

City of Mississauga Department Comments

Date Finalized: 2021-12-08	File(s): A408.21
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2021-12-16 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a restaurant proposing:

1. A separation distance of 45.00m (approx. 147.64ft) from the restaurant to the Residential Zone whereas By-law 0225-2007, as amended, requires a minimum separation distance of 60.00m (approx. 196.85ft) from a restaurant to a Residential Zone in this instance; and
2. 0 parking spaces whereas By-law 0225-2007, as amended, requires 6.0 parking spaces in this instance.

Amendments

The Building Department is currently processing a Zoning Certificate of Occupancy permit under file C 20-3744. Based on review of the information currently available in this permit application, we advise that the following variance 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: 207 Lakeshore Road East

Mississauga Official Plan

Character Area: Port Credit Neighbourhood (East)

Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C4-66 - Commercial

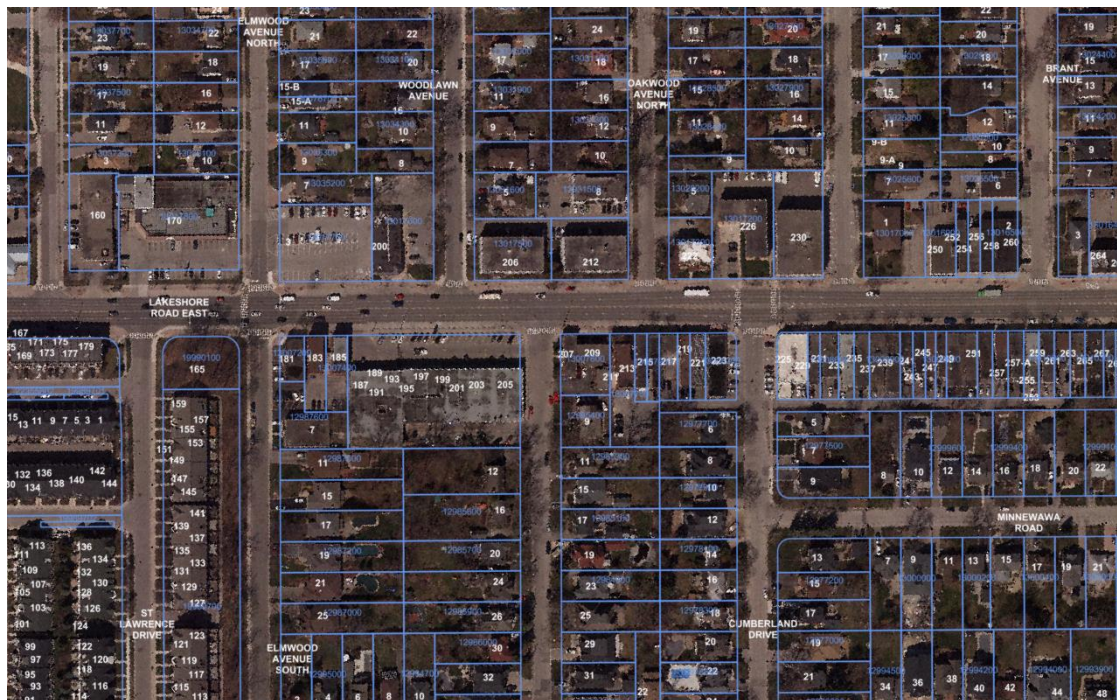
Other Applications:

Building Permit: BPC 9514, Pre-Application Zoning Review: C20-3744, Previous Conset/Minor Variance Applications: A-8/83 & A-67/88

Site and Area Context

The subject site is located within the Port Credit Neighbourhood (East), located on the southeast quadrant of Lakeshore Road East and Oakwood Avenue South. The subject site contains a "T" shape three-storey building. An existing restaurant use is located at street level and the rest of the building contains residential apartment uses. Minimal vegetation exists on the subject property, in the form of shrubs and sod in the front yard facing Lakeshore Road West. The broader area consists of commercial uses including restaurants, retail stores, and three-storey residential apartments with minimal vegetation in the form of street trees along Lakeshore Road West.

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.

Variance #1 pertains to a separation distance to a Residential Zone. The applicant is proposing a take-out restaurant use within 60m (193.9ft) 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 (196.9ft) buffer is created. The proposed restaurant use is compatible with the adjacent residential neighbourhood. The subject property contains a number residential apartment units, and multiple restaurants exist in the immediate area, along Lakeshore Road East. Staff have no concerns with the proposal as restaurant uses are common along Lakeshore Road East. 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.

Variance #2 pertains to parking. The applicant is proposing 0 parking spaces where 6.0 parking spaces are required. Municipal Parking staff have provided the following comments with respect to Variance #2. Staff recommend deferral of this application, as a Parking Utilization Study has not been submitted, despite the proposed parking deficiency being at 100%. Staff also have concerns with the requested variance in the absence of a parking justification study. Furthermore, Zoning is unable to verify the variance based on review of the information currently available in this permit application.

As such, Staff has no concerns with Variance #1, however, staff echo Municipal Parking staff's concerns and recommends deferral of the application to allow the applicant an opportunity to submit an adequate Parking Utilization Study.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for Committee's easy reference are photos depicting the existing property.





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 20-3744. Based on review of the information currently available in this permit application, we advise that the following variance 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.

In addition, more information is required in order to verify variance 2.

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: Ramsen Hedoo, Zoning Examiner