

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2020-11-18 To: Committee of Adjustment From: Committee of Adjustment Coordinator	File(s): A385/20 Ward: 3
	Meeting date: 2020-11-26

Consolidated Recommendation

The City has no objection to the variance, as requested. Should Committee see merit in the Application, Planning Staff would recommend the condition(s) identified below be imposed.

Application Details

The Applicant requests the Committee to approve a minor variance to allow motor vehicle sales on the subject property; whereas, By-law 0225-2007, as amended, does not permit such a use, in this instance.

Recommended Conditions and Terms

Should Committee see merit in this Application, Planning Staff would recommend the following conditions be imposed:

- A maximum of 1 motor vehicle be for sale at any given time; and,
- Any outside storage / display occur within the designated area, as identified by the submitted Site Plan (Key Plan, n.d.).

Background

Property Address: 1075 Fewster Drive

Mississauga Official Plan

Character Area: Northeast Employment Area
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2-19 (Employment)

Other Applications:

Occupancy Permit: 20-3355

Site and Area Context

The subject property is located south-east of the Eglinton Avenue East and Tomken Road intersection and currently houses a one-storey, multi-tenant industrial structure. The immediate neighbourhood is exclusively industrial in nature, being comprised entirely of various employment uses. The properties along this portion of Fewster Drive are situated upon large parcels, with lot frontages ranging from +/- 30m to +/- 105m.

The subject Unit currently operates as a motor vehicle repair shop.

**Comments**

Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment the authority to grant relief from the requirements stipulated by the municipal Zoning By-law, provided that such applications meet the requirements set out under Section 45(1) and/or 45(2) (a) or (b) of the *Planning Act*.

Staff comments concerning this minor variance request are as follows:

Does the proposal maintain the general intent and purpose of the Official Plan?

The site is located within Special Site 3 of the Northeast Employment Character Area, and is designated Business Employment by the Mississauga Official Plan (MOP). Special Site 3 enacts development policies which contemplate outdoor storage for existing land-uses.

Pursuant to Section 11.2.11(o) & (z) (Business Employment), this designation shall permit motor vehicle body repair facilities, as well as any accessory land-uses thereto. The Applicant's proposal of a motor vehicle body repair use with accessory motor vehicle sales, as described by this application, meets the purpose and general intent of the Official Plan.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

As per Zoning By-law 0225-2007, the subject property is zoned E2-19 (Employment). In accordance with Table 8.2.3.19 (E2-19 Exception Zone), a motor vehicle body repair facility is permitted within this zone, as-of-right.

Pursuant to Section 2.1.5 (Accessory Uses), where the Zoning By-law provides that lands may be used for a permitted land-use, that use shall also include any accessory use, provided it occurs upon the same property.

Despite being a defined term identified by the Zoning By-law; the Applicant's request of a motor vehicle sales use operating in conjunction with the existing autobody repair facility, as presented by this application (1 motor vehicle for sale at any given time, with this vehicle generally being serviced by the autobody repair facility in-question), clearly remains subordinate and ancillary to the permitted primary land-use, in this instance.

As such, it is the opinion of Planning Staff that the variance, as requested, maintains the purpose and general intent of the Zoning By-law.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

Considering the preceding information, the Planning and Building Department is of the opinion that, based upon the surrounding area and the current uses on the subject property, the proposed motor vehicle sales use is appropriate and does not create a situation of conflicting land uses. The variance, as requested, results in both the orderly development of the lands, and whose impacts are minor in nature.

Conclusion

Based upon the preceding information, it is the opinion of Staff that the variance, as requested, meets the general intent and purpose of both the MOP and Zoning By-law; is minor in nature; and, is desirable for the orderly development of the lands. To this end, the Planning and Building Department has no objection to the variance, as requested. Should Committee see merit in the Application, Planning Staff would recommend the identified condition(s) below be imposed.

Comments Prepared by: Roberto Vertolli, 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: David Martin, Supervisor Development Engineering

Appendix 2 – Zoning Comments

The Building Department is currently processing an Occupancy Permit application under file 20-3355. Based upon review of this application, this Department notes that the variance, as requested, is correct.

Comments Prepared by: Kevin Barry, 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