

City of Mississauga Department Comments

Date Finalized: 2024-02-07	File(s): A84.24 Ward: 5
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-02-15 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. The applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Application Details

The applicant requests the Committee to approve a minor variance to allow an accessory restaurant use to a recreation establishment whereas By-law 0225-2007, as amended, does not permit this accessory use in this instance.

Background

Property Address: 1620 Tech Ave, Unit 4

Mississauga Official Plan

Character Area: **Northeast Employment Area (West)**
Designation: **Business Employment**

Zoning By-law 0225-2007

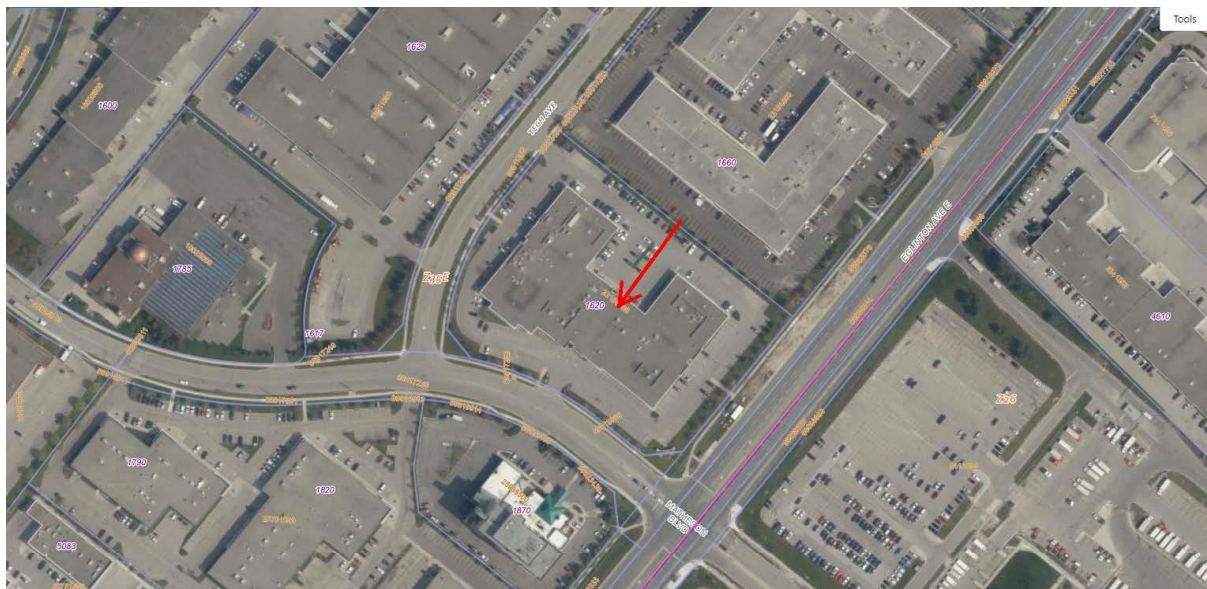
Zoning: E2- Employment

Other Applications: None

Site and Area Context

The subject property is located on the north-east corner of the Eglinton Avenue East and Matheson Boulevard intersection in the Northeast Employment Character Area. It currently contains a one-storey office building with an associated surface parking lot. The subject property has a lot area of +/- 1.86ha (4.59ac) with vegetative and landscaping elements located along the property boundaries. The surrounding area consists exclusively of commercial, employment and industrial uses on lots of varying sizes.

The applicant is requesting a variance for a restaurant accessory to a recreational establishment.



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 Area (West) and is designated Business Employment in Schedule 10 of the Mississauga Official Plan (MOP). Section 9 of the 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 note the primary use of the subject property is a recreational establishment, with the proposed variance being an accessory restaurant, which is not permitted. Staff note the proposed restaurant space will occupy 10% of the facility's gross floor area and provides food and beverage for patrons visiting the recreational establishment. Staff are satisfied that the proposed accessory restaurant is clearly subordinate and will positively compliment the function of the recreational establishment. Staff note that restaurants and take-out restaurants are permitted as accessory uses in E1 zones within office and medical office buildings. Additionally, restaurants as a primary use are permitted within an E2 zone. It is staff's opinion that the proposal represents the same or reduced intensity of use as a take-out restaurant in an office or medical office building. The proposed restaurant will have no impacts to the streetscape or surrounding context, and will have no direct external access to the facility or signage advertising the restaurant.

Given the above, Planning staff are of the opinion that the application is appropriate to be handled through the minor variance process. Furthermore the request raises no concerns 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 to the applicant's request.





Comments Prepared by: Tony Iacobucci, Development Engineering Technologist

Appendix 2 – Zoning Comments

We note 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.

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: Minan Song, Planner in Training

Appendix 3 – Region of Peel

We have no comments or objections.

Comments Prepared by: Ayooluwa Ayoola