

City of Mississauga Department Comments

Date Finalized: 2022-04-27	File(s): A183.22 Ward 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2022-05-05 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. The applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Application Details

The applicant requests the Committee to approve a minor variance to allow a Take-out Restaurant proposing a separation distance between the Take-out Restaurant and the Residential Zone of 4.4m (approx. 14.4ft) whereas By-law 0225-2007, as amended, requires a minimum separation distance between a Take-out Restaurant and a Residential Zone of 60.0m (approx. 196.9ft) in this instance;

Background

Property Address: Unit BB 07 - 224 Lakeshore Rd W

Mississauga Official Plan

Character Area: Port Credit Neighbourhood (West)
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C4-66 & C2 - Commercial

Other Applications: Zoning Certificate of Occupancy application under file 21-5290

Site and Area Context

The subject unit is located within the Port Credit Neighbourhood (West), in a commercial plaza west of the Mississauga Road North and Lakeshore Road West. The subject site contains multiple commercial buildings with units containing a mix of retail and commercial uses. The subject site also contains minimal vegetation in the form of street trees facing Lakeshore Road West. The broader area consists of a mix of uses including commercial uses (including retail stores), and high and low-density residential uses with minimal vegetation. Immediately abutting the subject site to the south is the future Brightwater Community.

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 (193.9ft) 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 adjacent residential neighbourhood is located directly east

of the property. Multiple commercial uses already exist on the subject property. A landscape buffer separates the subject property from residential uses. Furthermore, the rear of the unit faces the residential zone. Since the applicant is not proposing an outdoor patio and the fact that the proposed use will not face the residential zone, it is unlikely the proposed use will to create any additional noise disturbances. 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' 183/22.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Zoning Certificate of Occupancy application under file 21-5290. Based on review of the information currently available in this permit application, we advise that more information is required in order to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

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: Richard Thompson, Zoning Examiner

Appendix 3 – Region of Peel

Comments: There is a Regional easement on the subject property. Please be advised that unauthorized encroachments on Regional easements will not be permitted. Certain restrictions apply with respect to Regional easements as per the documents registered on title.

Comments Prepared by: Camila Marczuk