

# City of Mississauga

Memorandum:

## City Department and Agency Comments

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| Date Finalized: 2021-05-05                | File(s): A185.21<br>Ward: 6        |
| To: Committee of Adjustment               |                                    |
| From: Committee of Adjustment Coordinator | Meeting date:2021-05-13<br>1:00 PM |

### Consolidated Recommendation

The City has no objection to the variance, as amended.

### Application Details

The applicant requests the Committee to approve a minor variance to allow a patio in an exterior side yard and landscape buffer, whereas By-law 0225-2007, as amended, does not permit a patio in an exterior side yard or landscape buffer in this instance.

#### Amendments

The Building Department is currently processing a Zoning Certificate of Occupancy application permit under file 21-5341. Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows;

1. Proposing an Outdoor patio on the property whereas, Bylaw 0225-2007, as amended does not permit an outdoor patio in this instance.
2. Proposing an outdoor patio to be within the required 4.5m landscape buffer whereas, By-law 0225-2007, as amended, does not permit anything to be within the required 4.5m landscape buffer in this instance.

### Background

**Property Address:** 3485 Semenyk Court

#### Mississauga Official Plan

Character Area: Mavis-Erindale Employment Area

Designation: Business Employment

**Zoning By-law 0225-2007**

**Zoning: E2-16 - Employment**

**Other Applications: ZBA 16 1308  
AP 16-92 W6  
BP 3ALT 16-1334  
A404/16  
21-5341**

**Site and Area Context**

The subject property is located at south-east of the Erindale Station Rd. and Central Pkwy W. intersection. The subject property is an interior parcel, with a lot area of +/- 3,340.72m<sup>2</sup> and a lot frontage of +/- 25.86m. The property currently houses a two-storey building with minimal vegetation surrounding the building and along the periphery of the parking lot. From a land-use perspective, the immediate neighbourhood is a mixture of employment uses including a self storage center, MiWay administration office and Immigration center with minimal vegetation and landscape elements located at the periphery of each parcel. The properties within the immediate area possess lot frontages of +/-30.0m.

The applicant is proposing a patio within the exterior landscape buffer requiring a variance to permit this use.



## 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 Mavis-Erindale Employment Area, and is designated Business Employment by the Mississauga Official Plan (MOP). Pursuant to Section 11.2.11 (Business Employment) manufacturing and restaurant uses are permitted in this designation. As such, the existing food preparation manufacturing, and restaurant facility maintains the purpose and general intent of the Official Plan.

The intent of the zoning by-law is to prevent noise generated by patios which can impact abutting neighbours. In this instance, the proposed patio is situated on a small portion of the site, near the entrance of the existing building, intended to accommodate the overflow from the existing restaurant onsite. The subject property is an exterior corner parcel in an industrial area and therefore will not significantly disturb or create undesirable interference for abutting properties. Additionally, through correspondence with the Applicant on April 27<sup>th</sup> 2021 the patio was redesigned to include permeable pavers to mitigate impacts to the existing trees east of the proposed patio within the tree protection zone. 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.

Comments Prepared by: Brooke Herczeg RPP, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

This department has no objections to the proposed location of the patio. The patio is being proposed in a location which does not impact on the abutting municipal sidewalk or the existing sight triangle at the intersection of Semenyk Court and Central Parkway West. With regards to drainage, we note that there is an existing catch basin in close proximity to the proposed patio which would accommodate any drainage in the area.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

## Appendix 2 – Zoning Comments

The Building Department is currently processing a Zoning Certificate of Occupancy application permit under file 21-5341. Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows;

1. Proposing an Outdoor patio on the property whereas, Bylaw 0225-2007, as amended does not permit an outdoor patio in this instance.
2. Proposing an outdoor patio to be within the required 4.5m landscape buffer whereas, By-law 0225-2007, as amended, does not permit anything to be within the required 4.5m landscape buffer in this instance.

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: Marco Palerma

**Appendix 5 – Region of Peel Comments**

We have no comments or objections.

Comments Prepared by: Diana Guida, Junior Planner