

City of Mississauga Department Comments

Date Finalized: 2024-07-03	File(s): A191.24
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2024-07-11 3:30:00 PM

Consolidated Recommendation

The City recommends the application be refused.

Application Details

The applicant requests the Committee to approve a minor variance to allow a Motor Vehicle Sales Facility (Commercial) proposing:

1. A Motor Vehicle Sales Facility use (Commercial Motor Vehicles Rental/Leasing and Sales) 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: OZ 19-19

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 with 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 area 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 the previous application was deferred by the Committee of Adjustment at the May 9th, 2024 hearing to identify the correct use on the property. The applicant is now requesting the subject lands be used for a Motor Vehicle Sales, Leasing and/or Rental Facility – Commercial Motor Vehicles. Staff also 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. Furthermore, there is an existing rezoning application on the subject property proposing a gas bar with an accessory convenience retail and service kiosk, as well as 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 intent of the official plan is clear that the City vision for the subject property is to transition to a mixed use development as it redevelops. Pursuant to Section 11.2.6.1 (f), this designation permits a variety of uses, including motor vehicle sales. The applicant's proposal of a motor vehicle sales use meets the general intent and purpose of the official plan.

Section 19.11.2 of the MOP, implemented by Mississauga Official Plan Amendment (MOPA) 126, only allows for minor changes to be made on lands zoned "D" (Development). The proposed amendments will allow the addition of temporary uses without jeopardizing the future vision for the neighbourhood. It further states the lands can be considered for a minor variance if the proposed use meets the following criteria:

- a. Where a new use is proposed, the proposed use is temporary/seasonal;
- b. The proposed use is compatible with the planned function and character of the Character Area and will not have an adverse effect on the surrounding properties;
- c. Any proposed building additions and/or alterations are limited in scope; and
- d. The site is not on lands designated Greenlands and/or any proposed development will not impact any environmental feature that has been identified on the lands by the City or Conservation Authority.

The application requests the subject lands to be used for a motor vehicle sales facility – commercial motor vehicles and an office trailer. The intent of the Development zone is to allow the use legally existing on the date of passing of Zoning By-law 0225-2007. Our records indicate that the last legal use on the property was for a detached dwelling. A demolition permit was issued in 2007 to tear down the dwelling on the property. Staff have confirmed with the agent on file that the proposed use is temporary, however staff are of the opinion the proposed use is not compatible with the planned function and character of the Character Area. Additionally, staff are of the opinion that the intent and purpose of the zoning by-law are not maintained by permitting uses not contemplated by the zone category. Staff find that the application is not minor in nature and does not represent appropriate development of the subject property.

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

Appendix 2 – Zoning Comments

The Building Department has processed a zoning pre-application under file PREAPP 18-2750. Based on review of the information currently available for this permit, we advise that more information is required to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

A zoning pre-application reviewed in 2018 is not sufficient to verify variances needed. Applicant is advised to apply for a new zoning certificate of occupancy and/or building permit.

Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: Ramsen Hedoo, Planner

Appendix 3 – Region of Peel

Please apply previous comments.

Comments Prepared by: Petrele Francois, Junior Planner