

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2025-03-20	File(s): A49.25
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 3/27/2025 1:00:00 PM

Consolidated Recommendation

The City has no objections to the application, as amended. 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 proposing a Restaurant use in C5 Zoning Area whereas By-law 0225-2007, as amended, does not allow a Restaurant use in C5 Zoning Area in this instance.

Amendments

While Planning staff are not in a position to provide a zoning review, it appears that the following amendment is required:

The applicant requests the Committee to approve a minor variance to permit an accessory take-out restaurant to a gas bar, not exceeding a gross floor area of 61m² (200.13ft²) and excludes seating, whereas by-law 0225-2007, as amended, does not permit an accessory take-out restaurant to a gas bar.

Recommended Conditions and Terms

Should the Committee see merit in the application, Planning staff recommend the following conditions:

1. No indoor or outdoor seating shall be permitted on site.
2. Construction related to this variance shall be in general conformance with the drawings approved by the Committee.

Background

Property Address: 6536 Winston Churchill Blvd

Mississauga Official Plan

Character Area: Meadowvale Neighbourhood

Designation: Motor Vehicle Commercial

Zoning By-law 0225-2007

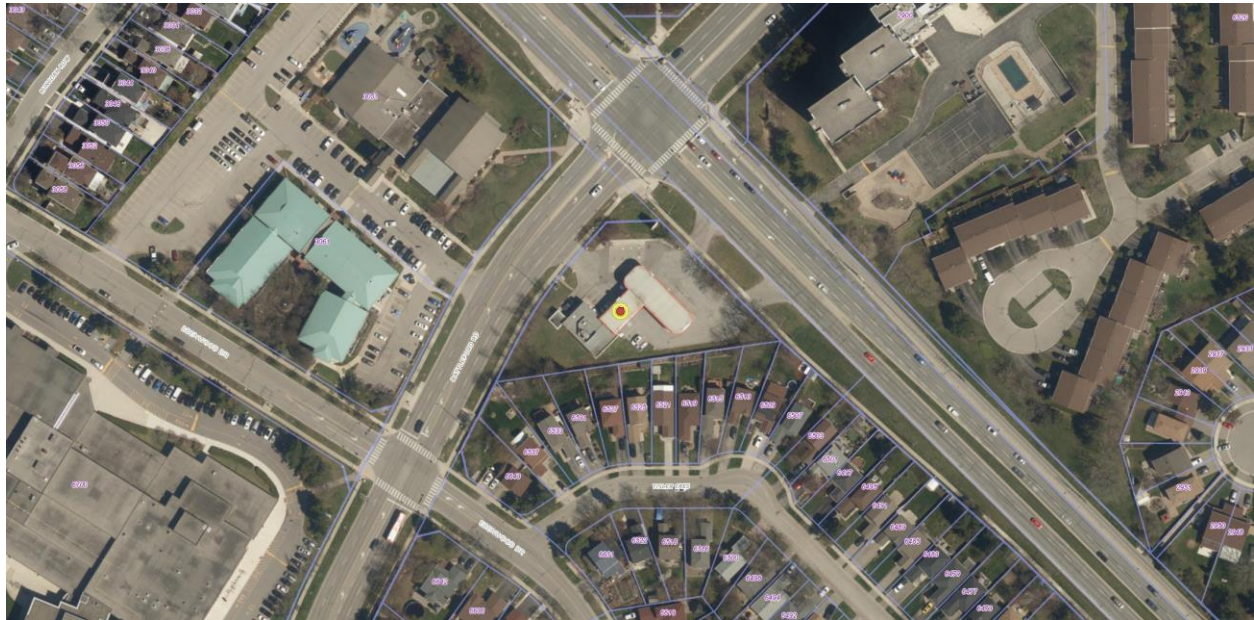
Zoning: C5-3-Commercial

Other Applications: None

Site and Area Context

The subject property is located south-west of the Winston Churchill Blvd and Battleford Rd intersection in the Meadowvale neighbourhood character area. It currently contains a gas station with frontages onto both Winston Churchill Blvd and Battleford Rd. Next to no landscaping or vegetation exists on the subject property. The surrounding area context consists predominantly of single storey dwellings with limited vegetation in the front yard. There are some commercial uses present on the north-east corner of the Winston Churchill Blvd and Battleford Rd.

The applicant is proposing a variance to permit a restaurant use in a C5 zone within the existing building.



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*.

While the applicant has requested a variance to permit a restaurant as an additional use to the property in a C5 zone, based on the documents submitted, staff are of the opinion that the variance appears to be incorrect. While planning staff are not in a position to provide a zoning review, staff of the opinion that the variance should be amended as follows:

The applicant requests the Committee to approve a minor variance to permit an accessory take-out restaurant to a gas bar, not exceeding a gross floor area of 61m² (200.13ft²) and excludes seating, whereas by-law 0225-2007, as amended, does not permit an accessory take-out restaurant to a gas bar.

Staff comments concerning the application of the four tests to this minor variance request are as follows:

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject property is located in the Mineola Character Area and is designated Motor Vehicle Commercial 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. The Commercial Motor Vehicle designation is regulated by

section 11.2.10 of the official plan. The applicant is requesting a variance to permit a take-out restaurant as an accessory use in the existing gas station on the subject property. Section 11.2.10.2 of the official plan supports restaurant as accessory uses in 'Motor Commercial Vehicle' designations so long as the restaurant remains subordinate to the primary use of the site being the existing fuelling station. Based on the plans submitted, it is staff's opinion that the existing use of the gas station and existing convenience store will remain as the primary use, and the proposed take-out restaurant will be added as an additional accessory use.

Staff are satisfied that the general intent and purpose of the official plan is maintained.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

The sole variance requested, as amended, seeks to permit an accessory take-out restaurant use in an existing gas bar. The C5 zone permits a variety of uses related to motor vehicle commercial operations including a 'Gas Bar', which currently exists on the subject property. As per current zoning by-law, the C5 designation does not specifically permit a restaurant use, however, under the definition of a 'gas bar' (section 1.2) a 'convenience retail and service kiosk' is permitted which includes a take-out restaurant not exceeding a GFA of 30m² (98.42ft²).

The application proposes an accessory take-out restaurant of 61m² (200.13ft²). The accessory take-out restaurant will not include any indoor/outdoor seating or a drive thru. While the proposed gross floor area dedicated to the take-out restaurant does exceed the permitted GFA by 31m² (101.70ft²), the additional accessory use will not increase the gross floor area of the existing building, which is currently 155 m² (508.53ft²). Furthermore, the proposed accessory use does not include any customer seating. It is staff's opinion that the variance being sought is consistent with the intent of zoning by-law and remains subordinate to the primary use.

Given the above, staff are satisfied that the general intent and purpose of the zoning by-law is maintained.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

Staff are of the opinion that the take-out accessory restaurant maintains the form and function of the existing site and is a permitted use in the current zoning by-law. Staff are satisfied that the variance will not create any undue impacts to the surrounding community and is minor and appropriate in this instance.

Comments Prepared by: Sara Ukaj, Planning Associate

Appendices

Appendix 1 – Transportation and Works Comments

This department has no objections to the applicant's request.





Comments Prepared by: Tony Iacobucci, Development Engineering

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.

Comments Prepared by: Carrie Chan Patch, Zoning Examiner

Appendix 3 – Parks, Forestry & Environment

Forestry Comments

The Forestry Section of the Community Services Department has reviewed the above noted minor variance application and advises as follows:

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1. No public trees shall be injured or removed. If public tree injury or removal is required, a permit must be issued as per By-law 0020-2022.
2. No private trees shall be injured or removed. If a private tree with a diameter of 15 centimetres or greater on private property is to be injured or destroyed, a permit must be issued as per By-law 0021-2022.
3. Please note if a tree is identified as a shared tree with the adjacent property owner, and the applicant intends to apply for a Tree Removal Permit, written consent must be obtained by both parties.

An Application to Permit the Injury or Destruction of Trees on Public and Private Property can be found at <https://www.mississauga.ca/publication/application-to-permit-the-injury-or-destruction-of-trees-on-public-and-private-property/>.

Should further information be required, please contact Jamie Meston, Landscape Technician, Forestry Section, Community Services Department at 905-615-3200 ext. 4264 or via email jamie.meston@mississauga.ca.

Comments Prepared by: Jamie Meston, Landscape Technician

Appendix 4 – Region of Peel Comments

We have no comments or objections.

Comments Prepared by: Petrele Francois, Junior Planner