

City of Mississauga Department Comments

Date Finalized: 2022-12-21	File(s): A650.22
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-01-12 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 less than 60.00m (approx. 196.9ft) 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 building permit application under file C 21-9322. Based on review of the information currently available for this building permit, we advise that the following variance(s) should be amended as follows:

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 less than 60.00m (approx. 196.9ft) 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.

Background

Property Address: 245 Lakeshore Road E

Mississauga Official Plan

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

Zoning By-law 0225-2007

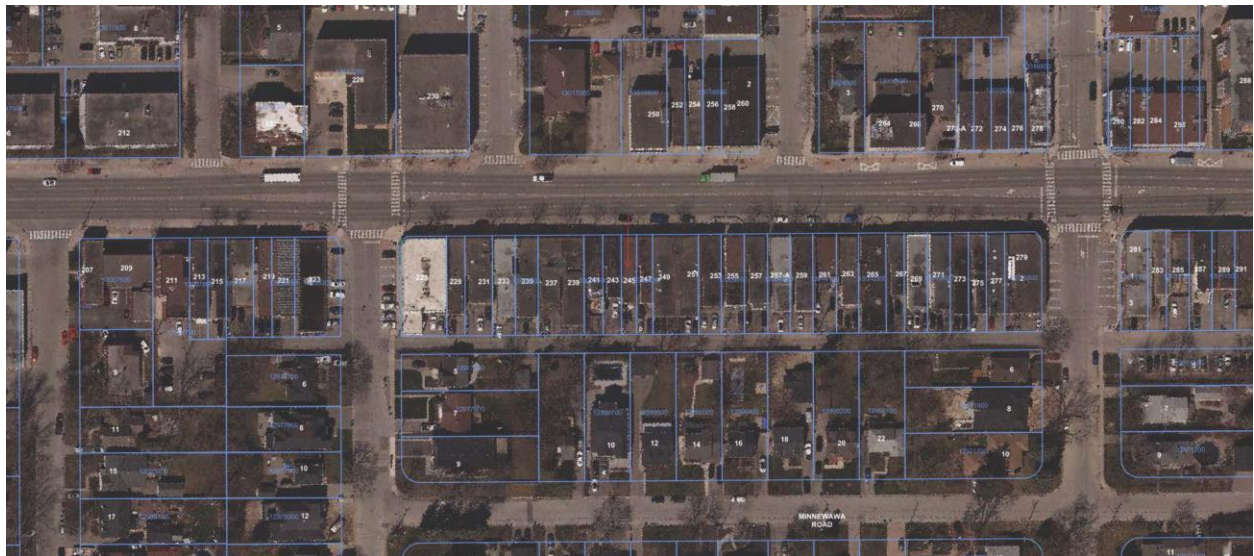
Zoning: C4 - Commercial

Other Applications: Building permit application under file C 21-9322.

Site and Area Context

The subject site is located within the Port Credit Neighbourhood (East) Character Area, east of the Cumberland Drive 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 south of the subject property. A laneway located at the rear of the subject property provides a buffer from the restaurant use to the residential zone.

The subject property forms part of a commercial plaza that contains a mix of uses, including commercial and office uses in the at-grade units 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 that could create 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' 650/22.

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 21-9322. Based on review of the information currently available for this building permit, we advise that the following variance(s) should be amended as follows:

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 less than 60.00m (approx. 196.9ft) 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.

In addition, we note that clarification on the existing/proposed parking and accessible parking space(s) is required.

Our comments are based on the plans received by Zoning staff on 04/05/2022 for the above captioned building permit application. Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: Adam McCormack, Zoning Examiner

Appendix 3 – Region of Peel

We have no comments or objections.

Comments Prepared by: Patrycia Menko, Junior Planner