

City of Mississauga Department Comments

Date Finalized: 2022-11-09	File(s): A520.22
To: Committee of Adjustment	Ward: 8
From: Committee of Adjustment Coordinator	Meeting date:2022-11-17 1:00:00 PM

Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the application, as requested, meets the requirements of Section 45(1) of the Planning Act. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

Application Details

The applicant requests the Committee to approve a minor variance to allow the residence to be used as a home occupation: medical office restricted (resident physician) whereas by-law 0225-2007, as amended, only permits tutoring, music instruction, artist or artisan and office (excluding resident physician, dentist, drugless practitioner, or health professionals office) as a home occupation in this instance.

Amendments

While Planning staff are not in a position to provide an interpretation of the zoning by-law; staff recommend that the following variance be added:

To allow the home occupation to employ staff who are not residents of the detached dwelling, whereas by-law 0225-2007, as amended, only permits the employment of staff who are residents of the detached dwelling.

Background

Property Address: 2050 Burbank Drive

Mississauga Official Plan

Character Area: Erin Mills Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

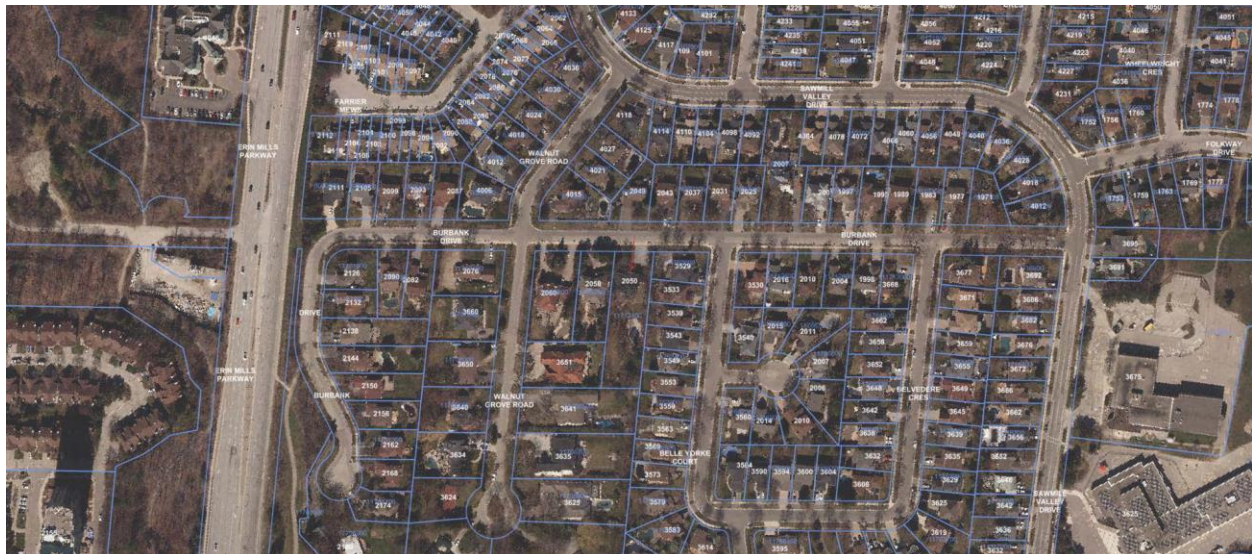
Zoning: R1-7 - Residential

Other Applications: C 22-2819

Site and Area Context

The subject property is located within the Erin Mills Neighbourhood Character Area, northeast of the Erin Mills Parkway and Burnhamthorpe Road West intersection. The immediate area consist of a mix of older and newer one and two-storey detached dwellings on lots with mature vegetation in the front and side yards. The subject property contains an existing two-storey detached dwelling with mature vegetation in the front and side yards.

The applicant is proposing a home occupation (medical office restricted) requiring a variance to permit the use.



The subject property is designated Residential Low Density I on Schedule 10 of the Mississauga Official Plan (MOP). All residential designations contained in the MOP permit “home occupation” and “accessory office for physicians, dentists, health professionals and drugless practitioners” uses.

Planning staff note that an “accessory office for physicians, dentists, health professionals and drugless practitioners” use within a dwelling unit can be considered a “home occupation”. However, an “accessory office for physicians, dentists, health professionals and drugless practitioners” use is not a permitted “home occupation” in the zoning by-law.

Staff note that an “office” is a permitted “home occupation”. The applicant’s proposal for a “medical office restricted” home occupation is technical in nature. While a “medical office restricted” use is not a permitted home occupation, the business will operate as an office. Furthermore, staff was informed by the applicant that a majority of appointments with patients will be held virtually and no drugs or specialized medical equipment will be located onsite.

The applicant is seeking an additional variance to allow the home occupation to employ staff who are not residents of the detached dwelling. Staff was informed by the applicant that the variance is being sought to permit the employment of one non-resident administrative employee. Staff has no concerns with this variance, as only one non-resident employee will be employed. The Committee may consider adding a condition to limit the amount of employees, who are not residents of the detached dwelling, if they see merit. The zoning by-law contains firm regulations to ensure home occupations do not affect neighbouring residents. Staff was informed by the applicant that they will comply with the remaining home occupation regulations.

Through a detailed review of the application, staff is of the opinion that the application is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning nature.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This Department has no objections, comments or requirements with respect to C.A. 'A' 520/22.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a zoning certificate application under file C22-2819. Based on review of the information currently available in this permit application, the variances, as requested are correct.

Please note that comments reflect those provided through the above application submitted on 08/26/2022 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: Jeanine Benitez, Zoning Examiner

Appendix 3 – Region of Peel

We have no comments or objections.

Comments Prepared by: Patrycia Menko, Junior Planner