

City of Mississauga Department Comments

Date Finalized: 2022-06-15	File(s): A273.22
To: Committee of Adjustment	Ward: 7
From: Committee of Adjustment Coordinator	Meeting date:2022-06-23 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application, subject to the condition. The applicant may wish to defer the application to ensure the accuracy of the requested variance and that additional variances are not required.

Application Details

The applicant requests the Committee to authorize a minor variance to continue to permit an outdoor patio ancillary to the existing restaurant within Unit No. 8 whereas By-law 0225-2007, as amended, makes no provisions for such a use in this instance.

Recommended Conditions and Terms

The applicant shall execute/extend the necessary Licensing Agreement with the City for the portion of the patio that encroaches into the Dundas Street West road allowance.

Background

Property Address: 8-255 Dundas St W

Mississauga Official Plan

Character Area: Cooksville Neighbourhood
Designation: Mixed Use

Zoning By-law 0225-2007

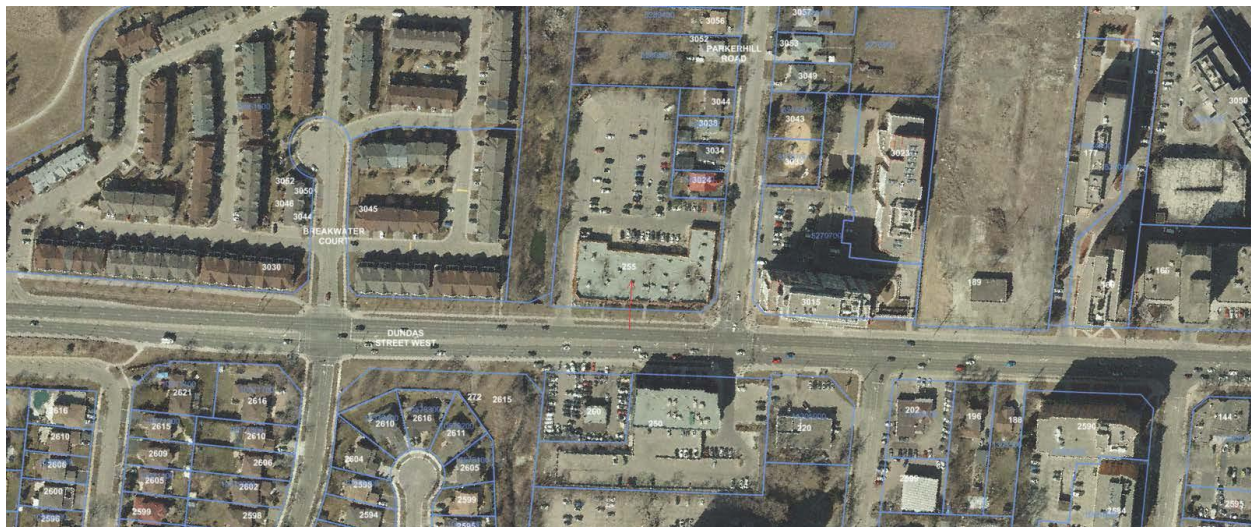
Zoning: C3-26 - Commercial

Other Applications: OZ/OPA 21-4 W7

Site and Area Context

The subject property is located on the north-west corner of the Dundas Street West and Parkerhill Road intersection. It currently contains a single storey, multi-unit commercial plaza with an associated parking lot to the rear. Limited landscaping and vegetative elements are present on the subject property, mostly located along property lines. The surrounding area context includes a mix of commercial and residential uses with varying lot sizes and built forms.

The applicant is proposing to maintain the existing outdoor restaurant patio, requiring a variance for the use.



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 Cooksville Neighbourhood Character Area and is designated Mixed Use in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits a variety of commercial uses, including restaurants. Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is

compatible with the existing site conditions, the surrounding context, and the landscape of the character area.

The intent of the zoning by-law in excluding accessory patios is to ensure that there are no negative impacts to nearby residential zones and sensitive employment uses as it pertains to either noise and/or hours of operation. Staff note that there have been multiple past approvals for a restaurant patio on the subject property dating back to 1988. The patio abuts and encroaches into the Dundas Street West right of way, locating it well away from many of the surrounding residential properties and limiting the impacts of noise. Furthermore staff note that no objections appear to have been received from area residents or businesses for the previous approval in 2010.

Planning staff are of the opinion that the proposal maintains the general intent and purpose of both the official plan and zoning by-law, is minor in nature, and represents appropriate development of the subject property. The proposed patio is appropriately located given site conditions and will have limited impacts to abutting properties.

Comments Prepared by: Alexander Davies, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

As identified in some previous variance applications for the outdoor patio, the existing outdoor patio encroaches into the Dundas Street West municipal right-of-way. We would have no objections to the continued use provided that the required Licencing Agreement is in place with the City of Mississauga for the portion of the patio which encroaches into the Dundas Street road allowance. Should the applicant need a contact, they can proceed with contacting realtyservices@mississauga.ca for the Licencing Agreement.

We are also noting for information purposes that the City is currently proceeding a Rezoning application for the redevelopment of this property under OZ/OPA 21-04 to allow for a residential apartment.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Rezoning application and an Official Plan Amendment application under file OZ/OPA 21-4 W7. Zoning review will commence upon finalization of the two above applications and as such, the requested variances can't be confirmed at this time.

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

Appendix 3 – Credit Valley Conservation Comments

Good afternoon,

The property owner of 8-255 Dundas St W, zoned C3-26 - Commercial, has applied for a minor variance under

Section 45 of the Planning Act. The applicant requests the Committee to authorize a minor variance to

continue to permit an outdoor patio ancillary to the existing restaurant within Unit No. 8 whereas By-law 0225-

2007, as amended, makes no provisions for such a use in this instance.

Based on review of the information, CVC staff have no concerns with the requested variance. As such, CVC staff have no objection to the approval of the minor variance by the Committee at this time.

I trust these comments are sufficient. Please contact the undersigned should you have any questions.

Comments Prepared By: Elyssa Pompa, Junior Planner

Appendix 4 – Region of Peel Comments

Comments: Please be advised that the subject property is located within the limits of the regulated area of the Credit Valley Conservation (CVC).

The Region relies on the environmental expertise of the CVC for the review of development applications located within or adjacent to this regulated area in Peel and their potential impacts on the natural environment. Regional Planning staff therefore, request that the Committee and city staff consider comments from the CVC and incorporate their conditions of approval appropriately.

Comments Prepared by: Joseph Filice, Junior Planner