

City of Mississauga Department Comments

Date Finalized: 2022-03-02	File(s): A111.22 Ward 3
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-03-10 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 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 with a separation distance of less than 60.0m (approx. 196.9ft) to 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.

Background

Property Address: 3615 Dixie Rd

Mississauga Official Plan

Character Area: Rathwood Applewood Community Node
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C2 - Commercial

Other Applications: None

Site and Area Context

The subject property is located on the east side of Dixie Road, south of the Burnhamthorpe Road East intersection. The property currently contains a multi-unit commercial plaza with a variety of uses. Limited vegetation and landscaping elements are present on the property, mostly located along the north and west property lines. The surrounding area context includes a mix of commercial and residential uses with varying built forms.

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 Rathwood Applewood Community Node Character Area and is designated Mixed Use in Schedule 10 of the Mississauga Official Plan (MOP). The Mixed Use 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. Staff note that the existing plaza

currently contains a café, a bakery, and a deli. 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' 111/22.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is not in receipt of any permit applications at this time and the applicant is advised that a zoning review has not been completed. We are unable to confirm the accuracy of the requested variance(s) or determine whether additional variance(s) may be required.

We note that a Zoning Certificate of Occupancy permit is required.

The applicant is advised that a completed zoning review may identify additional instances of zoning non-compliance. The applicant may consider applying for a preliminary zoning review application and submit working drawings for a detailed zoning review to be completed. A minimum of 6-8 weeks will be required to process a preliminary zoning review application depending on the complexity of the proposal and the detail of the information submitted.

Comments Prepared by: Brandon Eidner, Zoning Examiner