

City of Mississauga Department Comments

Date Finalized: 2023-01-25	File(s): A724.22
To: Committee of Adjustment	Ward: 1
From: Committee of Adjustment Coordinator	Meeting date:2023-02-09 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. 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 the construction of a restaurant with a separation distance of less than 60.0m (approx. 196.9ft) from the Residential Zone whereas By-law 0225-2007, as amended, requires a minimum separation distance of 60.0m (approx. 196.9ft) from the restaurant to the Residential Zone in this instance.

Background

Property Address: 490 South Service Road

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: convenience Commercial

Zoning By-law 0225-2007

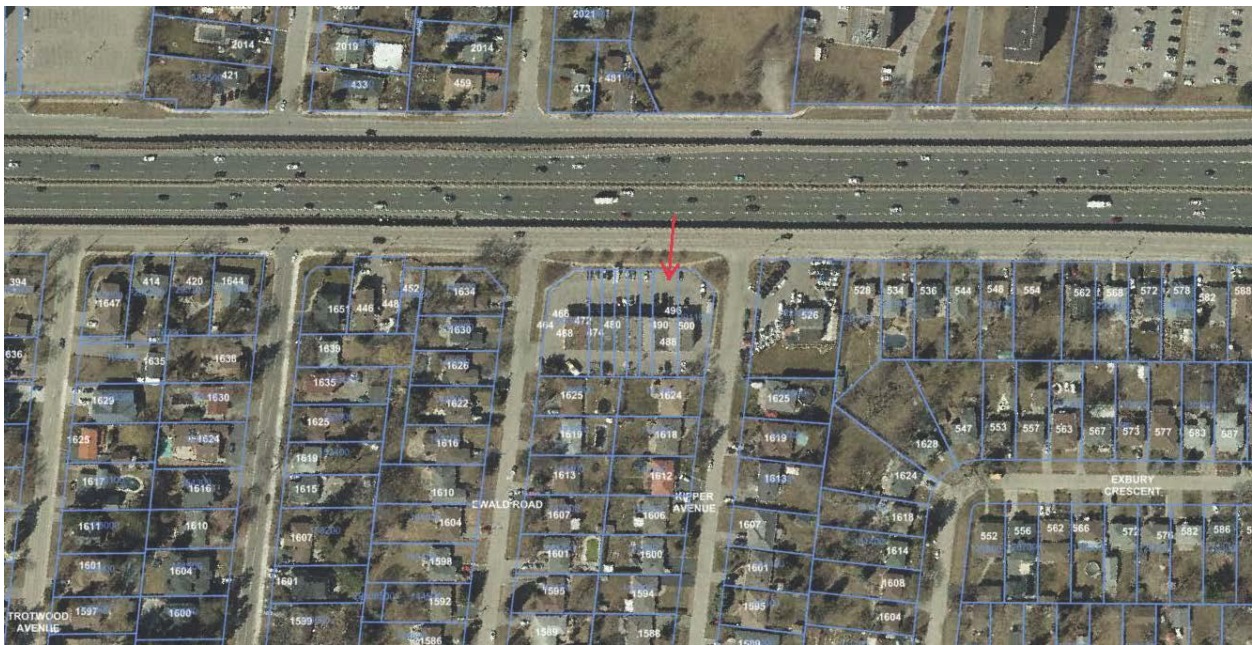
Zoning: C1-Commercial

Other Applications: Zoning Certificate Permit under file C 21-9878.

Site and Area Context

The subject property contains one commercial unit located in within a two-storey commercial plaza. The plaza contains multiple commercial (including retail) units at grade and residential units located on the second storey. The plaza is located south of the south service road and is bound by Kipper Avenue to the east and Ewald Road to the west. Landscaping and vegetative elements are located in the municipal boulevard fronting onto South Service Road. 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 are as follows:

The subject property is located in the Mineola 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 (196.9ft) buffer is imposed. The applicant is

not proposing a drive-through, outdoor patio, or a large seating area within the restaurant, thereby limiting any potential impacts on the adjacent residential properties. 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: 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' 724/22.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Zoning Certificate Permit under file **C 21-9878**. Based on review of the information currently available in this permit application, the variance, as requested is correct.

The Building Department is currently processing a Zoning Certificate Permit under file C 21-9878. Based on review of the information we advise that more information is required in order to determine whether additional variance(s) will be required: "Floor plan is unclear. Clarify purpose of back room. Label all rooms. Indicate number of seating if any. If no seating indicate no seating."

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: Ramsen Hedoo, Zoning Examiner

Appendix 3 – Region of Peel

We have no comments or objections.

Comments Prepared by: Patrycia Menko – Junior Planner, Planning and Development Services