

City of Mississauga Department Comments

Date Finalized: 2023-05-03	File(s): A126.23
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-05-11 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 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 variance and that additional variances are not required.

Application Details

The applicant requests the Committee to approve a minor variance to allow a dental practice proposing to continue to permit the operation of the existing non-residential dental practice less than 800.0m (approx. 2,624.67ft) from an existing medical office whereas By-law 0225-2007, as amended, makes no provision for such a use and states the building must not be closer than 800.0m (approx. 2,624.67ft) from an existing medical office in a residential zone in this instance.

Amendments

Zoning staff recommend that the application be amended as follows:

The applicant requests the Committee to authorize a minor variance to permit the continued operation of the existing medical office (dental practice) within the subject building as previously approved pursuant to Committee of Adjustment Decision Files "A" 254/08 and A298/13; whereas By-law 0225-2007, as amended, makes no provision for such a use in this instance.

Recommended Conditions and Terms

This decision is valid for a temporary period of five (5) years, shall expire and terminate on or before May 11th, 2028, and is subject to the following conditions:

1. This decision is personal to "Maria Theresa Martins" and "Mariusz Belza" and shall be in effect so long as the subject premises are owned and/or occupied by same.

2. The dental practise shall be operated by Mariusz Belza and a maximum of four (4) staff are permitted.

Background

Property Address: 2239 Dixie Rd

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: R3-75 - Residential

Other Applications: none

Site and Area Context

The subject property is located within the Lakeview Neighbourhood Character Area, southeast of the Dixie Road and Queensway East intersection.

The immediate neighbourhood contains a mix of employment and residential uses. Employment uses are primarily located north of Queensway East, while residential uses are south of Queensway East. The subject property contains a one-storey building, having the appearance as a one-storey detached dwelling with vegetation throughout.

The application is for a medical office (dental office) requiring a variance to permit the use.



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:

Planning staff note that the Committee previously approved temporary variances under files and A254/08, and A298/13, which expired on September 30, 2018 subject to the above noted conditions.

Furthermore, the Building Division previously issued a Certificate of Occupancy for the existing Medical Office in 1988. This Certificate of Occupancy was issued as a Medical Office Only, with no residential component.

Upon review of the application, staff note that the variance requested is incorrect. The zoning by-law does not contain separation distances from medical office uses to residential zones. As such, the variance request should be amended as noted above.

It is staff's opinion that the proposal is sympathetic to the surrounding area and does not impact the neighbouring properties or streetscape. 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, subject to the imposition of conditions and amendments noted above. 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' 126.23

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

In the absence of a Development application 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.

For scope of work that does not require Site Plan Approval/Building Permit/Zoning Certificate of Occupancy Permit, the applicant may consider applying for a Preliminary Zoning Review application. A detailed site plan drawing and architectural plans are required for a detailed zoning review to be completed. A minimum of 6-8 weeks is required depending on the complexity of the proposal and the quality of information submitted.

Comments Prepared by: Brooke Herczeg, Zoning Examiner

Appendix 3 – Region of Peel

We have no comments or objections.

Comments Prepared by: Patrycia Menko, Junior Planner