

City of Mississauga Department Comments

Date Finalized: 2023-05-16	File(s): A60.23
To: Committee of Adjustment	Ward: 9
From: Committee of Adjustment Coordinator	Meeting date:2023-05-25 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 meets the requirements of Section 45(1) of the Planning Act.

Application Details

The applicant requests the Committee to approve a minor variance to permit a restaurant with a separation distance of 15.71m (approx. 51.54ft) from a Residential Zone whereas By-law 0225-2007, as amended, requires a minimum separation distance of 60.00m (approx. 196.9ft) from a restaurant to a Residential Zone in this instance.

Amendments

Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

The applicant requests the Committee to approve a minor variance to permit a restaurant within 60.00m separation distance from a Residential Zone whereas By-law 0225-2007, as amended, requires a minimum separation distance of 60.00m (approx. 196.9ft) from a restaurant to a Residential Zone in this instance.

Background

Property Address: 6040 Glen Erin Dr

Mississauga Official Plan

Character Area: Meadowvale Neighbourhood
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C2 - Commercial

Other Applications: C 22-4014

Site and Area Context

The subject property is located on the north-west corner of the Glen Erin Drive and Britannia Road West intersection. It currently contains a multi-tenant commercial plaza building and an associated surface parking lot. Landscaping and vegetative elements are located nearly exclusively along the property lines. The surrounding area context consists of residential uses with varying built forms and lot 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 Meadowvale Neighbourhood Character Area and is designated Mixed Use in Schedule 10 of the Mississauga Official Plan (MOP). The Mixed Use 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 staff note that the apartment building on the abutting property, sharing the property line to which the setback is measured, has a large setback to the property line. 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' 60/23.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Zoning Certificate Application under file C 22-4014. Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

The applicant requests the Committee to approve a minor variance to permit a restaurant within 60.00m separation distance from a Residential Zone whereas By-law 0225-2007, as amended, requires a minimum separation distance of 60.00m (approx. 196.9ft) from a restaurant to a Residential Zone in this instance.

Please note that comments reflect those provided through the above zoning certificate application submitted on 12/06/2022 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: Jeanine Benitez, Zoning Review

Appendix 3 – Parks, Forestry & Environment

The Park Planning Section of the Community Services Department has no objections to the above noted minor variance application and advises as follows:

The lands to the rear of the property are owned by the City of Mississauga, identified as Lake Wabukayne Trail (P-131), classified as a Significant Natural Area within the City's Natural Heritage System, and zoned G1. Section 6.3.24 of the Mississauga Official Plan states that the Natural Heritage System will be protected, enhanced, restored and expanded through the following measures:

- a) ensuring that development in or adjacent to the Natural Heritage System protects and maintains the natural heritage features and their ecological functions through such means as tree preservation, appropriate location of building envelopes, grading, landscaping....;

Should the application be approved, Community Services provides the following notes:

1. Construction access from the adjacent park/greenlands is not permitted.
2. If access is required to City owned lands, a Consent to Enter Agreement/Park Access Permit will be required.
3. Stockpiling of construction materials and encroachment in the adjacent park/greenlands is not permitted.

Should further information be required, please contact Nicholas Rocchetti, Park Planning Assistant, Community Services Department at 905-615-3200 ext. 4659 or via email Nicholas.Rocchetti@mississauga.ca.

Comments Prepared by: Nicholas Rocchetti, Park Planning

Appendix 4 – Region of Peel

We have no comments or objections.

Comments Prepared by: Patrycia Menko, Junior Planner