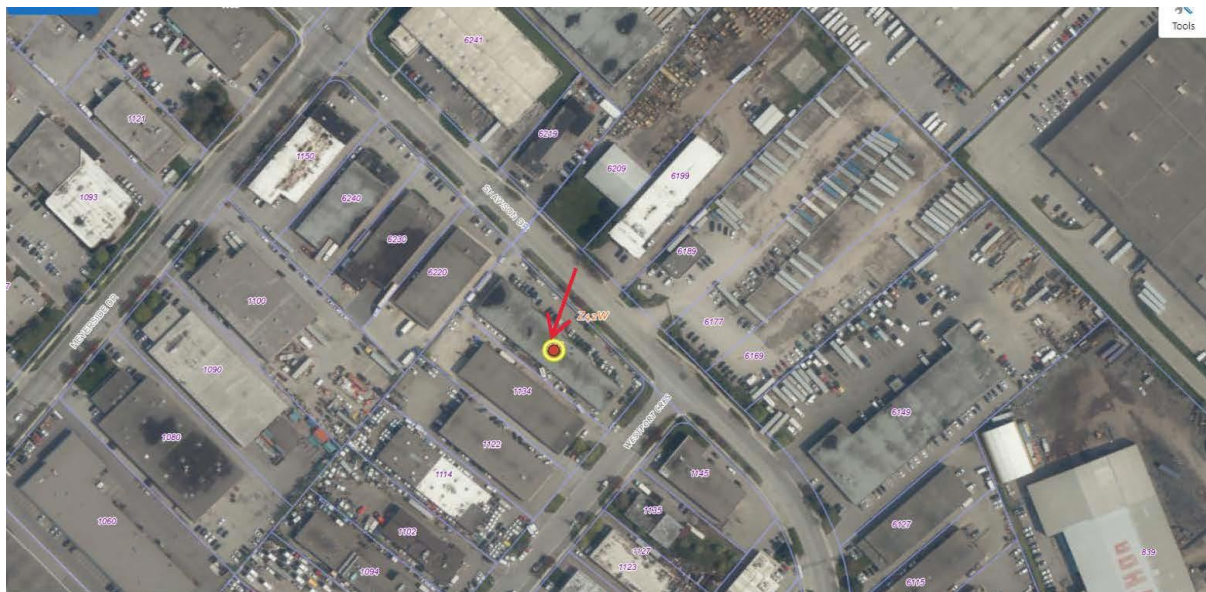
**Zoning:** E3- Employment

**Other Applications:** None

### Site and Area Context

The subject property is located south-east of the Tomken Road and Meyerside Drive intersection. The subject property contains a single storey multi-tenant industrial building with associated parking. Minimal vegetation exists in the form of urban street trees along the frontage. The surrounding context is exclusively industrial with various built forms on lots of varying sizes.

The applicant is proposing to permit a motor vehicle repair facility – commercial motor vehicle use requiring variances for the use and a parking deficiency.



## 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 subject property is located in the Northeast Employment Area (West) Character area and is designated Industrial in Schedule 10 of the Mississauga Official Plan (MOP).

Staff note the applicant has requested a use variance to permit the proposed motor vehicle repair facility – commercial motor vehicle use. While planning staff are not in a position to interpret the zoning by-law, staff note the proposed use is permitted within the E3 zone designation and thus does not require a variance for the motor vehicle repair facility – commercial motor vehicle use.

Variance 2 proposes a reduction in parking spaces. The intent of the zoning by-law in quantifying the required number of parking spaces is to ensure that each lot is self-sufficient in providing adequate parking accommodations based on its intended use. Section 8.4 of the official plan contemplates potential reductions in parking requirements and alternative parking arrangements in appropriate situations. Previously, temporary approvals for parking deficiencies at 1146 Westport Crescent, Units 3 & 4, were approved by the Committee of Adjustment on July 5<sup>th</sup>, 2012 (A313.12) and February 22<sup>nd</sup>, 2018 (A51.18). Municipal Parking staff have reviewed the variance request and note as follows:

With respect to Committee of Adjustment application 'A' 215.24, 1146 Westport Crescent, Units 3 and 4, the applicant requests the Committee to approve a minor variance to allow reduced parking for the subject property and proposes:

38 parking spaces (includes 2 barrier free parking spaces) whereas By-law 0225-2007, as amended, requires a minimum of 68 parking spaces in this instance.

Per the materials provided by the applicant, the subject site currently operates as a Commercial Motor Vehicle Repair Facility. The GFA of the subject business is unknown. The subject site is located within E3 Zoning Area, Parking Precinct 4.

Per Section 3.1.2.2 of Mississauga Zoning By-law, Commercial Motor Vehicle Repair Facility uses located in Parking Precinct 4 require a minimum of 4.3 parking spaces per 100 square meters of non-residential GFA. Staff were unable to locate any information pertaining to the non-residential Gross Floor Area (GFA) of the subject property from materials submitted by the applicant, therefore staff are unable to determine the precise parking requirements for the subject property. Based on the applicant's request, 68 parking spaces are required whereas 38 on-site parking spaces can be accommodated, which generates a parking deficiency of 30 spaces or 44%.

As the proposed parking deficiency exceeds 10%, a satisfactory Parking Utilization Study (PUS) is required per the City's Parking Study Terms of Reference provisions.

Staff note that the applicant provided an Off-Site Parking Agreement for truck parking at 1611 Trinity Drive, however the agreement lacks specificity regarding the number of parking spaces allocated for the business's use, it is unclear to staff if additional parking deficiency might be present. Furthermore, the agreement was not drafted on the template provided by the City. The use of the City's Off-Site Parking Agreement template allows the City to be a signatory to the agreement and ensures that the dedicated parking is available, good neighbor relations between adjacent property owners are maintained, ensures the public's interests are accounted for, and confirms the agreement remains in place for the requested duration.

In addition, the applicant did not provide an alternative PUS as justification for the proposed parking deficiency. The applicant should refer to the City's [Parking Study Terms of Reference](#) for parking justification requirements to be included with a formal submission. The applicant should confirm the survey methodology with staff prior to conducting parking surveys.

Zoning staff have advised that the accuracy of the requested variance can not be confirmed in the absence of a zoning review.

Given the above, Municipal Parking staff recommend the application be deferred pending the submission of a satisfactory Off-Site Parking Agreement or a satisfactory Parking Utilization Study (PUS).

Given the above Planning staff recommend that the application be deferred in order to allow the applicant an opportunity to submit the information requested by Municipal Parking staff.

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. This department has no objections to the applicant's request.









## 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, Zoning Examiner

## Appendix 3 – Parks, Forestry & Environment

The Forestry Section of the Community Services Department has no objections to the above noted minor variance application and advises as follows:

1. No public trees shall be injured or removed. If public tree removal is required, a permit must be issued as per By-law 0020-2022.

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2. No private trees shall be injured or removed. If a private tree with a diameter of 15 centimetres or greater on private property is to be injured or destroyed, a permit must be issued as per By-law 0021-2022.
3. Please note if a tree is identified as a shared tree with the adjacent property owner, and the applicant intends to apply for a Tree Removal Permit, written consent must be obtained by both parties.

A Tree Removal Application to Permit the Injury or Destruction of Trees on Public and Private Property can be found at <https://www.mississauga.ca/publication/application-to-permit-the-injury-or-destruction-of-trees-on-public-and-private-property/>.

Should further information be required, please contact Rita Di Michele, By-law Inspector, Community Services Department at 905-615-3200 ext. 5872 or via email [rita.dimichele@mississauga.ca](mailto:rita.dimichele@mississauga.ca).

Comments Prepared by: Rita Di Michele, By-law Inspector

#### **Appendix 4 – Region of Peel**

We have no comments or objections to the following application: A-24-215M.

Comments Prepared by: Petrele Francois, Junior Planner