

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2021-01-20	File(s): A33.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 2021-01-28

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.

Application Details

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

1. 4 parking spaces on site whereas By-law 0225-2007, as amended, requires a minimum of 7 parking spaces on site in this instance;
2. 2 tandem parking spaces whereas By-law 0225-2007, as amended, does not permit tandem parking spaces in this instance; and
3. A reduced parking rate of 4.85 spaces/100sq.m (approx. 1079.36sq.ft) whereas By-law 0225-2007, as amended, requires 6 spaces/100sq.m (approx. 1079.36sq.ft) in this instance.

Amendments

Variance #1 should be amended as follows:

1. 4 parking spaces on site, 2 of which are tandem, whereas By-law 0225-2007, as amended, requires a minimum of 7 parking spaces on site in this instance

Background

Property Address: 59 Lakeshore Road East

Mississauga Official Plan

Character Area: Port Credit Community Node
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: C4-66 (Commercial)

Other Applications

Occupancy Permit: 20-3600

Site and Area Context

The subject property is located within the Port Credit Community Node Character Area, west of Hurontario Street and Lakeshore Road East. This strip of Lakeshore Road East consists of a mix of commercial and retail uses, including restaurant uses. The subject property previously contained a takeout restaurant that was subject to a previous minor variance approval. The application proposes a different take-out restaurant, requiring variances related to reduced parking and tandem parking spaces.



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:

On October 18th, 2012, the subject property received minor variance approval under file 'A' 451/12 which proposed 2 parking spaces whereas 7 spaces are required and a deficient aisle width to accommodate a takeout restaurant which is a permitted use. The approved application was subject to the takeout restaurant being a frozen yogurt restaurant. As the subject application proposes a different type of takeout restaurant, variances are required for reduced parking which was approved under the previous application. The subject application also proposes tandem parking spaces which would increase the on-site parking to 4 parking spaces. 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.

The proposed variances are generally consistent with the previous minor variance approval for this property. Furthermore, this portion of Lakeshore Road East consists of retail and restaurant uses that have similar existing conditions. Staff is 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.

Conclusion

The Planning and Building Department 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*.

Comments Prepared by: Lucas Petricca, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

This Department has no objections, comments or requirements with respect to C.A. 'A' 33/21.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing a Building permit under file C 20-3600. Based on review of the information currently available in this permit application, we advise that the variances should be amended as follows:

1. 4 parking spaces on site, 2 of which are tandem, whereas By-law 0225-2007, as amended, requires a minimum of 7 parking spaces on site in this instance;

Please note that comments reflect those provided through the above permit application and should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the application file noted above, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedures, separately through the application process in order to receive updated comments.

Comments Prepared by: Brandon Eidner, Zoning Examiner

Appendix 4 – Heritage

No Heritage Concerns

Comments Prepared by: John Dunlop, Manager, Heritage Planning

Appendix 5 – Region of Peel Comments

Regional Planning staff have reviewed the applications listed on the January 28th, 2021 Committee of Adjustment Agenda. We have no comments or objections.

Comments Prepared by: Diana Guida, Junior Planner