

City of Mississauga Department Comments

Date Finalized: 2024-02-22	File(s): A89.24
To: Committee of Adjustment	Ward: 3
From: Committee of Adjustment Coordinator	Meeting date:2024-02-29 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 that all required variances have been accurately identified.

Application Details

The applicant requests the Committee to approve a minor variance to allow the continued operation of a general insurance agency proposing:

1. A general insurance agency whereas By-law 0225-2007, as amended, does not make provisions for such a use in a residential zone; and
2. No parking spaces for persons with disabilities whereas By-law 0225-2007, as amended, requires 1 parking space for persons with disabilities in this instance.

Background

Property Address: 4161 Tomken Road

Mississauga Official Plan

Character Area: Rathwood 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 north of the Rathburn Road East and Tomken Road intersection. The immediate area is primarily residential, containing one and two storey detached dwellings with significant mature vegetation in the front yards. There are commercial uses to the south of the dwelling on the west side of Tomken Road. The subject property contains an existing one-storey detached dwelling with mature vegetation in the front yard.

The applicant is proposing the continued operation of a “general insurance agency” as a permitted use, as well as seeking relief to eliminate the requirement of an accessible parking space on site.



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:

The subject property is located within the Rathwood Neighbourhood Character Area, and is designated Residential Low Density I by the Mississauga Official Plan (MOP).

On September 4, 2008, a minor variance application A309/08 to permit an “insurance business”, and to remove the condition that the premises be considered the principal residence was

refused by the Committee of Adjustment. The application was appealed and the Ontario Municipal Board ruled in the Applicant's favor, provided that:

1. The business operating from the subject property be limited to an insurance office;
2. The variance be granted for a temporary period of five (5) years to expire and terminate on or before January 15, 2014

Further, temporary approval was granted by the Committee for the continued use of the general insurance agency in 2013 and 2019 with a relief in the number of accessible parking spots. Planning staff had no objections to the most recent application 'A' 79/19, which was approved on March 7, 2010 for a temporary period of five (5) years due to expire on March 31, 2024.

The previous approval was subject to the following conditions:

1. The business operating from the subject property be limited to an insurance office.
2. The applicant shall alter the property to provide landscaping in accordance with the approved site plan.
3. Shall provide photographic evidence of landscaping onsite to the satisfaction of the Secretary-Treasurer by August 31st, 2019.

The applicant is seeking an extension of previous approvals and no changes are proposed in the site conditions and operations. Staff are satisfied that the requested variance is minor and the continued use will not have a negative impact on the neighbouring properties.

Notwithstanding the above, staff note that with respect to condition #2, current on-site landscaping conditions appear to match the approved site plan based on the site photos. However, staff note that the City did not receive photographic evidence of the same to satisfy condition #3.

Given the above, Planning staff are 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: Shivani Chopra, Planner in Training

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committees easy reference are photos depicting the subject property.

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



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: Minan Song, Planner in Training

Appendix 3- Region of Peel

We have no comments or objections.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner