

City of Mississauga Department Comments

Date Finalized: 2023-09-06	File(s): A318.23 Ward: 11
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-09-14 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. 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 a restaurant proposing a separation distance between the restaurant and a Residential Zone of 0m whereas By-law 0225-2007, as amended, requires a minimum separation distance between a restaurant and a Residential Zone of 60.00m (approx. 196.9ft) 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 the operation of a restaurant on the subject property within 60.00m (196.85ft.) of a residential zone; whereas By-law 0225-2007, as amended, requires a minimum separation distance between a restaurant and a Residential Zone of 60.00m (approx. 196.9ft) in this instance.

Background

Property Address: 2275 Britannia Road West, Unit 3

Mississauga Official Plan

Character Area: Meadowvale Business Park CC

Designation: Business Employment

Zoning By-law 0225-2007

Zoning: E2-89- Employment

Other Applications: BP 3ALT 23-6906

Site and Area Context

The subject property is located on the north side of Britannia Road West, east of the Turney Drive intersection. It currently contains a multi-tenant commercial plaza building and associated surface parking. Landscaping and vegetative elements are located nearly exclusively along the property lines. The surrounding area contains a mix of lot sizes, built forms and uses, including residential uses to the south, employment uses to the west and north and a Mississauga Fire Station 108 to the east.

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 Business Park Corporate Centre Character Area and is designated Business Employment in Schedule 10 of the Mississauga Official Plan (MOP). The Business Employment 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 60 m buffer is imposed. The applicant is not proposing a drive-through or patio, thereby limiting any potential impacts on the adjacent residential properties. Staff note that the block of townhouses to which the setback is measure is located directly across Britannia Rd. W, and has a large setback to the subject property. Further, staff note the same restaurant establishment was previously approved by the Committee of Adjustment for separation distance. 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 concern of a planning nature.

Comments Prepared by: Daniel Grdasic, 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' 318/23.

Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building Permit under file BP 3ALT 23-6906. 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 the operation of a restaurant on the subject property within 60.00m (196.85ft.) of a residential zone; whereas By-law 0225-2007, as amended, requires a minimum separation distance between a restaurant and a Residential Zone of 60.00m (approx. 196.9ft) in this instance”

We have also noted in the Building Permit under file BP 3ALT 23-6906, 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.

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: Gary Gagnier, Zoning Examiner

Appendix 3 – Region of Peel

Minor Variance Application: A-23-318M

Planning: Patrycia Menko (905) 791-7800 x3114

Comments:

- The subject site is located within a Regional Employment Area, identified on Schedule E-4 of the Regional Official Plan (ROP). The subject site is also located within a Provincially Significant Employment Zone, identified on Figure 12 of the ROP.

-
- Regional staff acknowledge the application is to approve a minor variance to allow a reduction to the minimum separation distance between a restaurant and a Residential Zone and have no objections. However, please be advised that any future development to the subject site will require Regional review to ensure any proposed variances keep with the general intent of the ROP and Mississauga Official Plan Business Employment policies.

Comments Prepared by: Patrycia Menko, Junior Planner