

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-04-07	File(s): A127.21 Ward: 7
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2021-04-15 1:00 PM

Consolidated Recommendation

The City has no objection to the variance, as requested. 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 a take-out restaurant proposing a setback measured within 60m (approx. 196.85ft) of a Residential Zone whereas By-law 0225-2007, as amended, does not permit a take-out restaurant within 60m (approx. 196.85ft) of a Residential Zone in this instance.

Background

Property Address: 1212 Dundas Street West

Mississauga Official Plan

Character Area: Erindale Neighbourhood
Designation: Convenience Commercial

Zoning By-law 0225-2007

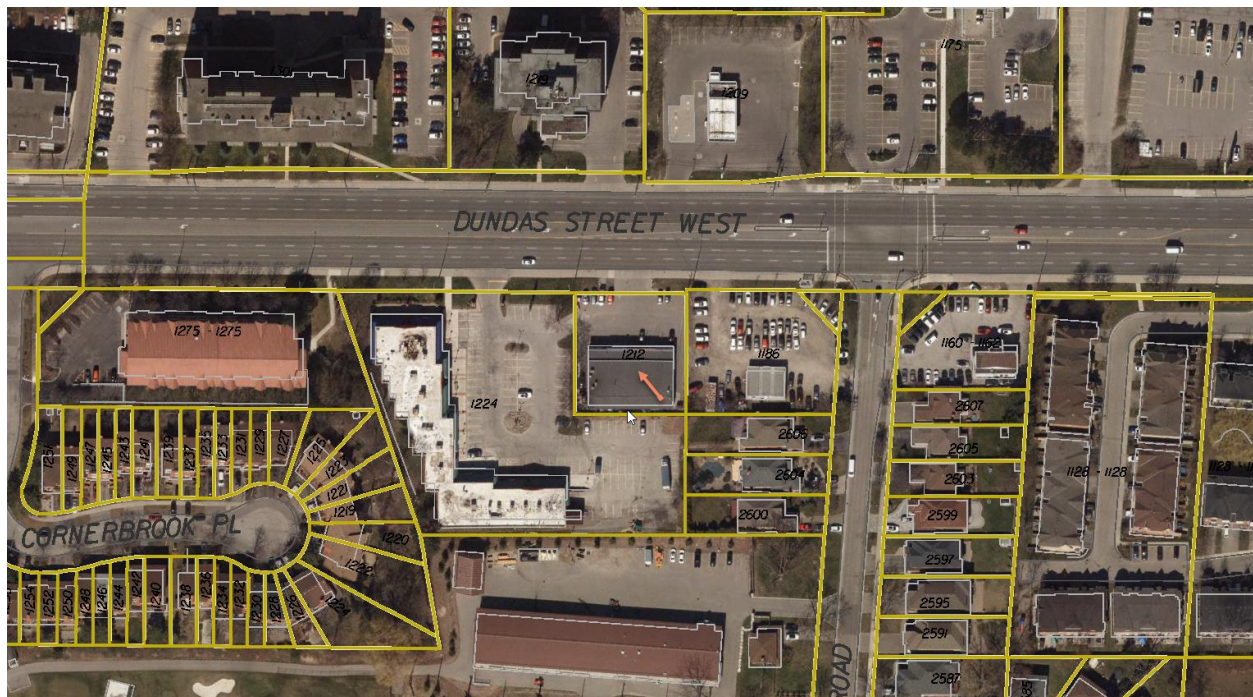
Zoning: C1 - Commercial

Other Applications: C20-3413
BP 3ALT 20-3414

Site and Area Context

The subject property is a unit located in an existing multi-tenant retail plaza located south-west of the Dundas St W and Old Carriage Rd intersection. It is an interior parcel, with a lot area of +/- 1,576.65m² and a lot frontage of +/- 38.26m. The property possesses minimal vegetative elements along the periphery of the lot. From a land-use perspective, the immediate neighbourhood is a mixture of commercial and residential uses; other take-out restaurants, and a gas station.

The existing take-out restaurant requires a variance for minimum setback to a residential zone.



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 site is located within the Erindale Character Area and is currently designated Convenience Commercial by the Mississauga Official Plan (MOP). Section 11.2.9 (Convenience

Commercial) of the MOP permits a restaurant use in this designation. The Applicant's proposal of a take- out restaurant meets the purpose and general intent of the Official Plan.

The intent of this portion of the bylaw is to ensure that proposed restaurant uses are compatible with the adjacent land uses and where they cannot, a 60.0m buffer is created, as is the case in this instance. The existing retail plaza on the subject property was built in 1950 and is currently located within the 60m buffer from residential zones established in the current by-law. Other take out restaurant establishments are located closer to the residential zone than the unit in question. Staff are of the opinion that impacts to the residential zone are insignificant. 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. Further, the application raises no concerns of a planning nature.

Conclusion

The Planning and Building Department 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.

Comments Prepared by: Brooke Herczeg RPP, 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' 127/21.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file C 20-3413. Based on review of the information currently available in this permit application, we advise that the proposed variance is correct, however we still require information regarding number of seats from applicant to ensure it complies with maximum seating allowed for a takeout restaurant.

Please note that comments reflect those provided through the above permit application and should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the application file noted above, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments.

Comments Prepared by: Brandon Eidner, Zoning Examiner

Appendix 5 – Region of Peel Comments

We have no comments or objections

Comments Prepared by: Diana Guida, Junior Planner