

# City of Mississauga

Memorandum:

## City Department and Agency Comments

Date Finalized: 2021-01-13	File(s): A338.20 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2021-01-21

### Consolidated Recommendation

The Planning and Building Department has no objections to the requested variances, as amended. The applicant may choose to defer the application and verify the accuracy of the requested variances.

### Application Details

The applicant requests the Committee to approve a minor variance to allow a take-out restaurant proposing:

1. A take-out restaurant being located within 60m (approx. 196.85ft) of a Residential Zone whereas By-law 0225-2007, as amended, requires a minimum separation distance of 60m (approx. 196.85ft) from a take-out restaurant to a Residential Zone in this instance;
2. Two tandem spaces with an on-site aisle width of 4.20m, whereas By-law 0225-2007, as amended, requires a minimum of 7.0m aisle width and does not permit tandem spaces for this use in this instance;
3. 1.00 parking space for a residential apartment whereas By-law 0225-2007, as amended, requires a minimum of 1.25 spaces for a residential apartment in this instance;
4. A reduced parking rate of 4.85 parking spaces per 100sq.m whereas By-law 0225-2007, as amended, requires a minimum parking rate of 6 spaces per 100sq.m;
5. 4 parking spaces on-site whereas By-law 0225-2007, as amended, requires a minimum of 7 parking spaces for all uses onsite in this instance.

### Amendments

Variances #3 and 4 can be withdrawn from the application

### Background

**Property Address:** 329 Lakeshore Road East

**Mississauga Official Plan**

Character Area: Port Credit Neighbourhood (East)  
Designation: Mixed Use

**Zoning By-law 0225-2007**

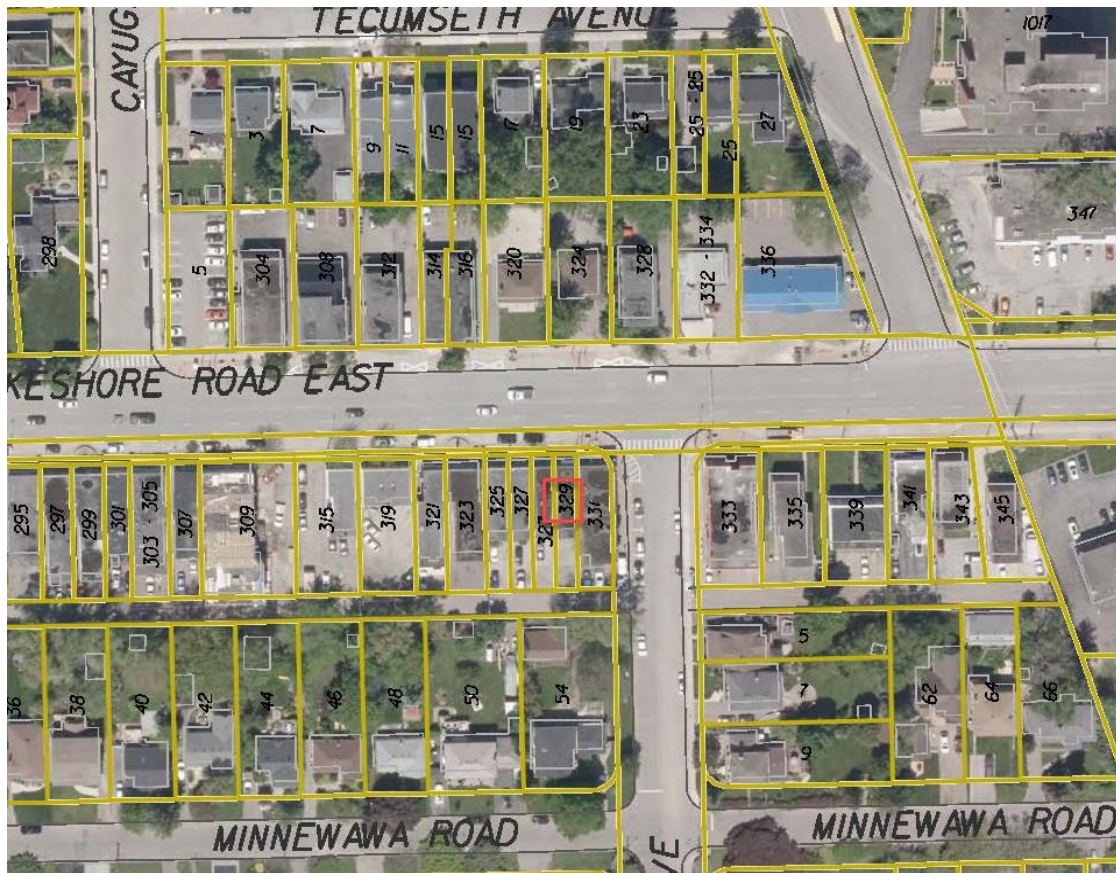
**Zoning:** C4 (Commercial)

**Other Applications**

Occupancy Permit: 20-2380

**Site and Area Context**

The subject property is located within the Port Credit Neighbourhood Character Area, east of Hurontario Street and Lakeshore Road East. The south side of Lakeshore Road East consists of a mix of commercial and retail uses, including restaurant uses. The subject property previously contained a personal service establishment. The application proposes a take-out restaurant and requires variances related to reduced parking, aisle width and distance from a take-out restaurant to a residential zone.



## 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:

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

The subject property is designated Mixed Use in Schedule 10 of the Mississauga Official Plan, which permits a restaurant among other uses. The official plan policies for lands within the Port Credit Neighbourhood Character Area are contained within the Port Credit Local Area Plan and are within the Mainstreet Neighbourhood precinct. The Port Credit Local Area Plan encourages related commercial uses and closely spaced storefronts lining the street in order to encourage and foster an active pedestrian street. The proposed variances are consistent with these policies and maintain the existing and planned character of the area. Staff is of the opinion 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?**

Variance #1 proposes a take-out restaurant being located within 60 m of a residential zone whereas a separation distance of 60 m is required. Lands fronting onto this portion of Lakeshore Road East consist of restaurant uses that are also located within the 60 m separation distance of a residential zone and do not have a negative impact to the residential portion of the broader area. The proposed use is compatible with the surrounding context, thereby maintaining the existing and planned character of the area. As such, staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Variance #2 proposes to permit tandem spaces whereas tandem spaces are not permitted. The subject property can accommodate four parking spaces, however, only two spaces are legal as tandem parking is not permitted. If the variance is approved, there would be four legal parking spaces on-site. The tandem parking spaces represent an existing condition that does not negatively impact the day to day operations of the site. Through a review of the immediate area, there are units with similar existing conditions. As such, the proposed variance raises no concerns of a planning nature and is appropriate to be handled through the minor variance process.

Through discussions with the Zoning Division, it was confirmed that the total parking on-site includes the residential unit on the second floor. Therefore, the takeout restaurant and residential unit above propose a total of 4 parking spaces. As such, variance #3 and 4 can be removed from the application. The intent in quantifying the required number of parking spaces is to ensure that each unit is self-sufficient in providing adequate parking accommodations based upon its intended use. As per Zoning By-law 0225-2007, 7 parking spaces are required; whereas, the applicant is providing 4. The applicant has submitted a parking utilization study using proxy sites to justify the parking reductions. As per the Parking Utilization Study (November 22, 2020) submitted by the applicant, the proposed 4 parking spaces are suitable to adequately accommodate the peak parking demands of the subject site. Given the operation of the proposed take-out restaurant and short turnover time of customer pickup at similar locations, the proposed variance is appropriate in this instance. As such, staff is of the opinion 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?**

The proposed variances represent existing conditions that are present throughout each unit along this portion of Lakeshore Road East. The south side of Lakeshore Road East consists of retail and restaurant uses that have similar existing conditions. Historically, properties along this portion of Lakeshore Road East have operated in a similar fashion with parking in the rear portion of the property that can only be accessed by the public laneway. The proposed variances maintain the existing and planned character of the area and do not negatively impact the day to day operations of the site. As such, staff is of the opinion that the application represents orderly development of the lands and is minor in nature.

## Conclusion

The Planning and Building Department has no objections to the requested variances. The applicant may choose to defer the application and verify the accuracy of the requested variances.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

## Appendices

### Appendix 1 – Transportation and Works Comments

Enclosed for Committees easy reference are photos depicting the existing front of the building and rear parking areas of the site.





Comments Prepared by: John Salvino, Development Engineering Technologist

### **Appendix 2 – Zoning Comments**

The Building Department is currently processing a certificate of occupancy permit application under file 20-2380. Based on review of the information currently available for this application, we advise that more information is required to verify the accuracy of the requested variances or determine whether additional variances will be required.

### **Appendix 5 – Region of Peel Comments**

Regional Planning staff have reviewed the applications listed on the January 21<sup>st</sup>, 2021 Committee of Adjustment Agenda. We have no comments or objections to the following applications:

**Deferred Applications:** DEF-A-338/20.

**Consent Applications:** B-1/21, B-2/21.

**Minor Variance Applications:** A-355/20, A-407/20, A-9/21, A-14/21, A-15/21, A-16/21, A-17/21, A-18/21, A-19/21, A-36/21, A-37/21.

Comments Prepared by: Diana Guida, Junior Planner