

City of Mississauga Department Comments

Date Finalized: 2024-09-19	File(s): A414.24 Ward: 6
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-09-26 1:00:00 PM

Consolidated Recommendation

The City has no objection to variances 2-5, however recommends variance 1 be refused.

Application Details

The applicant requests the Committee to approve a minor variance proposing:

1. A Motor Vehicle Sales, Leasing and/or Rental Facility- Restricted whereas By-law 0225-2007, as amended, does not permit this use in an E2-Employment Zone in this instance.
2. 1 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 2 parking spaces in this instance;
3. A landscape buffer of 0.00m (approx. 0.00ft) whereas By-law 0225-2007, as amended, requires a minimum landscape buffer of 3.00m (approx. 9.84ft) in this instance;
4. A drive aisle of 6.11m (approx. 20.05ft) whereas By-law 0225-2007, as amended, requires a minimum drive aisle of 7.00m (approx. 22.97ft) in this instance;
5. A one way drive aisle of 5.41m (approx. 17.76ft) whereas By-law 0225-2007, as amended, requires a minimum one way drive aisle of 5.50m (approx. 18.05ft) in this instance.

Background

Property Address: 3638 Erindale Station Rd

Mississauga Official Plan

Character Area: Mavis-Erindale Employment Area
Designation: Business Employment; Mixed Use

Zoning By-law 0225-2007

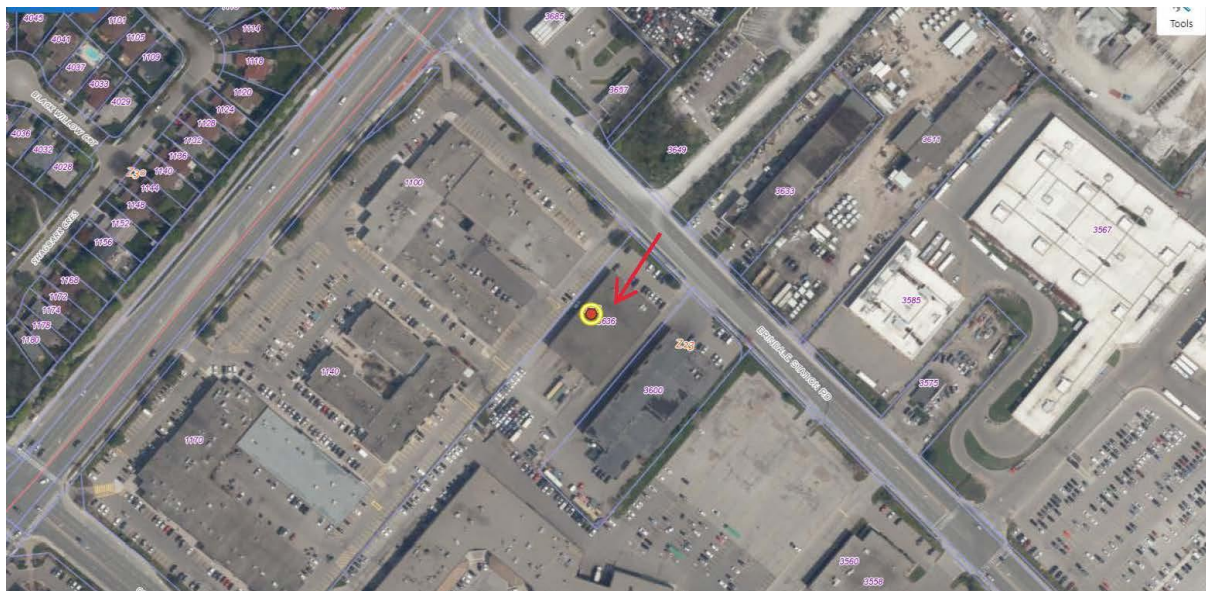
Zoning: C3-46 - Commercial; E2-16 - Employment

Other Applications: C 24-2087

Site and Area Context

The subject property is located on the west side of Erindale Station Road, south-west of the Burnhamthorpe Road West and Erindale Station intersection in the Mavis-Employment Area. It currently contains a one-storey industrial building with an associated surface parking lot. Limited landscaping and vegetative elements are present on the subject property. The surrounding context is predominantly commercial and employment lands, consisting of one and two-storey industrial buildings.

The applicant is proposing a change of use requiring variances for use, accessible parking deficiency, landscape buffer and drive aisle.



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 Mavis-Erindale Employment Character Area and is designated Business Employment and Mixed Use in Schedule 10 of the Mississauga Official Plan (MOP). The Business Employment designation permits several motor vehicle related uses including service, repair, wash, and rental, however it specifically does not permit motor vehicle sales uses. Staff are therefore of the opinion that variance 1 does not maintain the general intent and purpose of the official plan.

Variance 1 proposes to permit a restricted motor vehicle sales facility use in a zone where it is not permitted. The intent and purpose of the zoning by-law is to permit motor vehicle retail uses in Commercial zones with other retail uses and not in employment zones as of right. The use requested is limited solely to the C3 zone. Staff note that vehicle sales and rentals are permitted within the E2 zone, however it is limited to commercial vehicles and not regular cars. This is due to the use serving the surrounding businesses, their commercial vehicle needs and the intensity of the use when selling, renting and repairing those types of commercial motor vehicles. Given the City's active decision to remove the proposed use from the permissions of the E2 zone, staff are of the opinion that the intent and purpose of the zoning by-law are not maintained.

Variances 2 - 5 request a reduction for aisle width, landscaped buffer and accessible parking spaces. Staff note the aisle width, landscape buffer and accessible parking spaces are existing conditions that have proven to be suitable in providing adequate vehicular movement, an appropriate buffer between the abutting commercial property and access to the site as well as accommodating individuals who require larger spaces for accessibility purposes. Staff are satisfied that appropriate site circulation and buffers can be maintained and one accessible parking space is sufficient for the proposed and existing uses of the multi-tenant building.

Given the above, Planning staff are of the opinion that variances 2-5, both individually and cumulatively, maintain the intent and purpose of the official plan and zoning by-law, and contribute to orderly development of the subject property whose impacts to the streetscape and abutting properties will be minor in nature. Planning staff are of the opinion that variance 4 does not meet the four tests of a minor variance.

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 processing Certificate of Occupancy application C 24-2087. Based on review of the information available in this application, we advise that the requested variance #1 and #3 are correct. More information is required in order to verify the accuracy of the requested variance #2, #4 and #5, or determine whether additional variance(s) will be required.

Please note that comments reflect those provided through the above application. These comments may no longer be valid should there be changes contained within this Committee of Adjustment application that have not been submitted and reviewed through the application noted above. The applicant must submit any changes and/or updates to information and/or drawings separately through the above application in order to receive updated comments.

Comments Prepared by: Alana Zheng, Supervisor Zoning Examination

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 injury or removal is required, a permit must be issued as per By-law 0020-2022.
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 Jamie Meston, Landscape Technician, Forestry Section, Community Services Department at 905-615-3200 ext. 4264 or via email jamie.meston@mississauga.ca.

Comments Prepared by: Jamie Meston, Landscape Technician

Appendix 4 – Region of Peel

We have no comments or objections.

Comments Prepared by: Petrele Francois, Junior Planner