

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2025-05-01	File(s): A80.25
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:5/8/2025 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 drive-thru restaurant proposing:

1. A front yard landscape buffer of 3.00m (approx. 9.84ft) whereas By-law 0225-2007, as amended, requires a minimum front yard landscape buffer of 4.50m (approx. 14.76ft) in this instance;
2. A rear yard setback of 4.5m (approx. 14.76ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 6.00m (approx. 19.69ft) in this instance;
3. An interior side yard setback of 4.5m (approx. 14.76ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 6.00m (approx. 19.69ft) in this instance; and
4. A gross floor area for restaurant (seating excluded) of 62.80sq m (approx. 675.97sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area for restaurant of 30.00sq m (approx. 322.92sq ft) in this instance.

Background

Property Address: 3425 Winston Churchill Blvd

Mississauga Official Plan

Character Area: Erin Mills Neighbourhood
Designation: Motor Vehicle Commercial
Zoning By-law 0225-2007

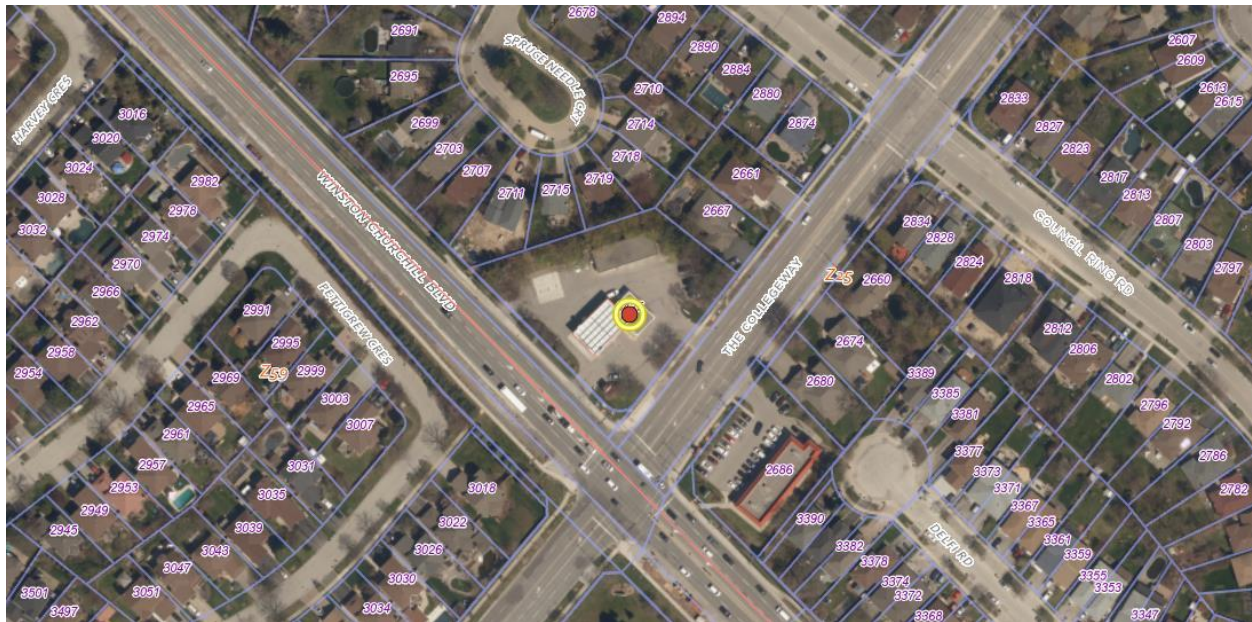
Zoning: C5-3-Commercial

Other Applications: SP 25-15

Site and Area Context

The subject property is located north-west of the Winston Churchill Blvd and The Collegeway intersection in the Erin Mills neighbourhood character area. Currently, it contains a gas station with frontages onto both Winston Churchill Blvd and The Collegeway. Next to no landscaping or vegetation exists on the subject property. The surrounding area context consists primarily of single detached dwellings. There is an existing commercial plaza and place of worship also at the intersection of Winston Churchill Blvd and The Collegeway.

The applicant is proposing a restaurant use requiring variances for a restaurant GFA, interior side yard landscape buffer and exterior landscape buffer.



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 Erin Mills 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 applicant is proposing 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.

Planning staff have identified concerns with Variance #1 which requests an increase in the restaurant gross floor area. Based on the plans submitted, it is staff's opinion that the existing gas bar will not remain as the primary use in relation to the proposed restaurant which includes both indoor and outdoor seating, contrary to the intent of the zoning by-law policies.

Additionally, staff note that the subject property has an active Site plan application (SP 25-15), however, a fulsome zoning review has not been completed. Staff note that additional variances may be required and are of the opinion that the application is premature.

Given the above, Planning staff recommend that the application be deferred in order to allow the applicant an opportunity to submit the information requested by zoning staff for a complete zoning review. Once all variances have been accurately identified, staff recommend the applicant meet with staff to address Planning concerns. Lastly, staff recommend that the applicant ensure that the variances are correctly reflected on the submitted drawings.

Comments Prepared by: Sara Ukaj, Planning Associate

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 drive through restaurant will be addressed by our Development Construction Section through the current Site Plan application process SP-25/15.

Comments Prepared by: John Salvino, Development Engineering Technologist









Appendix 2 – Zoning Comments

Zoning staff cannot verify the variances as requested.

Comments Prepared by: Tague Crooks, Planner Zoning Examination

Appendix 3 – Parks, Forestry & Environment

Forestry Comments

The Forestry Section of the Community Services Department has reviewed the above noted minor variance application. At this time, Forestry does not support the following minor variances associated with this application:

1. A front yard landscape buffer of 3.00m (approx. 9.84ft) whereas By-law 0225-2007, as amended, requires a minimum front yard landscape buffer of 4.50m (approx. 14.76ft) in this instance;

- A reduced width of this buffer will result in tree injury, and potentially tree removal to the existing trees located within this landscape buffer.
2. A rear yard setback of 4.5m (approx. 14.76ft) whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 6.00m (approx. 19.69ft) in this instance;
 - A reduction of this setback will result in additional tree injury and tree removal to the existing trees located in this landscape buffer, when compared to the required setback.
 3. An interior side yard setback of 4.5m (approx. 14.76ft) whereas By-law 0225-2007, as amended, requires a minimum interior side yard setback of 6.00m (approx. 19.69ft) in this instance; and
 - A reduction of this setback will result in additional tree injury and tree removal to the existing trees located in this landscape buffer, when compared to the required setback.

Should this application be approved, the Forestry Section of the Community Services Department 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

We have no comments or objections.

Comments Prepared by: Petrele Francois, Junior Planner

