

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-07-08	File(s): A273.21 Ward 10
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-07-15 3:00 PM

Consolidated Recommendation

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.

Application Details

The applicant requests the Committee to approve a minor variance to allow a take-out restaurant proposing a setback of 5m (approx. 16.40ft) from a residential zone whereas By-law 0225-2007, as amended, requires a minimum setback of 60m (approx. 196.85ft) in this instance.

Amendments

The Building Department is currently processing certificate of occupancy application C21-6421. From a review of this application we recommend the variance be amended as follows:

To permit a take-out restaurant within the required separation distance to an adjacent Residential Zone; whereas By-law 0225-2007, as amended, requires a minimum separation distance of 60m (approx. 196.85ft) measured in a straight line from the nearest part of the building or structure or portion of the building or structure containing the use, to the closest lot line of a Residential Zone in this instance.

Background

Property Address: 3955 Erin Centre Boulevard Unit 6

Mississauga Official Plan

Character Area: Churchill Meadows Neighbourhood
Designation: Convenience Commercial

Zoning By-law 0225-2007

Zoning: C1-14 - Commercial

Other Applications: C 21-6421

Site and Area Context

The subject property is a commercial plaza located on the north-east corner of Erin Centre Boulevard and Ninth Line. The property has an area of +/- 2,861.63m². The subject lands are surrounded by residential development to the north, south, and east. The lands to the west are currently undeveloped lands. A row of vegetation exists behind the plaza, buffering it from the row of townhomes immediately adjacent to the rear. Current uses in the commercial plaza include personal service establishments and medical offices, among others.

The applicant is proposing a restaurant in unit 6 of the plaza requiring a variance for a deficient 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 of the four tests to this minor variance request are as follows:

The site is located in the Churchill Meadows Neighbourhood Character Area and is designated Convenience Commercial by the Mississauga Official Plan (MOP). The Convenience Commercial designation permits a range of commercial uses, including a restaurant use. As such, the proposal meets the general intent and purpose of the Official Plan.

The intent of this portion of the by-law is to ensure that proposed restaurant uses are compatible with adjacent land uses. Where they are not, a 60m buffer is imposed. The applicant is not proposing a drive-through use or a large seating area within the restaurant. The drawings do not show a proposed patio space, further limiting impacts on adjacent residential properties. Based on a detailed review of the proposal and the nature of the restaurant proposed, staff are of the opinion that impacts to the residential zone will be negligible. Staff are of the opinion that the application is appropriate to be handled through the minor variance process and that 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: Alexander Davies, 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' 273/21.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing certificate of occupancy application C21-6421. From a review of this application we recommend the variance be amended as follows:

To permit a take-out restaurant within the required separation distance to an adjacent Residential Zone; whereas By-law 0225-2007, as amended, requires a minimum separation distance of 60m (approx. 196.85ft) measured in a straight line from the nearest part of the building or structure or portion of the building or structure containing the use, to the closest lot line of a Residential Zone in this instance.

Our comments are based on the plans received by Zoning staff on 2021/4/15 for the above captioned application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the certificate of occupancy process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the certificate of occupancy process in order to receive updated comments.

Comments Prepared by: Brian Bonner, Zoning Examiner

Appendix 5 – Region of Peel Comments

We have no comments or objections.

Comments Prepared by: Diana Guida, Junior Planner