

City of Mississauga Department Comments

Date Finalized: 2024-04-10	File(s): A167.24
To: Committee of Adjustment	Ward: 6
From: Committee of Adjustment Coordinator	Meeting date:2024-04-18 1:00:00 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 a motor vehicle repair, sales, leasing, and rental facility whereas By-law 0225-2007, as amended, permits only a motor vehicle repair facility in this instance.

Amendments

The Building Department is currently processing a Certificate of Occupancy permit under file C 23-8982. Based on review of the information currently available in this permit application, the variance as requested should be amended to accurately reflect the wording of the Zoning By-law. The wording of the variance should read as follows:

The applicant requests the Committee to approve a minor variance to allow a Motor Vehicle Sales, Leasing, and/or Rental Facility – Restricted whereas By-law 0225-2007, as amended, does not permit this use.

Background

Property Address: 3181 Wolfedale Rd Unit 3

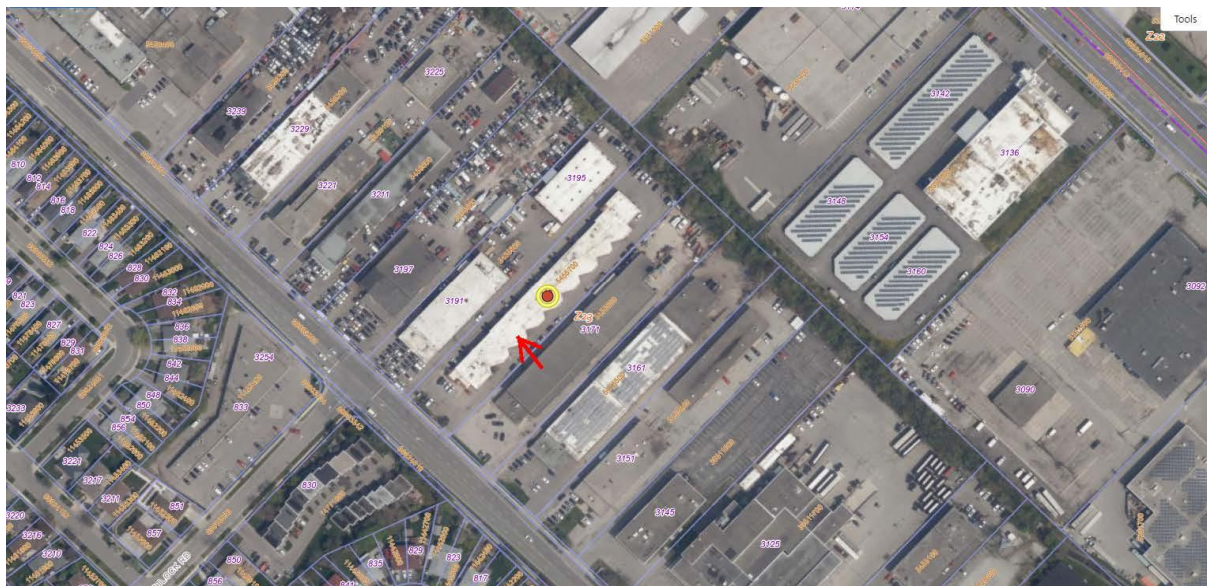
Mississauga Official Plan

Character Area: **Mavis-Erindale Employment Area**
Designation: **Business Employment, Greenlands**

Zoning By-law 0225-2007**Zoning: E2-133****Other Applications: C 23-8982****Site and Area Context**

The subject property is located on the east side of Wolfedale Road, north-east of the Wolfedale Road and Dundas Street West intersection in the Mavis-Erindale Employment Area. The property contains a single storey industrial building containing multi-tenant industrial units with little vegetation and landscaping, which is mostly located along the property frontage. The context of the surrounding area consists of varied sizes of industrial buildings and both commercial and residential uses across the street from the subject property on the west side of Wolfedale Road.

The applicant is proposing to change the use of the property, requiring a variance for a motor vehicle sales, lease and rental facility.

**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 Area Character Area and is designated Business Employment and Greenlands 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 the proposed variance does not maintain the general intent and purpose of the zoning by-law.

The variance 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 and to only permit it in E3 zones, staff are of the opinion that the intent and purpose of the zoning by-law are not maintained.

Staff are therefore of the opinion that the proposed variance does not maintain the general intent and purpose of the zoning by-law and does not represent appropriate development of the lands. The requested use was intentionally prohibited from Employment zones and is not minor in nature.

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 currently processing a Certificate of Occupancy permit under file C 23-8982. Based on review of the information currently available in this permit application, the variance as requested should be amended to accurately reflect the wording of the Zoning By-law. The wording of the variance should read as follows:

The applicant requests the Committee to approve a minor variance to allow a Motor Vehicle Sales, Leasing, and/or Rental Facility – Restricted whereas By-law 0225-2007, as amended, does not permit this use.

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

Comments Prepared by: Tage Crooks Planner, Zoning Examination

Appendix 3 – CVC Comments

Credit Valley Conservation (CVC) staff were circulated the above noted Minor Variance application for 3181 Wolfedale Rd, Unit 3 in Mississauga. Please see our comments below.

Ontario Regulation 41/24:

A portion of 3181 Wolfedale Road in Mississauga is regulated due to Wolfedale Creek and the associated flood and slope hazards. As such, the property is subject to Section 28 of the Conservation Authorities Act and Ontario Regulation 41/24, the Prohibited Activities, Exemptions, and Permits Regulation. This regulation prohibits altering a watercourse, wetland or shoreline and prohibits development in areas adjacent to the Lake Ontario shoreline, river and stream valleys, hazardous lands and wetlands, without the prior written approval of CVC (i.e., the issuance of a permit).

Proposal:

It is our understanding that the applicant is requesting the Committee to approve a minor variance to allow a motor vehicle repair, sales, leasing, and rental facility whereas By-law 0225-2007, as amended, permits only a motor vehicle repair facility in this instance.

CVC Comments:

CVC staff have reviewed the provided information and have no concerns and **no objection** to the approval of this minor variance by the Committee at this time.

It is our understanding that the proposal is for a change in use and that no new development is being proposed at this time. Further, based on the plans provided and information available, Unit 3 is outside of the CVC Regulated Area. As such, a CVC permit is not required for this proposal.

Should future development be proposed within the Regulated Area on this property, the owner should contact CVC to discuss any proposals and requirements.

Should you have any questions on the above, please let me know.

Comments Prepared by: Trisha Hughes, Acting Senior Planner

Appendix 4 – Metrolinx

3181 Wolfedale Rd Unit 3 - A167.24

Metrolinx is in receipt of the Minor Variance application for 3181 Wolfedale Rd (unit 3) to allow an existing motor vehicle repair, sales, leasing, and rental facility. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of the CP Galt Subdivision which carries Metrolinx's Milton GO Train service.

Advisory Comments:

- As the requested variances have minimal impact on Metrolinx property (i.e., Milton Corridor), Metrolinx has no objections to the specified variances should the committee grant approval.
- The Proponent is advised of the following:
 - **Warning:** Metrolinx and its assigns and successors in interest operate commuter transit service within 300 metres from the subject land. In addition to the current use of these lands, there may be alterations to or expansions of the rail and other facilities on such lands in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx or any railway assigns or successors as aforesaid may expand their operations, which expansion may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual units. Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under these lands.

Comments Prepared by: Farah Faroque, Project Analyst

Appendix 5 – Zoning Comments

Minor Variance: A-24-167M / 3181 Wolfedale Rd (Unit 3)

Planning: Ayooluwa Ayoola (905)-791-7800

Comments:

- We recognize that the subject site is located within a Regional Employment Area, identified on Schedule E-4 of the Regional Official Plan (ROP) and within a Provincially Significant Employment Zone. The Region will not be in support of the proposed motor vehicle sales, leasing, and rental facility, as it does not keep with the general intent of the ROP and not compatible with the exiting land use pattern.

Comments Prepared by: Ayooluwa Ayoola, Planner