

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2025-02-20	File(s): A576.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2/27/2025 3:30:00 PM

Consolidated Recommendation

The City has no objections to the application, subject to the amendments.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a new building and addition proposing:

1. A northern building setback of 2.40m (approx. 7.87ft) whereas By-law 0225-2007, as amended, requires a minimum northern building setback of 4.50m (approx. 14.76ft) in this instance;
2. A 3-season restaurant patio in a C3-1 zone whereas By-law 0225-2007, as amended, does not perm it a patio in a C3-1 zone in this instance;
3. A western landscape buffer of 2.40m (approx. 7.87ft) whereas By-law 0225-2007, as amended, requires a minimum western landscape buffer of 3.00m (approx. 9.84ft) in this instance;
4. A southern landscape buffer of 4.30m (approx. 14.11ft) whereas By-law 0225-2007, as amended, requires a minimum southern landscape buffer of 4.50m (approx. 14.76ft) in this instance;
5. A western drive aisle width of 6.90m (approx. 22.64ft) whereas By-law 0225-2007, as amended, requires a minimum western drive aisle width of 7.00m (approx. 22.97ft) in this instance.

Amendments

The Building Department is processing an Independent Zoning Review application IZR SP 23-9305. Based on the review of the information available in this application, the requested variances # 3 , 4 and 5 are correct.

We advise that following amendments are required for variances # 1 and 2:

1. A rear yard building setback of 2.40m (approx. 7.87ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard building setback of 4.50m (approx. 14.76ft) in this instance;
2. Variance # 2 is not required. Patio accessory to a restaurant is permitted as per Table 2.1.9.16 line 1.0 permitted in zones C1 to C4 (0100-2024).

Background

Property Address: 5400 Dixie Rd

Mississauga Official Plan

Character Area: Northeast Employment Area
Designation: Mixed Use

Zoning By-law 0225-2007

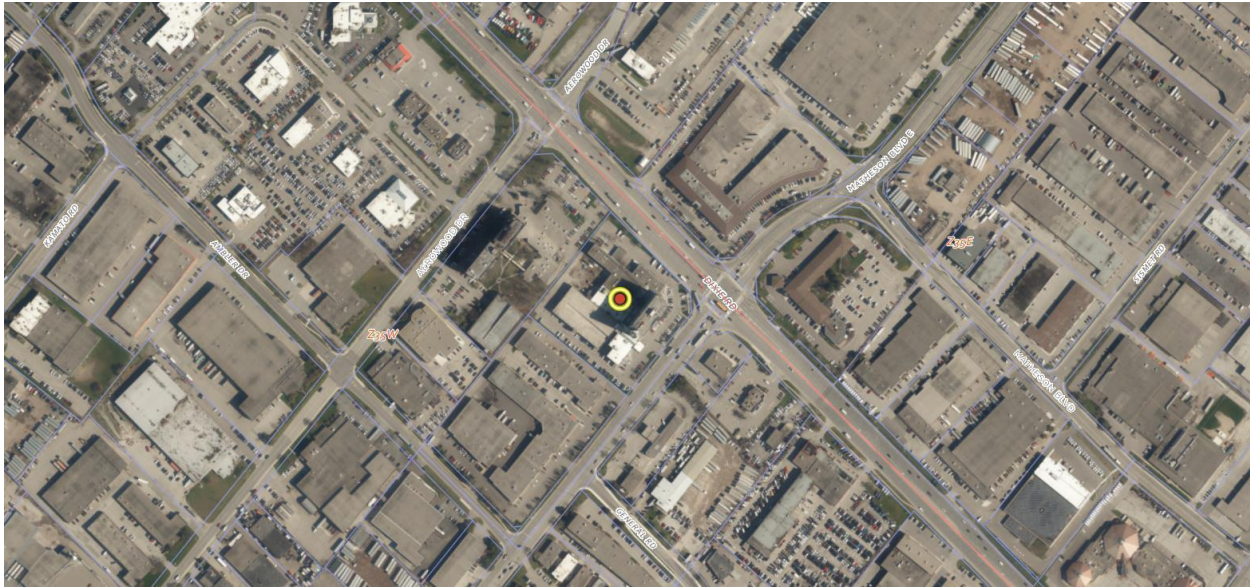
Zoning: C3-1 - Commercial

Other Applications: IZR SP 23-9305

Site and Area Context

The subject property is located at the north-west corner of the Dixie Road and Matheson Boulevard East intersection in the Northeast Employment Character Area. It is a corner lot containing a six-storey hotel, three-storey open air parking structure, restaurant and surface parking areas. Limited landscaping is located throughout the property with street trees located along the Dixie Road and Matheson Boulevard East frontages, as well as within the interior lot line landscape buffers.

The applicant is proposing an addition requiring variances for rear yard setback, landscape buffers and drive aisle width.



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 Character Area and is designated Mixed Use in Schedule 10 of the Mississauga Official Plan (MOP). Section 9 of 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.

Variance 1 pertains to a rear yard setback for the proposed secondary covered hotel entry. The intent of the rear yard setback provision is to ensure an adequate buffer exists between primary structures on adjoining properties and maintains appropriate drainage patterns. Staff note the applicant has confirmed the structure will be open on all three sides and that the reduced rear yard setback is triggered due to the covered hotel entry structure, which encompasses a small portion of the rear yard lot line. It should be noted that the proposed addition and open air parking structure comply to the required rear yard setback. Staff are satisfied that the proposed rear yard setback reduction will not negatively impact the abutting property or the current drainage patterns.

Variations 3 and 4 relate to a reduced landscaped buffers on the interior side lot line and along the Matheson Boulevard East frontage. The intent of this portion of the by-law is to ensure an appropriate buffer exists abutting all lot lines and between the street frontage and parking area. Staff are satisfied that both requests for a reduced landscaped buffer are negligible and provide an appropriate buffer between abutting lot lines as well as between the street frontage and parking area. Staff further note the presence of an additional landscaped buffer that is provided on the municipal right-of-way along the Matheson Boulevard East frontage. Staff are of the opinion the reduction of the landscaped buffer will not have a notable impact on the streetscape.

Variance 5 requests a reduced drive aisle width on the subject property. The intent of this regulation is to ensure there is a sufficient space for vehicles to access and exit parking stalls and allow for appropriate vehicular circulation within the subject property. As this is an existing condition and has accommodated appropriate site circulation in the past, staff are of the opinion that the reduced drive aisle width is negligible.

Planning staff are therefore satisfied that the minor variance application maintains the general intent and purpose of the official plan and zoning by-law, is minor in nature and represents appropriate development of the subject property.

Comments Prepared by: Daniel Grdasic, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We are noting for Committee's information that any Transportation and Works Department concerns/requirements for the proposed new building and addition will be addressed through the Building Permit and Site Plan Approval Process.







Comments Prepared by: Tony Iacobucci, Development Engineering

Appendix 2 – Zoning Comments

The Building Department is processing an Independent Zoning Review application IZR SP 23-9305. Based on review of the information available in this application. Based on the review of the information available in this application, the requested variances # 3 , 4 and 5 are correct.

We advise that following amendments are required for variances # 1 and 2:

1. A rear yard building setback of 2.40m (approx. 7.87ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard building setback of 4.50m (approx. 14.76ft) in this instance;
2. Variance # 2 is not required. Patio accessory to a restaurant is permitted as per Table 2.1.9.16 line 1.0 permitted in zones C1 to C4 (0100-2024).

Our comments may no longer be valid should there be changes in the Committee of Adjustment application that have yet to be submitted and reviewed through the Building Division application.

To receive updated comments, the applicant must submit any changes to information or drawings separately through the above application.

Comments Prepared by: Maria Fernandez, Zoning Examiner

Appendix 3 – Ministry of Transportation

The subject site described above appears to be located within the MTO Permit Control Area for Highway 403; as a result, the applicant should be made aware that an MTO Building & Land Use Permit(s) will be required from this office prior to the start of any onsite construction/works. These comments are preliminary only, and prior to any MTO permit applications being submitted, the MTO requests that the Municipality circulate the Official Plan & Zoning By-law / Site Plan Amendment Applications for the subject site for review, where we will provide more detailed comments, including what materials will be required for review as part of the Site Plan Application circulation.

Information regarding the application process, forms and the policy can be found at the following link:

<https://www.ontario.ca/page/highway-corridor-management>

Comments Prepared by: Nicole Hajjar, Corridor Management Officer