

City Department and Agency Comments	File:A557.24	2025/01/09	1
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Date Finalized: 2025-01-09	File(s): A557.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:1/16/2025 1:00:00 PM

## Consolidated Recommendation

The City recommends the application be refused.

## Application Details

The applicant requests the Committee to approve a minor variance proposing a gross floor area of wholesaling facility to be used for accessory retail sales of 50.00% whereas By-law 0225-2007, as amended, permits a maximum gross floor area of wholesaling facility to be used for accessory retail sales of 20.00% in this instance.

## Background

**Property Address: 5163 Unit 5 & 5161 Unit 6 Tomken Rd**

### Mississauga Official Plan

Character Area: Northeast Employment Area (West)  
Designation: Business Employment

### Zoning By-law 0225-2007

**Zoning: E2 - Employment**

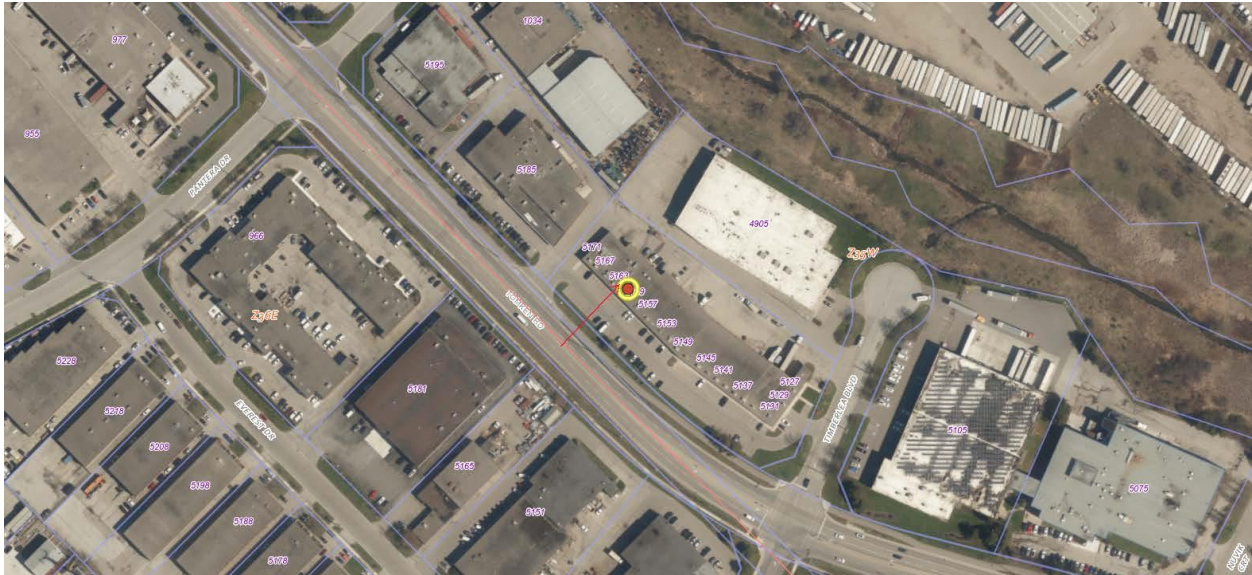
**Other Applications: None**

### Site and Area Context

The subject property is located on the north-east corner of the Tomken Road and Timberlea Boulevard intersection in the Northeast Employment Character Area. It is a corner lot containing a one-storey multi-tenant industrial building with an associated surface parking lot. Limited

landscaping and vegetative elements are present throughout the property. The surrounding area context is exclusively employment, consisting of one and two-storey industrial buildings on varied sized lots.

The proposal requires a variance to increase the amount of accessory retail space for a wholesaling facility.



## 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 (West) Character Area and is designated Business Employment in Schedule 10 of the Mississauga Official Plan (MOP). Pursuant to Section 11.2.11 (x), the Business Employment designation permits limited accessory retail uses. MOP Policies 11.2.11.4 and 11.2.1.5 further detail accessory uses will generally be limited to a maximum of 20% of the total Gross Floor Area and that all accessory uses should be on the same lot and clearly subordinate to and directly related to the functioning of the permitted use.

The subject property is zoned E2 (Employment) under Zoning By-law 0225-2007 which permits accessory retail sales as of right in Employment zones. Regulation 8.1.3.1 permits a maximum of 20% of the total gross floor area dedicated for a non-residential business use contained in Table 8.2.1 of the by-law, may be used for accessory retail sales, leasing and/or rental, accessory retail display and/or installation of products other than motor vehicles provided:

- (1) the accessory retail sales, leasing and/or rental, accessory retail display and/or installation are only those products which are manufactured within a manufacturing facility, repaired within a repair establishment, wholesaled within a wholesaling facility, or distributed from a warehouse/distribution facility;
- (2) such area is wholly within an enclosed building, structure or part thereof;
- (3) such area is located within the same unit as the principal permitted use; and,

Staff note the regulations provided in Article 8.1.3.1 concerning accessory retail sales are meant to bolster the vision of the MOP to ensure permitted business activity uses are considered the primary use in Employment zones. The intent of this application is to occupy two units in the multi-tenant industrial employment building with one unit being a wholesale facility use with the other being a supporting retail use. The results in the establishment of a retail use that is not subsidiary to the principal wholesale use as the gross floor area for each use are equal in size and are contained within the structural framework that divides the units. In this regard, it can no longer be considered subordinate to the wholesale facility use. Staff also note the retail use is not a permitted use within the Business Employment designation, as the retail use is only permitted as accessory. Staff are of the opinion there are clear MOP policies and regulations in the zoning by-law that discourage a notable gross floor area increase as proposed for the accessory retail use in this instance.

It is important to note that the doorway linking to two units has not been permitted. Should to Committee decide to approve this application, the applicant must address the required doorway permit.

Given the above, staff are of the opinion that the proposed increase for accessory retail sales space does not meet the intent and purpose of the official plan and zoning by-law. Additionally, the variance does not result in appropriate development of the lands and cannot be considered minor in nature.

Comments Prepared by: Daniel Grdasic, 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

## 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.

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: Emily Majeed, Planner-in-Training

**Appendix 3 – Region of Peel Comments**

We have no comments or objections.

Comments Prepared by: Petrele Francois, Junior Planner