

City of Mississauga Department Comments

Date Finalized: 2024-04-24	File(s): A192.24 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-05-02 1:00:00 PM

Consolidated Recommendation

The City recommends that the application be deferred.

Application Details

The applicant requests the Committee to approve a minor variance to allow a permanent patio accessory to an off-site restaurant located at 52 Lakeshore Rd E whereas By-law 0225-2007, as amended, does not permit such a use in this instance.

Background

Property Address: 0 Stavebank Rd

Mississauga Official Plan

Character Area: Port Credit Community Node
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C4 - Commercial

Other Applications:

Site and Area Context

The subject property is located within the Port Credit Community Node, west of the Hurontario Street and Lakeshore Road East intersection. The subject site contains two commercial buildings with commercial uses. Minimal vegetation in the form of street trees align Lakeshore

Road East. The broader area consists of a mix of commercial, high, and low-density residential uses with minimal vegetation throughout the properties.

The application proposes a variance to permit a permanent outdoor patio.



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 designated Mixed Use in Schedule 10 of the Mississauga Official Plan (MOP), which permits many uses, including commercial uses.

Planning staff note that the site plan drawing is unclear, as staff are unable to determine the location of the proposed patio and differentiate between structures, buildings, and patio space.

Lastly, staff are also of the opinion that the proposal is premature. All permanent patios are subject to site plan control and require a site plan application. Zoning staff have not provided comment regarding the accuracy of the requested variance as no building permit application has been filed. However, Planning staff note that recent amendments to the zoning by-law have been approved permitting permanent patios in the C4 zone category. As such, the requested variance may not be required.

As such, Planning staff recommend that the application be deferred to allow the applicant an opportunity to submit a site plan application. The site plan application process is required and will identify if the requested variance is required.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Enclosed for information are 2 pictures. The first is of the existing patio fronting Lakeshore Road and the second is of the patio fronting Stavebank Road. The existing outdoor patios both encroach into the Lakeshore Road and Stavebank Road respective municipal rights-of-way. We would have no objections to the continued use provided that the required Licencing Agreement is in place with the City of Mississauga for the portion of the patio which encroaches into the road allowances. Should the applicant need a contact, they can proceed with contacting realtyservices@mississauga.ca.

Comments Prepared by: John Salvino, 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.

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, Zoning Examiner

Appendix 3 – Region of Peel

We have no comments or objections.

Comments Prepared by: Petrele Francois, Junior Planner