

City of Mississauga Department Comments

Date Finalized: 2023-03-01	File(s): A6.23
To: Committee of Adjustment	Ward: 5
From: Committee of Adjustment Coordinator	Meeting date:2023-03-09 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application. The applicant may wish to defer the application to ensure the accuracy of the requested variance and that additional variances are not required.

Application Details

The applicant requests the Committee to approve a minor variance in Unit 2 of the building to permit an outdoor patio use in an E2 Zone whereas By-law 0225-2007, as amended, does not permit the proposed use in this instance.

Background

Property Address: 1660 Tech Ave, Unit 2

Mississauga Official Plan

Character Area: Northeast Employment Area
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2 - Employment

Other Applications:

Site and Area Context

The subject property is located on the north side of Eglinton Avenue East, west of the Creekbank Road intersection. It currently contains two single storey office buildings and an associated surface parking lot. Limited landscaping/vegetative features are present on the

subject property, generally located along either the Tech Avenue or Eglinton Avenue East frontages. The surrounding context is primarily employment uses, consisting of low rise buildings on large lots. Hotel uses are also located in close proximity.

The applicant is proposing an outdoor patio accessory to a private club, requiring a variance for the use.



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 Northeast Employment Character Area and is designated Business Employment in Schedule 10 of the Mississauga Official Plan (MOP). This designation permits a variety of employment and some commercial uses. Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with the existing site conditions, the surrounding context, and the landscape of the character area.

The intent of the zoning by-law excluding accessory patios is to ensure that there are no negative impacts to nearby residential zones and sensitive employment uses as it pertains to either noise and/or hours of operation. The applicant is proposing a patio as an accessory use

to a private club for seniors. Staff note that the proposed patio is internal to the site and would not be visible from either Eglinton Avenue East or Tech Avenue. Further the applicant has noted that no food or beverages would be served on the patio, limiting the impacts of noise to nearby businesses. Staff note that there do not appear to be any residential units within close proximity to the site. Staff are satisfied that the patio will have limited impacts to abutting units, no impacts to the streetscape or surrounding area, and will not negatively impact the functionality of the site for employment uses.

Planning staff are therefore of the opinion that the proposal maintains the general intent and purpose of both the official plan and zoning by-law, is minor in nature, and represents appropriate development of the subject property.

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' 6/23.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

We note that a Building Permit is required. In the absence of a Building 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