

City of Mississauga Department Comments

Date Finalized: 2024-07-03	File(s): A263.24
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2024-07-11 3:30:00 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 retail sales and outdoor display of 17 used motor vehicles- restricted, accessory to the existing motor vehicle repair facility- restricted whereas By-law 0225-2007, as amended, does not permit the retail sales of used motor vehicles-restricted and requires that all uses be contained within a building or structure in this instance.

Background

Property Address: 526 South Service Road

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Motor Vehicle Commercial

Zoning By-law 0225-2007

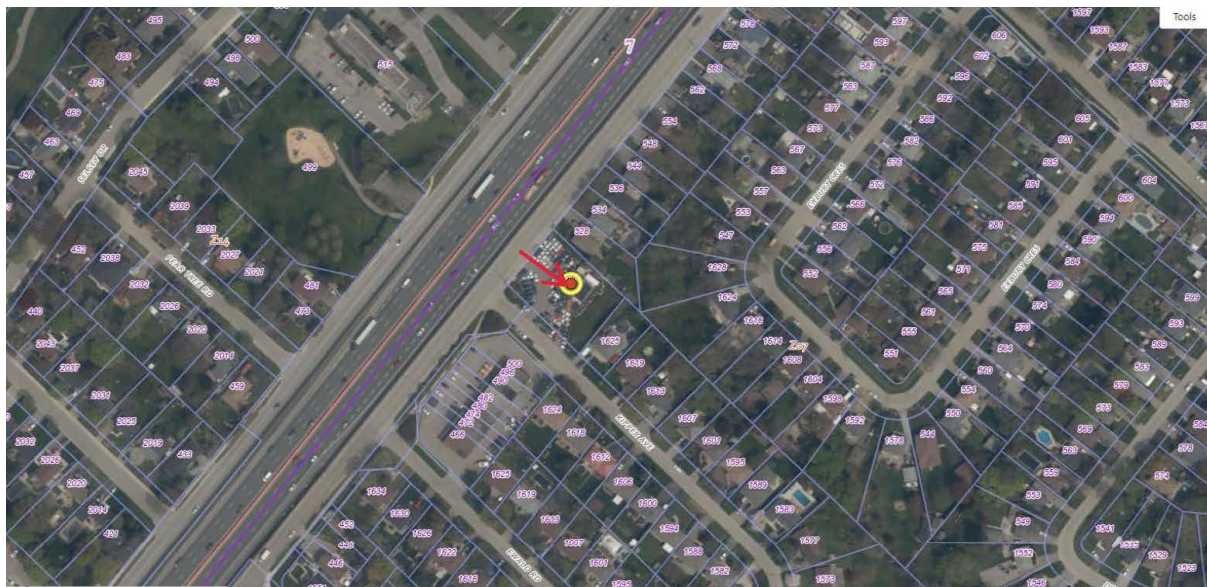
Zoning: C5-3-Residential

Other Applications: A297.10 and A197.19 (Prev.)

Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, west of the South Service Road and Cawthra Road intersection. The subject site is a corner lot that fronts onto South Service Road. The subject site contains a one-storey building. West of the subject site is a two-storey plaza with commercial units at grade and residential units on the second storey. The surrounding area is primarily low-density residential development in the form of one and two-storey detached dwellings.

The applicant is requesting a variance to permit the retail sales and outdoor display of 17 used motor vehicles.



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 are as follows:

In 2010, the Committee approved application A297.10 to permit the retail sales of used vehicles accessory to a repair garage. Planning staff had no objections to the application, subject to there being no display of vehicles for sale. Subsequently, the Committee approved the application subject to a condition stating that the maximum number of vehicles permitted to be parked on the subject property is three and that there be no advertising or signage of vehicles for sale.

In 2019, the Committee approved application A197.19 to allow the retail sales and outdoor display of 15 used motor vehicles accessory to the existing motor vehicle repair facility-

restricted use for a temporary period of three years. Staff recommended refusal of the application for similar reasons identified below in this report.

The applicant is now proposing the retail sales and outdoor display of 17 used motor vehicles- restricted, accessory to the existing motor vehicle repair facility- restricted use.

The subject site is designated "Motor Vehicle Commercial" in Schedule 10 of the Mississauga Official Plan which permits a gas bar, motor vehicle repair, service station and vehicle wash. Outdoor storage/display areas are only permitted in an Industrial designation. The Motor Vehicle Commercial designation does not permit an outdoor display area or the retail sales of motor vehicles. Therefore, staff are of the opinion that the general intent and purpose of the official plan is not maintained.

The subject site is zoned C5-3 (Commercial Motor Vehicle) which does not permit the retail sales of motor vehicles and outdoor display. Planning staff did not support the site having a display of vehicles for sale in applications A297.10 and A197.19. The intent of restricting the display of retail motor vehicles was to ensure that the use is accessory to the repair garage. In this instance, by permitting 17 vehicles on display on a lot of this size, the motor vehicle sales portion of the site would appear to operate as the primary use which is not permitted. Furthermore, the general intent and purpose of the zoning by-law would not be maintained by permitting outdoor display of motor vehicles which was not contemplated by the zoning category.

Lastly, the site is located on a corner lot in a residential neighbourhood. The proposed variance would result in 17 vehicles being located outdoors in a residential area, on display for the purpose of retail sales. As such, staff are of the opinion that the development is not minor in nature or appropriate.

Based on the preceding information, the City recommends that the application be refused.

Comments Prepared by: Connor Di Pietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committees easy reference are photos depicting the existing property. We have no objections to the request.

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: Brooke Herczeg, Zoning Examiner

Appendix 3 –Region of Peel

We have no comments or objections.

Comments Prepared by: Petrele Francois, Junior Planner