

# City of Mississauga Department Comments

Date Finalized: 2023-01-04	File(s): A653.22
To: Committee of Adjustment	Ward: 6
From: Committee of Adjustment Coordinator	Meeting date:2023-01-12 1:00:00 PM

## Consolidated Recommendation

The Planning and Building Department recommends that the Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the application 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 use in Unit 2 of the subject property with a minimum separation distance from a Residential Zone of 13.9m (approx. 45.60ft) whereas By-law 0225-2007, as amended, requires a minimum separation distance between a restaurant use and a Residential Zone of 60.00m (approx. 197.00ft) in this instance.

### Amendments

While Planning staff are not in a position to interpret the Zoning By-law, it appears that the variance should be amended as follows:

The applicant requests the Committee to approve a minor variance to allow a restaurant with a separation distance less than 60m between the restaurant and the residential zone, whereas by-law 0225-2007, as amended, requires a minimum separation distance of 60m (approx. 196.9ft) between a restaurant and residential zone in this instance.

## Background

**Property Address:** 5425 Creditview Rd, Unit 2

### Mississauga Official Plan

**Character Area:** East Credit Neighbourhood

Designation: Convenience Commercial

### Zoning By-law 0225-2007

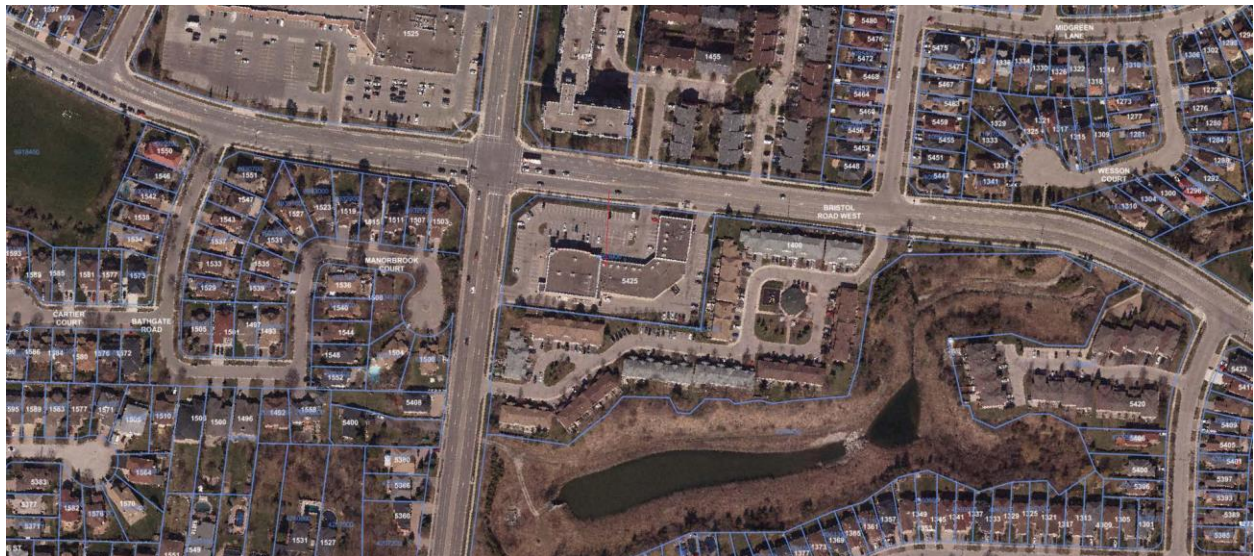
Zoning: C1 - Commercial

Other Applications: None

### Site and Area Context

The subject property is located on the south-east corner of the Bristol Road West and Creditview Road intersection, with frontage on both streets. It currently contains a multi-tenant commercial plaza building and an associated parking lot. Landscaping and vegetative elements are located nearly exclusively along the property lines. The surrounding area context includes a mix of residential and commercial uses and built forms on lots of varying sizes.

The applicant is requesting to permit a restaurant within the plaza 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*.

Staff comments concerning the application of the four tests to this minor variance request are as follows:

The subject property is located in the East Credit Neighbourhood Character Area and is designated Convenience Commercial in Schedule 10 of the Mississauga Official Plan (MOP). The Convenience Commercial designation permits a variety of uses including restaurants.

The intent of this portion of the by-law is to ensure that proposed restaurant uses are compatible with adjacent land uses. Where they are not, a 60m buffer is imposed. The applicant is not proposing a drive-through or outdoor patio, thereby limiting any potential impacts on the adjacent residential properties. Furthermore, the applicant's cover letter indicates that the application is an already existing restaurant up for renewal on the subject property that was previously temporarily approved in 2017. Based on a detailed review of the proposal and the nature of the restaurant proposed, staff are of the opinion that impacts to the residential zone will be negligible. Staff are of the opinion that the application is appropriate to be handled through the minor variance process and that the application raises no concerns of a planning nature.

Comments Prepared by: Alexander Davies, 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' 653/22.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

### Appendix 2 – Zoning Comments

We note that a Zoning Certificate of Occupancy Permit is required. In the absence of a Zoning Certificate of Occupancy Permit 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.

Comments Prepared by: Brooke Herczeg, Zoning Examiner

### Appendix 3 – Region of Peel

We have no comments or objections.

Comments Prepared by: Patrycia Menko, Junior Planner