

City of Mississauga Department Comments

Date Finalized: 2022-11-23	File(s): A619.22
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2022-12-01 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 a Restaurant proposing a separation distance between the Restaurant and a Residential Zone of 0.00m whereas By-law 0225-2007, as amended, requires a minimum separation distance between a Restaurant and a Residential Zone of 60.00m (approx. 196.9ft) in this instance.

Amendments

The Building Department is currently processing a Zoning Certificate of Occupancy Permit under file C 22-2708. Based on review of the information currently available in this permit application, we advise that the variance should be amended as follows:

The applicant requests the Committee to approve a minor variance to allow a restaurant within the required separation distance to a Residential zone; whereas By-law 0225-2007, as amended, requires a minimum separation distance of 60.00 m (196.9ft) between a restaurant and a Residential zone in this instance.

Background

Property Address: 70 Lakeshore Rd E

Mississauga Official Plan

Character Area: Port Credit Community Node

Designation: Mixed Use

Zoning By-law 0225-2007

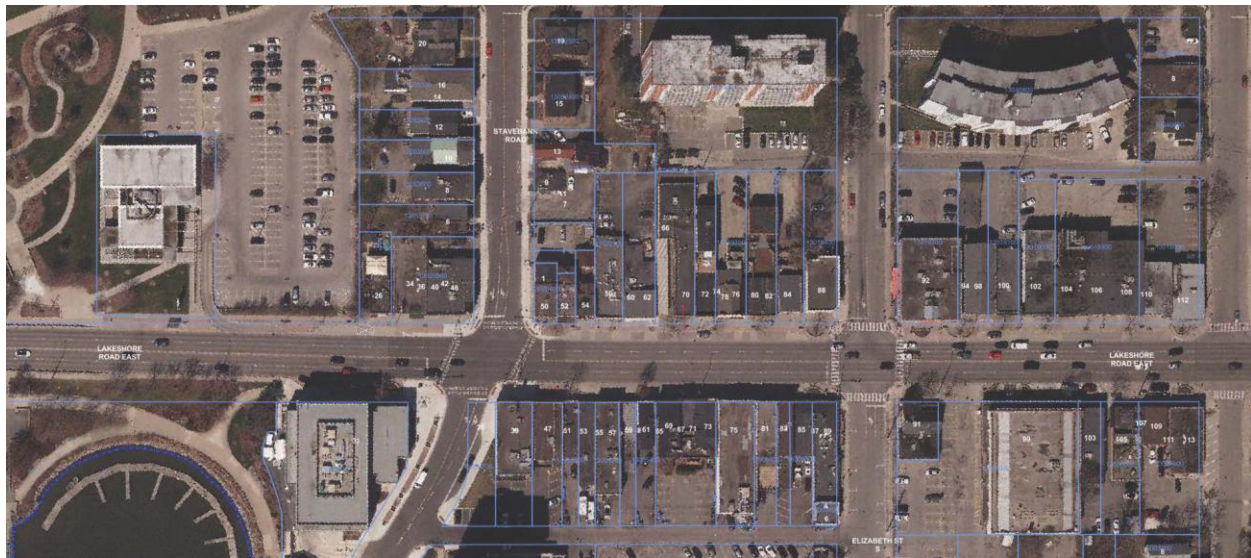
Zoning: C4-66 - Commercial

Other Applications: C 22-2708, BP3ALT 22-2685, C 21-5805

Site and Area Context

The subject unit is located within the Port Credit Community Node, in a commercial unit west of the Hurontario Street and Lakeshore Road East intersection. 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 East. 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.

The application proposes a 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*.

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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 restaurant use within 60m (196.9ft) 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. Existing residential uses located within the 60m (196.9ft) buffer are located north and northwest of the subject property. Multiple commercial uses exist on the subject property, as well as on neighbouring properties with frontage on Lakeshore Road East. Therefore, staff is of the opinion that the proposed use is compatible with uses found in the immediate area. Furthermore, the rear wall of the proposed restaurant abuts the residential zone and the applicant is not proposing an outdoor patio or drive-thru facility; therefore, it is unlikely that the proposed use will to create any additional noise and odour disturbances to the adjacent residential uses.

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' 619/22.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Zoning Certificate of Occupancy Permit under file C 22-2708. Based on review of the information currently available in this permit application, we advise that the variance should be amended as follows:

The applicant requests the Committee to approve a minor variance to allow a restaurant within the required separation distance to a Residential zone; whereas By-law 0225-2007, as amended, requires a minimum separation distance of 60.00 m (196.9ft) between a restaurant and 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

Appendix 3 – Region of Peel

We have no comments or objections.

Comments Prepared by: Patrycia Menko, Junior Planner