

City of Mississauga Department Comments

Date Finalized: 2022-02-09	File(s): A84.22 Ward 6
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-02-17 3:00:00 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 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 Restaurant with a separation distance of 4.54m (approx. 14.90ft) 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.

Amendments

The applicant requests the Committee to approve a minor variance to allow a Restaurant with a separation distance of 4.54m (approx. 14.90ft) 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.

Background

Property Address: 900 Rathburn Road West

Mississauga Official Plan

Character Area: Creditview Neighbourhood
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C2 - Commercial

Other Applications: C 21-9508

Site and Area Context

The subject property is located on the south-east corner of the Rathburn Road West and Queensbridge Drive intersection in the Creditview neighbourhood. The property currently contains a multi-unit commercial plaza with a variety of uses including restaurants. Limited vegetation and landscaping elements are present on the property, mostly located along the Rathburn Road West property line. The surrounding area context includes a mix of open space and residential uses.

The applicant is proposing a restaurant use in a unit on the subject property requiring a variance for 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 subject property is located in the Hurontario Neighbourhood Character Area and is designated Convenience Commercial in Schedule 10 of the Mississauga Official Plan (MOP). The Convenience Commercial designation permits a variety of uses including restaurants.

The sole variance requests a reduced setback to a residential zone. The intent of this portion of the by-law is to ensure that proposed restaurant uses are compatible with adjacent land uses. Where the restaurant use is not, a 60m buffer is imposed. Based on a detailed review of the proposal, staff note that the front entrance of the unit faces away from the adjacent residential properties and into the parking lot. Furthermore the proposal does not include a drive through or patio, which may cause additional noise or exhaust pollution. Staff are of the opinion that any impacts to the residential neighbourhood would be negligible and that the request is appropriate to be handled through the minor variance process. Planning staff are of the opinion the request raises no concerns of a planning nature.

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' 84/22.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Zoning Certificate of Occupancy permit under file C 21-9508. Based on review of the information currently available in this permit application, the variance, as requested should be amended as follows:

The applicant requests the Committee to approve a minor variance to allow a Restaurant with a separation distance of 4.54m (approx. 14.90ft) 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.

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