

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2025-03-20	File(s): A53.25
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 53m² (173.88ft²) and excludes seating, whereas by-law 0225-2007, as amended, does not permit an accessory take-out restaurant to motor vehicle service station.

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: 1175 Hurontario St

Mississauga Official Plan

Character Area: Mineola Character Area

Designation: Commercial Motor Vehicle

Zoning By-law 0225-2007

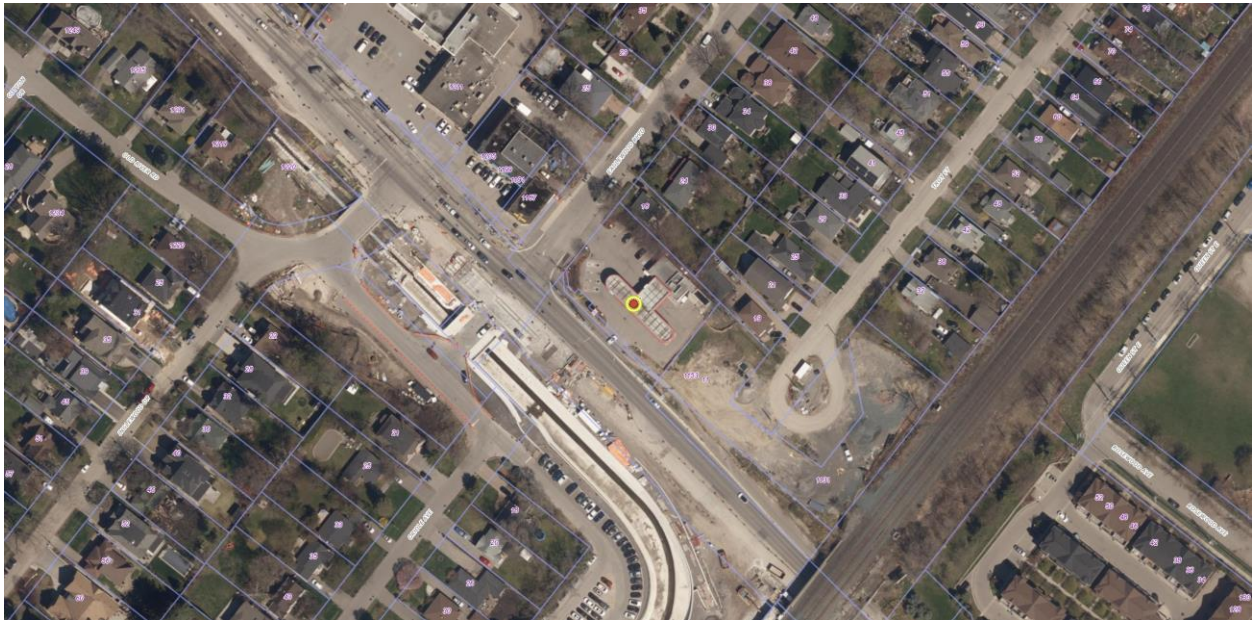
Zoning: C5-3-Commercial

Other Applications: None

Site and Area Context

The subject property is located north-east of the Hurontario Street and Lakeshore Road intersection in the Mineola Neighbourhood Character area. It currently contains a gas station that fronts onto both Hurontario Street and Eaglewood Boulevard. The property has no landscaping or vegetation. The surrounding area context consists predominantly of single storey dwellings and residential buildings with vegetation around the properties. The subject site is located within close proximity to the Port Credit GO Station.

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



Comments

Planning

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 are 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 53m² (173.88ft²) and excludes seating, whereas by-law 0225-2007, as amended, does not permit an accessory take-out restaurant to motor vehicle service station.

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. Based on the plans submitted, it is staff's opinion that the existing gas station will remain as the primary use. The existing accessory convenience store also will remain in addition to the proposed take-out restaurant being added as an additional accessory use within the existing building.

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 motor vehicle service station. The C5 zone permits a variety of uses related to motor vehicle commercial operations including a 'motor vehicle service station', 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 'motor vehicle service station' (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 53m² (173.88ft²). 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 23m² (75.45ft²), the additional accessory use will not increase the gross floor area of the existing building, which is currently 148.70 m² (487.86ft²). 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.

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

Enclosed are pictures of the area where the restaurant is proposed. We have no concerns.

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.

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:

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

- Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design criteria. An upgrade of your existing service may be required. Regional Site Servicing Connection approvals may be required prior to the local municipality issuing full building permit. All works associated with the servicing of this site will be at the applicant's expense. For more information, please contact Servicing Connections at (905) 791-7800 x7973 or by email at servicingconnections@peelregion.ca.
- The applicant shall verify the location of the existing service connections to the subject site and the contractor shall locate all existing utilities in the field. Requests for underground locates can be made at <https://www.ontarioonecall.ca/portal/>
- For location of existing water and sanitary sewer infrastructure, please contact Records at (905) 791-7800 x7993 or by e-mail PWServiceRequests@peelregion.ca
- Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Site Servicing approvals are required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections at (905) 791-7800 x7973 or by email at servicingconnections@peelregion.ca.

Comments Prepared by: Petrele Francois, Junior Planner

Appendix 5- Conservation Authority Comments

Based on best available information, the subject property located at 1175 Hurontario Street in Mississauga does not contain any floodplains, watercourses, shorelines, wetlands, valley slopes or other environmental features of interest to Credit Valley Conservation (CVC). Furthermore, the property is not subject to Ontario Regulation 41/24, (the Prohibited Activities, Exemptions, and Permits Regulation) or to the policies of CVC at this time.

Please let me know if you have any questions or concerns.

Comments Prepared by: Stuti Bhatt, Junior Planner

Appendix 6 – Metrolinx

- The subject property is located within 60 m of the Metrolinx's Hurontario LRT and within the Municipal Consent and Roadway Coordination review zone of Metrolinx's Hurontario LRT.
- The subject property is located within 300 m of the Metrolinx Oakville Subdivision, which carries Metrolinx's Lakeshore West GO train service.

HuLRT – ADVISORY COMMENTS

- The proximity of the proposed development lands municipally described as “1175 Hurontario Street” (the “**Development**”), to the Metrolinx “Hazel McCallion LRT Corridor” LRT works, and “Port Credit ” Stop infrastructure, may result in noise, vibration, electromagnetic interference, stray current, smoke and particulate matter, transmissions (collectively referred to as “**Interferences**”) to the Development;
- It has been advised by Metrolinx to apply reasonable attenuation/mitigation measures with respect to the level of the Interferences on and in the Development;
- A Metrolinx Interferences Warning clause, as provided below and satisfactory to Metrolinx has been, or shall be inserted into all rental agreement(s), and/or offers of purchase and sale or lease and condominium declaration(s) for individual lots, blocks or units of the Development:
 - *“The Purchaser and/or Lessee acknowledges and agrees that the proximity of the lands municipally described as “1175 Hurontario Street” (the “Development”) to Metrolinx transit operations may result in noise, vibration, electromagnetic interference, stray current, smoke and particulate matter, transmissions (collectively referred to as “interferences”) to the Development and despite the inclusion of control features within the Development, Interferences from transit operations may continue to be of concern, occasionally interfering with some activities of the occupants in the Development. The Purchaser and/or Lessee acknowledge and agree that an electromagnetic, stray current and noise-warning clause similar to the one contained herein shall be inserted into any succeeding lease, sublease or sales agreement, and that this requirement shall be binding not only on the parties hereto but also their respective successors and assigns and shall not die with the closing of the transaction.”*

- The applicant should be advised that Metrolinx and its contractors will be utilizing the Hurontario Street right-of-way, and its intersections, during the project's Construction Period. Based on the location of the subject property, there is potential for construction coordination and traffic staging conflicts.
- Should construction of the Hazel McCallion LRT and the proposed development occur simultaneously, etrolinx will require the developer to submit schedule or staging plans to coordinate access to both parties.

GO/HEAVY RAIL – ADVISORY COMMENTS

- The Proponent is advised of the following:
- **Warning:** The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that 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.

Should you have any questions or concerns, please contact jenna.auger@metrolinx.com.

Comments Prepared by: Jenna Auger, Third Party Project Review