

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-11-18	File(s): A384/20 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2020-11-26

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 continued operation of an auto body repair garage and retail sales of used motor vehicles and to permit accessory outdoor storage on the subject property whereas By-law 0225-2007, as amended, does not permit these uses in an E2-57 Employment zone in this instance.

Background

Property Address: 1109 Seneca Avenue

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Business Employment

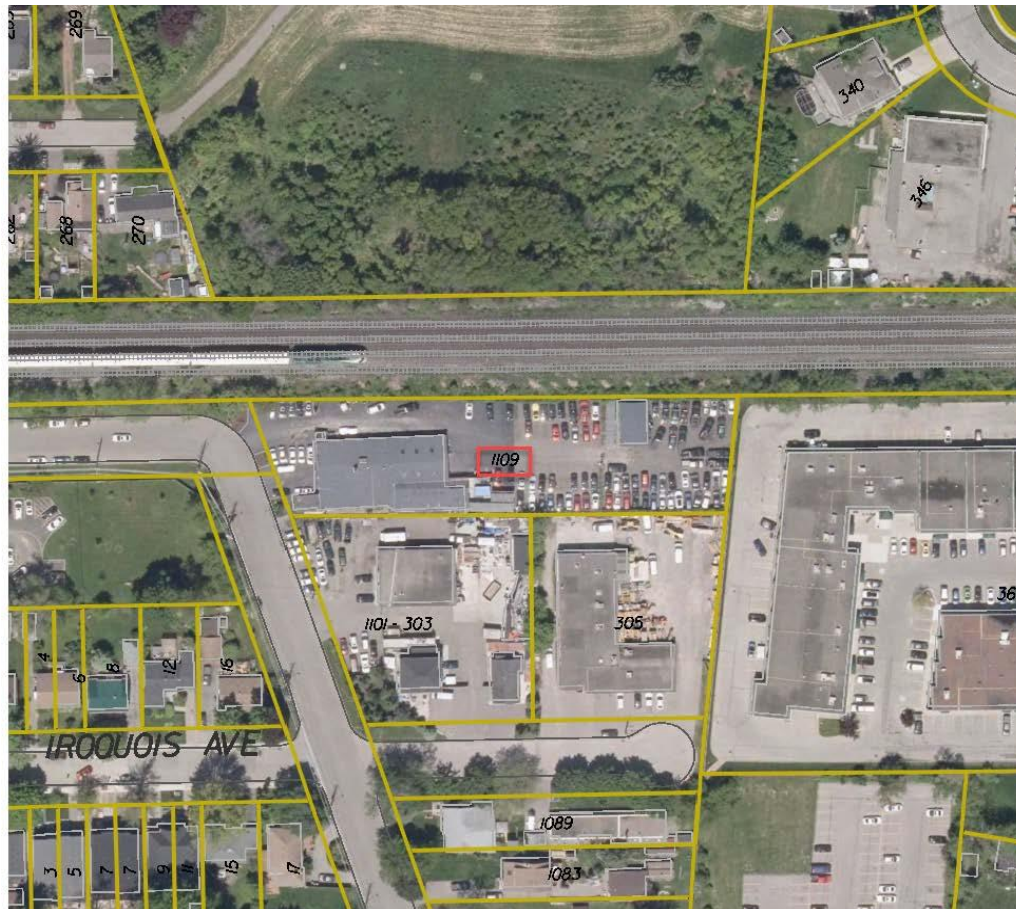
Zoning By-law 0225-2007

Zoning: E2-57 (Employment)

Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, north of Lakeshore Road East and Seneca Avenue. The immediate area predominantly consists of residential uses such as detached, semi-detached and apartment dwellings. Abutting the subject property to the south is a motor vehicle repair shop and contracting use. The subject

property contains a mix of uses including motor vehicle repair, sales and accessory outdoor storage. The requested uses have been approved multiple times since 1988 on a temporary basis; most recently in 2018. The applicant proposes to extend the approval of the existing uses on-site. Planning staff comments remain the same as the previous minor variance application and are outlined below.



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:

The requested permissions should be addressed through an official plan and zoning by-law amendment application. The application was before the Committee previously in 2016 and

subsequently appealed to the Ontario Municipal Board by abutting landowners at 360 Revus Avenue. The appeal was later withdrawn.

Previously, the City of Mississauga appealed a similar minor variance decision, but withdrew the appeal when the applicant agreed to the filing of an official plan and zoning by-law amendment application (OZ/OPA). Through the comments provided throughout the OZ/OPA process, many concerns were identified including, but not limited to, storm water concerns associated with contamination and the requirement for a Phase 1 Environmental Site Assessment. The OZ/OPA applications became inactive and were eventually cancelled after a 2008 minor variance approval.

The Planning and Building Department cannot support the requested variances, as the subject property is zoned E2-57, which does not permit any of the requested uses and specifically identifies 26 uses which are not permitted, including motor vehicle related uses and both outdoor storage and accessory outdoor storage.

The Mississauga Official Plan also does not permit Motor Vehicle Sales or Outdoor Storage as per Special Site #4 within the Lakeview Local Area Plan which covers the subject property.

The requested variances do not maintain the general intent of either the official plan or the zoning by-law. It is not minor in nature or desirable for the appropriate development of the lands to allow for multiple uses which are specifically prohibited from an area through a minor variance application. The applicant should reapply for an OZ/OPA to ensure that the site is developed in a comprehensive manner beyond the level of depth provided in a minor variance process. Despite the length of time the uses have operated on the property, the application must be considered as a new application and the Planning and Building Department is of the opinion that the application fails to meet all four tests for a minor variance.

Conclusion

The Planning and Building Department recommends that the application be refused.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committees easy reference are photos depicting the existing property.





Comments Prepared by: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

The Planning and Building Department is not in receipt of any permit applications at this time and the applicant is advised that a zoning review has not been completed. We are unable to confirm the accuracy of the requested variances or determine whether additional variances may be required.

Comments Prepared by: Brian Bonner, Zoning Examiner

Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the November 26th, 2020 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

Minor Variance Applications: A-369/20, A-379/20, A-384/20, A-385/20, A-386/20, A-387/20, A-389/20

Comments Prepared by: Diana Guida, Junior Planner