

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2025-04-24	File(s): A192.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:5/1/2025 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 meets the requirements of Section 45(1) of the Planning Act, subject to the recommended conditions. The applicant may wish to defer the application to ensure the accuracy of the requested variances and that additional variances are not required.

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.

Recommended Conditions and Terms

Should the committee see merit in this application, Planning Staff recommend approving the requested variances subject to the following conditions:

1. The decision be tied as accessory to the restaurant located at 52 Lakeshore Rd E.
2. That the required Licencing Agreement is in place with the City of Mississauga for the portion of the patios which encroach into the road allowances.

Background

Property Address: 0 Stavebank Rd

Mississauga Official Plan

Character Area: **Port Credit Community Node**
Designation: **Mixed Use**

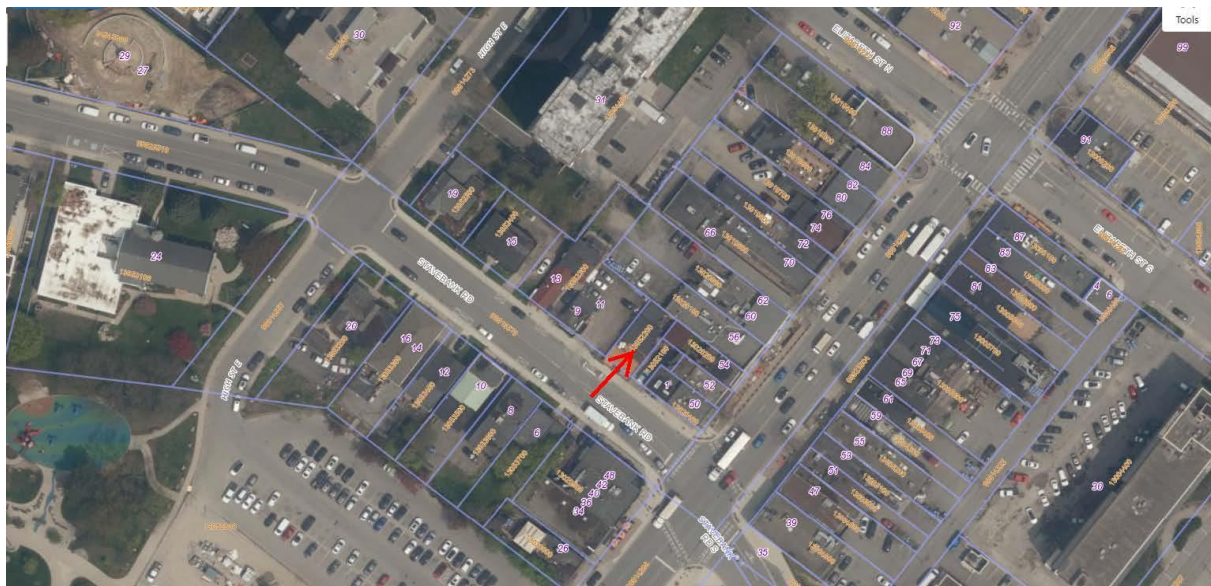
Zoning By-law 0225-2007

Zoning: **C4 - Commercial**

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.

The subject property was before the Committee of Adjustment on May 2, 2024, wherein the file was deferred to allow the applicant an opportunity to submit a site plan application.

Staff note that the applicant met with Planning staff through a pre-application meeting (PAM) and will be required to submit a Site Plan application.

The sole variance requested pertains to the existing patio on 0 Stavebank Road. Staff note that a permanent patio is permitted in a C-4 zone under the current zoning by law and that the variance is required to allow it as a permanent use accessory to the restaurant on 52 Lakeshore Rd E, which is Zoned C4-66 and only permits temporary patios. Staff have no concerns with the proposal, as long as the patio remains accessory to the restaurant. Staff are of the opinion that there are no new impacts being introduced to the community and that the permanent patio is appropriate in this instance.

Through a detailed review of the application, staff are of the opinion that the application is appropriate to be handled through the minor variance process. Further, the application raises no concerns of a planning nature.

Comments Prepared by: Shivani Chopra, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

As per our previous comments for the May 2, 2024 hearing, 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 patios which encroach 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 for the proposed off site accessory Permanent outdoor patio, only the use was reviewed during the C25-6502.

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: Maria Fernandez, Zoning Examiner

Appendix 3 – Region of Peel Comments

We have no comments or objections.

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Comments Prepared by: Petrele Francois, Junior Planner