

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2025-03-20	File(s): A557.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:3/27/2025 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application. 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 30% of the total gross floor area - non-residential to be used for accessory retail sales whereas By-law 0225-2007, as amended, permits a maximum of 20% of the total gross floor area - non-residential to be used for accessory retail sales 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

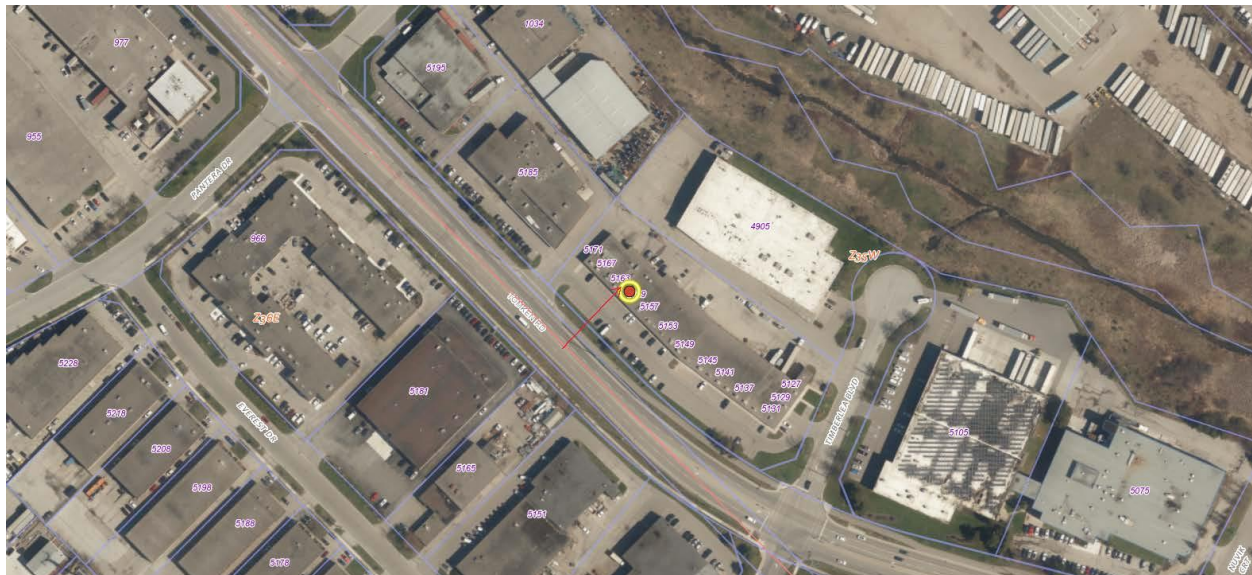
Zoning: E2 - Employment

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.



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, of which 70% of the gross floor area would be used as a 'Wholesaling Facility' use, with the remaining 30% for the a supporting, ancillary retail use of the 'Wholesaling Facility'. This results in the establishment of a retail use that is clearly subordinate in the size and function to the primary use and will positively compliment the function of the wholesaling facility. Additionally, the proposed accessory retails sales area will be within an enclosed building and located within the same unit as the principal permitted use.

Given the above, staff are of the opinion that the proposed increase in gross floor area of the accessory use meets the intent and purpose of the official plan and zoning by-law and does not create a situation of conflicting land uses. The variance results in the appropriate development of the lands with any potential impacts being minor in nature.

Staff 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 building permit.

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.

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Comments Prepared by: Carrie Chan Patch, Zoning Examiner