

City of Mississauga Department Comments

Date Finalized: 2023-05-24	File(s): A170.23 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-06-01 3:30:00 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 variances and that additional variances are not required.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of an addition proposing:

1. An interior side yard setback for a patio and patio canopy of 1.80m (approx. 5.91ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 7.50m (approx. 24.61ft) in this instance; and,
2. To permit an outdoor patio on the subject property accessory to the existing hotel whereas By-law 0225-2007, as amended, does not permit an outdoor patio in this instance.

Background

Property Address: 6950 Kennedy Road

Mississauga Official Plan

Character Area: Gateway Employment Area
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E5-52 - Employment

Other Applications: None

Site and Area Context

The subject property is located on the north-west corner of the Kennedy Road and Gibraltar Drive intersection. It currently contains a six-storey hotel with an associated surface parking lot. Limited landscaping and vegetative elements are present on the subject property. The surrounding context is predominantly employment and retail uses with varying lot sizes and built forms.

The applicant is proposing an outdoor patio requiring variances for the use and setback.



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:

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject property is located in the Gateway Employment Character Area and is designated Business Employment in Schedule 10 of the Mississauga Official Plan (MOP). The site forms part of Special Site 1, however the policies in this section are aimed at larger employment developments and are not relevant in this instance.

The Business Employment designation permits a variety of employment and some commercial uses, including hotels. 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. Planning staff are satisfied that a patio as an accessory use to a permitted hotel use is appropriate and will not have any impacts to the broader character area.

Given the above, Planning staff are of the opinion that the general intent and purpose of the official plan are maintained.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

Variance 1 requests a reduced side yard measured to a patio and patio canopy. The intent of the side yard regulations in the by-law is to ensure that an appropriate buffer between structures on abutting properties is maintained as well as ensuring access and drainage patterns are preserved. The proposed patio cover is not excessively tall and will create no massing impacts or separation issues between structures. Furthermore Transportation & Works staff have raised no significant drainage concerns regarding the proposal.

Variance 2 requests an outdoor patio use. 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 the existing hotel. 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 employment units, no impacts to the surrounding area, and will not negatively impact the functionality of the site or larger area.

Given the above Planning staff are of the opinion that the application maintains the general intent and purpose of the zoning by-law.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

Planning staff are of the opinion that the proposal is minor in nature. Furthermore staff are satisfied that the patio 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 to the applicant's request.





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

Appendix 3 –Region of Peel

We have no comments or objections.

Comments Prepared by: Patrycia Menko, Junior Planner