

City of Mississauga Department Comments

Date Finalized: 2023-11-01	File(s): A425.23 Ward: 2
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2023-11-09 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, as requested, meets the requirements of Section 45(1) of the Planning Act.

Application Details

The applicant requests the Committee to approve a minor variance to allow an existing restaurant to continue operating proposing:

1. A separation distance of less than 60m (approx. 196.9 ft) between the restaurant and the residential zone, whereas by-law 0225-2007, as amended, requires a minimum separation distance of 60m (approx. 196.9ft) between a restaurant and residential zone in this instance; and,
2. A total of 4 accessible parking spaces whereas By-law 0225-2007, as amended, requires 5 accessible parking spaces in this instance.

Background

Property Address: 1107 Lorne Park Road Unit 15

Mississauga Official Plan

Character Area: Clarkson - Lorne Park Neighbourhood
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C4 - Commercial

Other Applications: Certificate of Occupancy permit under file C 23-8729

Site and Area Context

The subject unit is located within the Clarkson-Lorne Park Neighbourhood, in a one and a half storey commercial plaza north-east of the Lorne Park Road and Lakeshore Road West intersection. The commercial plaza contains multiple units with a mix of commercial uses, including restaurants. Sparse vegetation exists in the form of street trees facing Lorne Park Road and Queen Street West. The broader area consists of a mix of uses including commercial, and high and low-density residential land uses.

The application proposes a restaurant use at the existing sushi take-out restaurant requiring variances for separation distance to a residential zone and accessible parking spaces.



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 Clarkson-Lorne Park 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.

Variance #1 requests a separation distance of less than 60m (196.9 ft) between the restaurant and a residential zone. Staff note that an application was approved for Unit 15 (A508/12) on

December 6th, 2012, to permit the operation of a Japanese sushi take-out restaurant with a separation distance of less than 60.00 m (196.85 ft.) to a residential zone. Staff note that the occupant of the unit remains the same, however, a variance is required as the applicant is proposing to convert the take-out restaurant use to a restaurant use. The change in use is required to allow for more seating than the maximum permitted in a take-out restaurant use.

Staff are of the opinion that the proposal is consistent with uses found in the immediate area. Further, it is staff's opinion that the change in use is minor and thereby does not introduce any new potential negative impacts to abutting properties. Staff note that the applicant is not proposing an outdoor patio or drive-thru facility that could create additional noise and odour disturbances to the adjacent residential uses.

Variance #2 requests a reduced number of accessible parking spaces. Staff note that no overall parking variance is required. Staff are of the opinion that the reduction in accessible parking spaces represents a minor decrease from the minimum requirement and are of the opinion that the proposal will appropriately accommodate the new use.

Through a review of the application and the nature of the proposal, staff are of the opinion that the application is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning nature.

Comments Prepared by: Shivani Chopra, Planner in Training

Appendices

Appendix 1 – Transportation and Works Comments

This Department has no objections, comments or requirements with respect to C.A. 'A' 425.23 W2.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Certificate of Occupancy permit under file C 23-8729. Based on review of the information currently available in this permit application, the variances, as requested are correct.

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: Tage Crooks, Zoning Examiner

Appendix 3 – Metrolinx

1107 Lorne Park Road Unit 15 - A425.23

Metrolinx is in receipt of the minor variance application for 1107 Lorne Park Rd to allow an existing restaurant to continue operating with an existing reduced setback to a residential zone of less than 60m. Metrolinx's comments on the subject application are noted below:

- The subject property is located immediately adjacent to the Metrolinx Oakville Subdivision which carries Metrolinx's Lakeshore West GO Train service.
- As the requested variances are to maintain the existing conditions and there are no proposed new additions /structures which result in a further reduction to the setback of the Metrolinx corridor, (i.e. Oakville Subdivision/Lakeshore West Corridor) Metrolinx has no objections to the specified variances should the committee grant approval.

Advisory Comments:

- The Proponent is advised the following:

- **Warning:** Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. There may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

Comments Prepared by: Farah Faroque, Project Analyst

Appendix 4 – Region of Peel

We have no comments or objections.

Comments Prepared by: Ayooluwa Ayoola, Junior Planner