

City of Mississauga Department Comments

Date Finalized: 2024-01-17	File(s): A37.24 Ward: 4
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-01-25 1:00:00 PM

Consolidated Recommendation

The City recommends that variances 1-3, 5 and 6 be refused, however the City has no objections to variance 4.

Application Details

The applicant requests the Committee to approve a minor variance to allow temporary approval of a dentist office proposing:

1. A dental office for two non-resident dentists on the first floor whereas the By-law 0225-2007, as amended, does not permit this in this instance;
2. A dental office gross floor area of 157.77sq m (approx. 1698.22sq ft) whereas the By-law 0225-2007, as amended, permits a maximum gross floor area of 100.00sq m (approx. 1076.39sq ft) in this instance;
3. 6 parking spaces whereas the By-law 0225-2007, as amended, requires 9 parking spaces in this instance;
4. Parallel parking dimensions of 2.60m x 6.20m (approx. 27.99ft x 66.74ft) whereas the By-law 0225-2007, as amended, requires a minimum parallel parking dimension of 2.60m x 6.70m (approx. 27.99ft x 72.12ft) in this instance;
5. A drive aisle width of 2.33m (approx. 25.08ft) whereas the By-law 0225-2007, as amended, requires a minimum drive aisle width of 7.00m (approx. 75.35ft) in this instance; and,
6. 0 accessible parking spaces whereas the By-law 0225-2007, as amended, requires a minimum of 1 accessible parking space in this instance.

Recommended Conditions and Terms

Should Committee find merit in approving the application, staff recommends the following conditions:

1. The decision is valid for a temporary period of five (5) years, shall expire and terminate on or before January 25th, 2029.
2. A maximum of one (1) dentist at any given time.
3. A maximum of four (4) staff members at any given time.

Background

Property Address: 791 Mississauga Valley Blvd

Mississauga Official Plan

Character Area: Mississauga Valleys Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

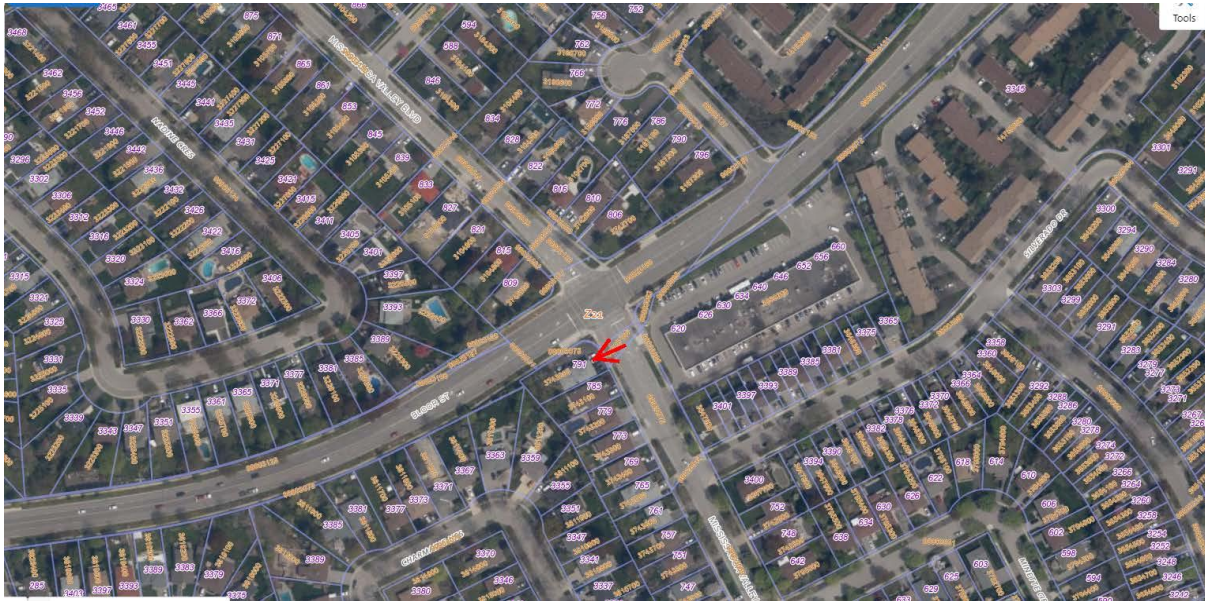
Zoning: R3- Residential

Other Applications: None

Site and Area Context

The subject property is located on the south-west corner of the Bloor Street and Mississauga Valley Boulevard intersection in the Mississauga Valley Neighbourhood Character Area. It is a corner lot, flanking Bloor Street, containing a two-storey detached dwelling. Limited landscaping and vegetative elements are present on the subject property. The property has an approximate lot area of +/- 850.72m² (9,157.07ft²). The surrounding context is predominantly residential, consisting of detached and semi-detached dwellings with a multi-unit commercial plaza located directly across the street to the east. The subject property has been operating as a dental office since 1987, through a number of temporary approval decisions from the Committee of Adjustment (Files 'A' 151/19, 456/16, 966/92, 615/87). There is no proposed changes to the building.

The applicant is proposing the continued operation of a dental office requiring variances for operation of a dental office by two non-resident dentists, dental office gross floor area, parking deficiencies for regular and accessible parking spaces, reduced parallel parking dimensions and drive aisle width.



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:

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

The subject property is located within the Mississauga Valleys Neighbourhood Character Area, and designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP). The Residential Low Density I designation permits home occupation and accessory offices for physicians, dentists, health professionals and drugless practitioners. While accessory offices are permitted when accessory to a residential use, the dental office in this instance will be the primary use of the dwelling. In addition, the designation does not permit non-resident dentists. Staff are of the opinion that the application does not meet the general intent and purpose of the official plan.

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

Variance 1 requests a dental office to be operated by two non-resident dentists within a residential dwelling. The general intent of this portion of the by-law is to permit an individual resident the ability to operate a medical practice in a manner that is clearly subordinate and accessory to the primary residential use. The subject property is zoned R3 (residential), which does not permit medical offices. Section 4.1.17 pertains to a resident physician, dentist, drugless practitioner or health professional, permits an office of a resident dentist within a

detached dwelling, provided the dentist is the principal and private residence of the dentist. The application proposes two non-resident dentists to operate an office of resident dentists, which is in contravention of the zoning by-law.

Variance 2 requests an increase in the dental office gross floor area. Staff note there is no zoning by-law regulation that regulates the gross floor area for an office of a resident dentist. Under the previous Committee of Adjustment decision (A151.19), staff note the applicant applied for this variance as there was an additional regulation under Section 4.1.17 of the zoning by-law to regulate the gross floor area of their practice. While staff are not in a position to interpret the zoning by-law, the variance is not required as the regulation is no longer existent.

Variances 3 and 6 proposes a reduction in the required parking rate. The intent of the zoning by-law in quantifying the required number of parking spaces is to ensure that each lot is self-sufficient in providing adequate parking accommodations based on its intended use. Section 8.4 of the official plan contemplates potential reductions in parking requirements and alternative parking arrangements in appropriate situations. Municipal Parking staff have reviewed the variance request and note as follows:

With respect to Committee of Adjustment application 'A' 37.24, 791 Mississauga Valley Blvd, the Applicant is requesting the Committee to approve a minor variance to allow reduced parking for the subject property and proposing:

A total of 6 parking spaces whereas the By-law 0225-2007, as amended, requires 9 parking spaces in this instance.

Per the materials provided by the Applicant, the subject property consists of a two-storey building with a Gross Floor Area (GFA) of 156.77 square meters. The intended use of the subject property is a Medical Office. The subject property is located within R3 Zoning Area, Parking Precinct 4.

Per Section 3.1.1.2 of Mississauga Zoning By-law, Medical Office uses located in Parking Precinct 4 require a minimum of 5.5 parking spaces per 100 square meters of non-residential GFA. Therefore, with a GFA of 156.77 square meters, the total minimum required number of parking spaces for the subject property is 9. The Applicant proposes a total of 6 parking spaces. As such, 9 parking spaces are required whereas 6 parking spaces can be accommodated, which generates a parking deficiency of 3 spaces or 33%.

As the proposed parking deficiency exceeds 10%, a satisfactory Parking Utilization Study (PUS) is required as per the City's Parking Terms of Reference provision.

The Applicant did not provide a PUS as justification for the proposed parking deficiency. The Applicant should refer to the City's Parking Terms of Reference for parking justification requirements to be included with a formal submission. The Applicant should confirm the survey methodology with staff prior to conducting parking surveys.

Zoning staff have advised that the accuracy of the requested variance can not be confirmed.

Given the above, Municipal Parking staff recommend the application be deferred pending the submission of a satisfactory Parking Utilization Study (PUS).

Planning staff are in agreement with the comments from Municipal Parking staff and are unable to support the parking variance at this time. As staff are unable to support the requested parking variance, staff are also unable to support the request for a reduction in accessible parking spaces at this time.

Variance 4 requests a 0.5m (1.64ft) reduction in the length of the parallel parking dimensions required by the zoning by-law. Staff are satisfied that the reduced length of the parallel parking dimension can still accommodate an atypical passenger motor vehicle and is minor in nature.

Variance 5 requests a reduction in parking aisle width. The site contains insufficient aisle widths in multiple areas. The intent of this regulation is to ensure there is sufficient space for vehicles to access and exit parking stalls and allow for circulation within the subject property. The proposed width will not allow two motor vehicles to pass each other simultaneously in multiple areas on the subject property, contributing to poor site circulation. Staff note the existing resident dentist office has existed since 1987 and have maintained the same parking layout. Transportation and Works staff have noted in their comments that poor vehicle circulation is evident, and have suggested an off-site parking solution. Furthermore, the reduced aisle width demonstrates that the subject lands are not suitably sized for the proposed resident dentist use. Staff are of the opinion the proposed/existing drive aisle width is not appropriate or desirable for the subject property.

Given the above, staff are of the opinion that variances 1-3, 5 and 6 do not meet the general intent and purpose of the zoning by-law, whereas variance 4 does.

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

While there are no proposed changes to the subject property, staff are of the opinion that variances 1-3, 5 and 6 do not result in orderly development of the subject property. The permanent conversion of this land to a commercial use should be through an official plan and zoning by-law amendment and not a minor variance. Furthermore it establishes a non-residential use in a residential neighbourhood. The resultant effect is not minor in nature. However, variance 6 is appropriate and minor in nature.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committees reference are a number of photos depicting the subject property. From our site inspection and the enclosed photos it is evident that the existing parking layout and on site circulation for this property is poor. The existing dentist office has existed on this property for years (over 30 years, since 1987) and there have been a number of previous variance applications (Files 'A' 151/19, 456/16, 966/92, 615/87 others). We also note that in January 2018 a Development Application Review Committee (DARC) was submitted under City File DARC 18-13 W4 for the subject proposal where a number of concerns/requirements were identified by the various departments.

This department has no solutions to help alleviate the existing parking/drive aisle concerns associated with this property, with the exception of only permitting one non-resident dentist as opposed the two currently operating. Perhaps there can be some other arrangement for staff to park any vehicles off-site. We assume that our concerns pertaining to the on site circulation are acknowledged by the applicant/owner as they have even posted a very clear sign on the property which indicates, "Private Property Pass at Your Own Risk".

Comments Prepared by: Joe Alava, T&W Development Engineering









Appendix 2 – Zoning Comments

We note that a Building Permit is required. In the absence of a Building 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: Minan Song, Planner in Training

Appendix 3 – Region of Peel

We have no comments or objections.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner