

City of Mississauga Department Comments

Date Finalized: 2021-11-29	File(s): A503.21 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-12-09 1:00:00 PM

Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the Applicant and area residents when assessing if the application, as requested, meets the requirements of Section 45(1) of the Planning Act.

Application Details

The applicant requests the Committee to approve a minor variance to permit a take-out restaurant with a separation distance of 0.0m from a Residential Zone whereas By-law 0225-2007, as amended, requires a minimum separation distance of 60.0m (approx. 196.9ft) from a take-out restaurant to a Residential Zone in this instance.

Amendments

The Building Department is currently processing a Zoning Certificate of Occupancy Permit under file C 21-8016. Based on review of the information currently available in this permit application, we advise that the variance(s) should be amended as follows:

1. To permit a takeout restaurant within 60m of a residential zone; whereas By-law 0225-2007, requires a minimum 60m separation distance between a takeout restaurant and a residential zone in this instance.

Background

Property Address: 1718 Lakeshore Road West

Mississauga Official Plan

Character Area: Clarkson Village Community Node
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C4-65 - Commercial

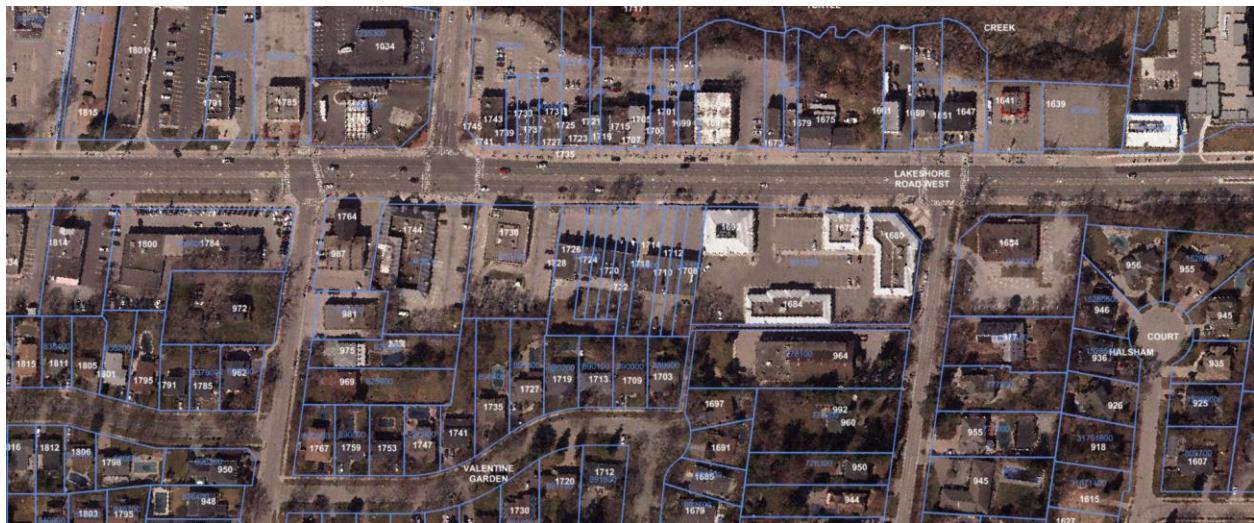
Other Applications:

Building Permit – BP 3ALT 21-9148 (withdrawn)

Site and Area Context

The subject site is located within the Clarkson Village Community Node, located on the southwest quadrant of Lakeshore Road West and Meadow Wood Road. The subject site contains multiple commercial buildings with a mix of commercial uses, and minimal vegetation in the form of street trees facing Lakeshore Road West. The broader area consists of commercial uses including restaurants, institutional uses and low density residential uses with minimal vegetation. Immediately abutting the subject site to the south are single detached dwellings.

The application proposes a take-out restaurant requiring a variance for separation distance 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 subject property is designated Mixed Use in Schedule 10 of the Mississauga Official Plan (MOP), which permits restaurants. The applicant is proposing a take-out restaurant use within 60m (193.9 ft) of a Residential zone. The intent of this portion of the by-law is to ensure that proposed restaurant uses are compatible with the adjacent land uses and where they cannot; a 60.0m (196.9 ft) buffer is created. The adjacent residential neighbourhood is located directly south of the property. Multiple restaurants already exist on the subject property. A paved parking lot separates the entire subject property from residential uses. Furthermore, the rear yards of the residential properties are abutting the subject properties. The rear yards are deep and contain mature vegetation, which provides additional buffering between the restaurant use and the residential neighbourhood. 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.

Comments Prepared by: Connor DiPietro, 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' 503/21.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Zoning Certificate of Occupancy Permit under file C 21-8016. Based on review of the information currently available in this permit application, we advise that the variance(s) should be amended as follows:

1. To permit a takeout restaurant within 60m of a residential zone; whereas By-law 0225-2007, requires a minimum 60m separation distance between a takeout restaurant and a residential zone 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: Alana Zheng, Zoning Examiner