

City of Mississauga Department Comments

Date Finalized: 2022-11-30	File(s): A536.22
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2022-12-08 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 Restaurant proposing a separation distance between the Restaurant and a Residential Zone of 25.00m (approx. 82.02ft) whereas By-law 0225-2007, as amended, requires a minimum separation distance between a Restaurant and a Residential Zone of 60.0m (approx. 196.9ft) in this instance.

Amendments

While Planning staff are not in a position to provide an interpretation of the Zoning By-law; staff would note that the variance as requested should be amended as follows:

To permit a Restaurant within 60m (196.6ft) of a residential zone; whereas By-law 0225-2007, requires a minimum separation distance of 60m (196.6ft) between a Restaurant and a residential zone, in this instance.

Background

Property Address: 280 Lakeshore Road E

Mississauga Official Plan

Character Area: Port Credit Neighbourhood (East)

Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C4-66 - Commercial

Other Applications: none

Site and Area Context

The subject site is located within the Port Credit Neighbourhood (East) Character Area, on the northeast corner of the Mohawk Avenue and Lakeshore Road East intersection. The subject site forms part of a multi-unit plaza with a mix of commercial and residential uses. No vegetation exists on the subject site. The broader area consists of a mix of uses, including commercial, office and high and low-density residential uses.

The application proposes a Restaurant use requiring variances related to 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 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. Staff note that the residential zone located within the 60m (196.9ft) of the proposed use, is located north and northwest of the subject property. A commercially zoned property immediately adjacent to the subject property to the north provides a buffer between the subject property and the residential zone.

The subject property forms part of a plaza that contains commercial uses in units at grade with residential units located above or behind these commercial units. Staff are of the opinion that the proposal is consistent with uses found in the immediate area. 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' 536/22.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

In the absence of a Development application we are unable to confirm the accuracy of the information provided, or determine whether additional variance(s) may be required. It should be noted that a zoning review has NOT been completed. The applicant is advised that should they choose to proceed without zoning verification, a full zoning review may result in further variances being required in the future.

For scope of work that does not require Site Plan Approval/Building Permit/Zoning Certificate of Occupancy application, the applicant may consider applying for a Preliminary Zoning Review application. A detailed site plan drawing and architectural plans are required for a detailed zoning review to be completed. A minimum of 6-8 weeks is required depending on the complexity of the proposal and the quality of information submitted.

Comments Prepared by: Amy Campbell, Planner-in-Training

Appendix 3 – Region of Peel

We have no comments or objections.

Comments Prepared by: Patrycia Menko, Junior Planner