

City of Mississauga Department Comments

Date Finalized: 2023-04-12	File(s): A656.22
To: Committee of Adjustment	Ward: 3
From: Committee of Adjustment Coordinator	Meeting date:2023-04-20 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 permit a daycare and private school in Units 3-4 whereas By-law 0225-2007, as amended, does not permit a daycare and private school in Units 3-4 in this instance.

Background

Property Address: 4870 Tomken Road Units 3 & 4

Mississauga Official Plan

Character Area: Northeast Employment Area
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2-59-Commercial

Other Applications: None

Site and Area Context

The subject property is located on the south-west corner of the Eglinton Avenue East and Tomken Road intersection. It currently contains a multi building, multi-tenant plaza with an associated surface parking lot. Limited landscaping and vegetative elements are present on the subject property. The surrounding area context includes a mix of commercial, employment, and

educational uses, as well as vacant lands. Lot sizes and built form vary greatly in the immediate area.

The applicant is proposing to expand an existing day care and private school requiring a variance for the uses.



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 Northeast Employment Area Character Area and is designated Business Employment in Schedule 10 of the Mississauga Official Plan (MOP). Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with the existing site conditions, the surrounding context, and the landscape of the character area.

Sections 2.1.9.2 and 2.1.9.4 set out regulations for private schools and day cares. Both uses are allowed in multiple zoning categories, however Employment zones have been specifically excluded from the list of permitted zones. Private schools and day cares represent sensitive uses that may undermine the intended functionality of the surrounding area and are generally not compatible with industrial uses found in these areas due to heavy traffic, noise, pollution, and other factors. While staff recognize that the use is existing, staff are unable to support its

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expansion which would further cement the use in the area and conflict with the planned industrialization of the surrounding context.

Planning staff are of the opinion that the intent and purpose of the zoning by-law is not maintained by permitting uses specifically excluded from the zone category. Furthermore staff are of the opinion that the application is not appropriate development of the subject lands.

Comments Prepared by: Alexander Davies, 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, Development Engineering Technologist

Appendix 2 – Zoning Comments

We note that a Zoning Certificate of Occupancy Permit is required. In the absence of a Zoning Certificate of Occupancy Permit we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has not been completed.

The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

Comments Prepared by: Brooke Herczeg, Zoning Examiner

Appendix 3 – Region of Peel Comments

We have no comments or objections.

Comments Prepared by: Patrycia Menko, Junior Planner