

City of Mississauga Department Comments

Date Finalized: 2022-07-20	File(s): A321.22
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2022-07-28 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.

Application Details

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

1. To be located within the required 60.00m (approx. 196.85ft) separation distance to a 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;
2. To provide a total of 4 parking spaces whereas By-law 0225-2007, as amended, requires a minimum of 11 parking spaces in this instance; and,
3. To provide tandem parking spaces whereas By-law 0225-2007, as amended, does not permit tandem parking in this instance.

Amendments

Staff recommends that variance #2 be removed.

Background

Property Address: 243 Lakeshore Rd E

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: C4 - Commercial

Other Applications: Building Permit under file BP 3ALT 22-2667

Site and Area Context

The subject property is located in the Port Credit Neighbourhood (East) Character Area, southeast of the Hurontario Street and Lakeshore Road East intersection. The immediate area consists of a variety of commercial uses contained in plazas fronting onto Lakeshore Road East. Minimal vegetation exists in the form of urban trees.

The subject property is a commercial plaza containing a variety of commercial uses. The application proposes a restaurant requiring variances for parking and minimum 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:

Variance #1 pertains to a separation distance to 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 south of the subject property. Staff note there are a number of restaurants located in the commercial plazas along Lakeshore Road East, and more specifically in the immediate area. Therefore, the proposed use would be compatible with the existing uses and character of the neighbourhood. Furthermore, a large alleyway located behind the subject property acts as a buffer from the subject property to residential uses. Staff also note that 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.

Variances #2 and 3 pertain to parking. Municipal Parking staff provide comments on requests for parking reductions. Their comments are as follows:

Municipal Parking staff note four parking spaces are available on the subject property in a double tandem arrangement, and an existing residential apartment is located on the second level. The variance represents an approximate 65% reduction or 7 parking spaces per By-law 0225-2007, as amended, which was in effect when this application was submitted.

Council approved by-law 0117-2022 (BL.09.PAR) on June 8, 2022, which amended zoning requirements for parking rates, these rates are now in effect.

Municipal Parking Staff therefore advise the following:

- Per the new rates in Precinct 3, 3.0 parking spaces per 100 m² GFA are required for a Restaurant use. Based on a GFA of 112.78 m² per the site plan provided, 3 parking spaces are required;
- Per the new rates in Precinct 3, 1.0 parking space per residential dwelling unit located above a commercial development with a maximum height of three storeys is required. Based on 1 existing residential dwelling unit, 1 parking space is required; and
- A minimum total of 4 parking spaces are required for the uses on the subject site, whereas 4 tandem parking spaces are available per the site plan of the subject site.

Given the above, and subject to Planning Staff support to allow two sets of tandem parking, Municipal Parking Staff are satisfied with the proposed number of parking spaces as it is compliant with the new parking rates.

Subject to confirmation by Zoning Staff, a minor variance for a parking reduction is no longer required and Municipal Parking Staff have no further comment.

Planning staff echo Municipal Parking staff's comments and recommend that Variance #2 be removed, as the applicant complies with the City's newly approved parking rates. Furthermore, Planning staff have no concerns with Variance #3.

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

Attached for Committees information are photos of the front of the building and also the existing rear parking area.







Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file BP 3ALT 22-2667. Based on review of the information currently available in this permit application, the variances, as requested are correct.

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