



COMMITTEE OF ADJUSTMENT AGENDA

Location: COUNCIL CHAMBER

Hearing: AUGUST 6, 2015 AT 1:30 P.M.

1. CALL TO ORDER
2. DISCLOSURES OF DIRECT OR INDIRECT PECUNIARY INTEREST
3. REQUESTS FOR WITHDRAWAL/DEFERRAL

File	Name of Applicant	Location of Land	Ward	Disposition
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NEW APPLICATIONS - (CONSENT)

B-038/15	SMARTREIT (MISSISSAUGA GL) INC.	3120 ARGENTIA RD	9	Approved
B-039/15	AUJLA INVESTMENTS INC	270 DERRY RD W	11	Approved
A-342/15				Approved
B-040/15	ROCKFAY DEVELOPMENTS INC	36 CAYUGA AVE	1	Approved
B-041/15	ROCKFAY DEVELOPMENTS INC	24 TECUMSETH AVE	1	Approved
B-042/15	DZEVAT DJONBALJAJ	1092 ELLA AVE	1	Refused
A-345/15				Refused
A-346/15				Refused

NEW APPLICATIONS - (MINOR VARIANCE)

A-334/15	HARVEY KALICHMAN	117 VISTA DR	11	Approved
A-335/15	PJERIN KALAJ	1181 NORTHMOUNT AVE	1	Refused
A-336/15	JOSEPH GENOVA	209 MAPLEWOOD RD	1	Sept. 17
A-337/15	FRANK & VALERIE RENDACE	5437 WILDERNESS TR	5	Approved
A-338/15	DAVE & LINDA PROCUNIER	1189 LORNE PARK RD	2	Approved
A-339/15	SANJAY SINGHAL	1720 BIRCHWOOD DR	2	Approved
A-340/15	THE CORPORATION OF THE CITY OF MISSISSAUGA	1455 OLD DERRY ROAD	11	Approved
A-341/15	JOSEPH DONALD TRDAK	25 DUNDAS ST W	7	Refused
A-343/15	ISLAMIC PROPAGATION CENTRE	5761 COOPERS AVE	5	Approved
A-344/15	ANDREW LUI	2283 OTAMI TR	8	Approved
A-347/15	2375450 ONTARIO INC	2677 DREW RD	5	Approved

DEFERRED APPLICATIONS - (MINOR VARIANCE)

A-285/15	JOANNE PLUT	1306 LAKEBREEZE DR	1	Approved
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COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 50(3) AND/OR (5)
of The Planning Act R.S.O. 1990, c.P.13, as amended
- and -
IN THE MATTER OF AN APPLICATION BY

SmartREIT (Mississauga GL) Inc.

on Thursday, August 6, 2015

SmartREIT (Mississauga GL) Inc. is the owner of 3120 Argentia Road being Part of Lot 13, Concession 11, New Survey, zoned C3-40 - Commercial. The applicant requests the consent of the Committee to the lease of a parcel of land having an area of approximately 551.00 m² (5,931.10 sq. ft.). The effect of the application is to create a new commercial lease in excess of 21 years.

Ms. C. Trinh, authorized agent, attended and presented a site plan for the Committee's review and consideration. She advised that approval is being requested to create a new long term lease for TD Bank. Ms. Trinh indicated that she wished to amend the application to also include the lands situated adjacent to the canopy covering the drive-through bank machine. The Committee consented to the request.

The Committee reviewed the information submitted with the application.

The Committee received comments and recommendations from the following agencies:

City of Mississauga, Planning and Building Department (July 31, 2015),
City of Mississauga, Transportation and Works Department (July 30, 2015),
Region of Peel, Environment, Transportation & Planning Services (August 4, 2015).

No other persons expressed any interest in the application.

Ms. Trinh indicated that he had reviewed the recommended conditions and consented to their imposition should the application be approved.

The Committee, after considering the submissions put forward by Ms. Trinh, the comments received, and the recommended conditions, is satisfied that the long term lease is appropriate in this instance.

The Committee, having regard to those matters under subsection 51(24) of the Planning Act R.S.O. 1990, c. P.13., as amended, resolves to grant provisional consent subject to the following conditions being fulfilled:

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.

MOVED BY: D. George

SECONDED BY: P. Quinn

CARRIED

Application Approved, on conditions as stated.

Dated at the City of Mississauga on August 13, 2015.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **SEPTEMBER 6, 2015**.

Date of mailing is August 17, 2015.



S. PATRIZIO (CHAIR)



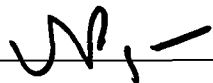
D. GEORGE



J. ROBINSON



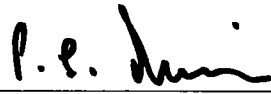
D. KENNEDY



J. PAGE



D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on August 13, 2015.



DAVID L. MARTIN, SECRETARY-TREASURER

NOTES:

The decision to give provisional consent shall be deemed to be refused if the conditions of provisional consent, have not been fulfilled on or before August 17, 2016.

See "SUMMARY OF APPEAL PROCEDURES" and "FULFILLING CONDITIONS & CERTIFICATE ISSUANCE" attached.

COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 50(3) AND/OR (5)
of The Planning Act R.S.O. 1990, c.P.13, as amended
- and -
IN THE MATTER OF AN APPLICATION BY

AUJLA INVESTMENTS INC.

on Thursday, August 6, 2015

Aujla Investments Inc. is the owner of 270 Derry Road West being part of Lot 10, Concession 1, WHS, zoned D - Development. The applicant requests the consent of the Committee to the conveyance of a easement/right of way having an area of approximately 740.00 m² (7,965.55 sq. ft.). The effect of the application is to create an easement for grading, landscaping, buffers, road works and access purposes.

The lands are also subject to Minor Variance file 'A'342/15.

Mr. G. Dell, a representative of the authorized agent, attended and presented the application. Mr. Dell indicated that a 2.00m (6.56ft.) easement is required for grading, landscaping, buffers, road works and access purposes to the adjacent site located at 290 Derry Road West. He presented a site plan for the Committee's review and consideration which indicated the location of the easements. He advised that a concurrent minor variance application has been submitted to allow curbing, landscaping, roadways and access to be located in a D - Development zone.

The Committee reviewed the information submitted with the application.

The Committee received comments and recommendations from the following agencies:

City of Mississauga, Planning and Building Department (July 31, 2015),
City of Mississauga, Transportation and Works Department (July 30, 2015),
City of Mississauga, Community Services Department (July 27, 2015),
Region of Peel, Environment, Transportation & Planning Services (August 4, 2015)
Credit Valley Conservation (August 5, 2015).

No other persons expressed any interest in the application.

Mr. Dell indicated that he had reviewed the recommended conditions and advised that the Community Services Department comments will be addressed through the Site Plan Approval and Rezoning processes. Mr. Dell requested that the draft condition be removed. He noted that the referred easement location is situated further away from the subject lands. He consented to the imposition of the remaining conditions, should the application be approved.

The Committee consented to the request and, after considering the submissions put forward by Mr. Dell, the comments received, and the recommended conditions, is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the municipality.

The Committee, having regard to those matters under subsection 51(24) of the Planning Act R.S.O. 1990, c. P.13., as amended, resolves to grant provisional consent subject to the following conditions being fulfilled:

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the "severed" land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no services easement(s) and/or right(s)-of-way, are necessary.
3. A letter shall be received from the City of Mississauga, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated July 30, 2015.

MOVED BY: D. George

SECONDED BY: D. Reynolds



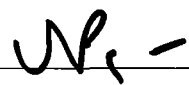

CARRIED

Application Approved, on conditions as stated.

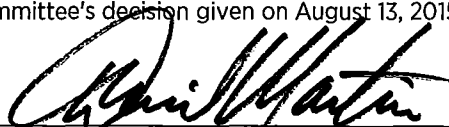
Dated at the City of Mississauga on August 13, 2015.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **SEPTEMBER 6, 2015**.

Date of mailing is August 17, 2015.


S. PATRIZIO (CHAIR)
D. GEORGE
J. ROBINSON
D. KENNEDY
J. PAGE
D. REYNOLDS
P. QUINN

I certify this to be a true copy of the Committee's decision given on August 13, 2015.


DAVID L. MARTIN, SECRETARY-TREASURER

NOTES:

The decision to give provisional consent shall be deemed to be refused if the conditions of provisional consent, have not been fulfilled on or before August 17, 2016.

See "SUMMARY OF APPEAL PROCEDURES" and "FULFILLING CONDITIONS & CERTIFICATE ISSUANCE" attached.

COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 45(1) OR (2)
of The Planning Act R.S.O. 1990, c.P.13, as amended
- and -
IN THE MATTER OF ZONING BY-LAW 0225-2007
as amended
- and -
IN THE MATTER OF AN APPLICATION BY

AUJLA INVESTMENTS INC.

on Thursday, August 6, 2015

Aujla Investments Inc. is the owner of 270 DERRY ROAD WEST being part of Lot 10, Concession 1, WHS, zoned D - Development. The applicant requests the Committee to authorize a minor variance to permit the construction of private roadways and curbing for off site access of lands known as 290 Derry Road West and permit landscape buffer uses on the lands subject to Consent application "B"39/15; whereas By-law 0225-2007, as amended, does not permit the erection of new buildings or structures and the enlargement or replacement of existing buildings and structures in a D - Development zone in this instance.

Mr. G. Dell, a representative of the authorized agent, attended and presented the application. Mr. Dell indicated that approval is being requested to allow curbing, landscaping, roadways, and access to be located in a D-Development zone. He indicated that a concurrent application has been submitted for easements under Consent application file "B" 039/15. He presented a site plan for the Committee's review and consideration which indicated the location of the easements.

The Committee reviewed the information and plans submitted with the application.

The City of Mississauga Planning and Building Department commented as follows (July 31, 2015):

1.0 Recommendation

The Planning and Building Department has no objection to the requested variance, as amended.

2.0 Background

Mississauga Official Plan

Character Area: **Meadowvale Village Neighbourhood**
Designation: **Business Employment**

Zoning By-law 0225-2007

Zoning: **"D", Development**

3.0 Other Applications

Consent Application 'B' 39/15

4.0 Comments

Based on the review of the information provided with this application we advise that the variance request should be amended as follows:

"1) The applicant requests the Committee to authorize a minor variance to permit the construction of private roadways, curbing for off-site access and landscaped buffers in conjunction with the overnight accommodation use proposed at 290 Derry Rd West; whereas By-law 0225-2007, as amended, does not permit off-site access and landscape buffer use in this instance.

This minor variance application is required in association with Consent application 'B' 39/15 in order to allow the construction of curbing and landscaping along the access easement for use by the adjacent property at 290 Derry Road West. The property is currently zoned 'D' and a Development Zone does not permit construction of these uses. The Planning and Building Department are of the opinion that the construction of curbing and landscaping is minor in nature and would fit with the general intent of the Zoning By-law with limiting structure development on lands zoned 'D'.

Considering the preceding information, the Planning and Building Department has no objection to the requested variance, as amended."

The City of Mississauga Transportation and Works Department commented as follows (July 20, 2015):

"This department has no objections to the applicant's request. We are noting for information purposes that any Transportation and Works Department concerns/requirements for this request will be addressed under Consent Application 'B' 39/15."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (August 4, 2015):

"As per Region of Peel Storm Sewer Design Criteria 2.0, No additional storm drainage shall be conveyed to the Region of Peel's Right of Way."

"As per Region of Peel Storm Sewer Design Criteria 2.0 "No grading will be permitted within any Region of Peel Right-of-Way to support adjacent development" "

"As per Region of Peel Storm Sewer Design Criteria 3.0 "Post-Development flows must be equal to or less than Pre-Development levels" "

"Region of Peel traffic staff have no objection to the minor variance or consent application. All Regional requirements are being addressed through the associated Rezoning and Site Plan applications"

"A comprehensive access management scheme is being implemented through the subject application and concurrent applications OZ-08-013M and SP-08-213M to minimize the impact of individual site accesses on Derry Road West. Applications A-15/342M and B-15/039M will enable the creation of a mutual access for the abutting lands at 290 Derry Road West. The mutual access will provide left in/right in, and right out access to Derry Road until such time as Longview Place has been completed and full moves access to Derry Road West is provided for both 290 and 270 Derry Road West. At that time the mutual access will be restricted to right in/right out only. Regional requirements with regard to land conveyances, technical submissions, etc. will be addressed through SP-08-213M."

"The subject land is located within area the Regional Official Plan (ROP) designates as a Core Area of the Greenlands System in Peel, under Policy 2.3.2. Within this designation, ROP policies seek to protect environmental resources. The Region relies on the environmental expertise of the Credit Valley Conservation Authority (CVC) staff for the review of development applications located within or adjacent to Core Areas of the Greenlands Systems in Peel and their potential impacts on the natural environment. Regional Planning staff therefore, request that the Committee consider comments from the CVC and incorporate their conditions of approval appropriately. Please be advised that final approval of this application requires all environmental concerns to be addressed to the satisfaction of the CVC."

The Credit Valley/Toronto and Region/Halton Region Conservation commented as follows (August 5, 2015):

"Credit Valley Conservation (CVC) has had the opportunity to review the above-noted application and the following comments are provided for your consideration:

Site Characteristics:

The subject property is adjacent to Fletcher's Creek and is traversed by the associated valley slope and floodplain. It is the policy of CVC and the Province of Ontario to conserve and protect the significant physical, hydrological and biological features associated with the functions of the above noted characteristics and to recommend that no development be permitted which would adversely affect the natural features or ecological functions of these areas.

Ontario Regulation 160/06:

This property is subject to the Development, Interference with Wetlands, and Alterations to Shorelines & Watercourses Regulation (Ontario Regulation 160/06). This regulation prohibits altering a watercourse, wetland or shoreline and prohibits development in areas adjacent to the Lake Ontario shoreline, river and stream valleys, hazardous lands and wetlands, without the prior written approval of Credit Valley Conservation (CVC) (i.e. the issuance of a permit).

Proposal:

The applicants request the Committee to authorize a conveyance of an easement/right of way having an area of approximately 740m² and a minor variance to permit the construction of private roadways and curbing for off site access of lands known as 290 Derry Road West and permit landscape buffer uses on the lands subject to 15/039; whereas By-law 0225-2007, as amended, does not permit the erection of new buildings or structures and the enlargement or replacement of existing buildings and structures in a D-development zone in this instance.

Comments:

CVC staff are currently reviewing the proposed development through Re-zoning application (OZ 13/019). Outstanding CVC comments are to be addressed through the Re-zoning process. The proposed consent and minor variance do not impact the Authority's interest. On this basis, CVC has no concerns and no objection to the approval of the application by the Committee at this time. "



MISSISSAUGA

File: "A" 342/15
WARD 11

No other persons expressed any interest in the application.

Mr. Dell, upon hearing the comments of the Committee and the Planning and Building Department, requested that the application be amended in accordance with their recommendations.

The Committee consented to the request and, after considering the submissions put forward by Mr. Dell and having reviewed the plans, is satisfied that the amended request is desirable for the appropriate further development of the subject property.

The Committee is satisfied that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained in this instance.

The Committee is of the opinion that the requested amended variance is minor in nature in this instance.

Accordingly, the Committee resolves to authorize and grant the amended to permit the construction of private roadways, curbing for off-site access and landscaped buffers in conjunction with the overnight accommodation use proposed at 290 Derry Rd West; whereas By-law 0225-2007, as amended, does not permit off-site access and landscape buffer use in this instance.

MOVED BY:	D. George	SECONDED BY:	D. Reynolds	CARRIED
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MISSISSAUGA

File: "A" 342/15
WARD 11

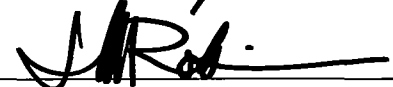
Application Approved, as amended.


Dated at the City of Mississauga on August 13, 2015.

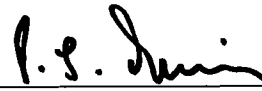
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Date of mailing is August 17, 2015.



S. PATRIZIO (CHAIR)

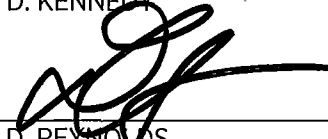

J. ROBINSON


J. PAGE


P. QUINN


D. GEORGE


D. KENNEDY


D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on July 16, 2015.


DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 50(3) AND/OR (5)
of The Planning Act R.S.O. 1990, c.P.13, as amended
- and -

IN THE MATTER OF AN APPLICATION BY

ROCKFAY DEVELOPMENTS INC.

on Thursday, August 6, 2015

Rockfay Developments Inc. is the owner of 36 Cayuga Avenue being Lot 299, Registered Plan F-12, zoned RM7 - Residential. The applicant requests the consent of the Committee to the conveyance of a parcel of land having a frontage of approximately 7.63 m (25.03 ft.) and an area of approximately 290.52 m² (3,127.23 sq. ft.). The effect of the application is to create a new lot for residential purposes.

Mr. R. Kossak, of New Age Design, authorize agent, attended and presented the application. He presented a site plan for the Committee's review and consideration indicating that approval is being requested to sever the existing property into two lots and construct semi-detached dwellings. Mr. Kossak indicated that the lot area and frontage of the proposed lots exceed the minimum requirements under the Zoning By-law and further noted that no variances are required for the semi-detached dwellings.

The Committee reviewed the information submitted with the application.

The Committee received comments and recommendations from the following agencies:

City of Mississauga, Planning and Building Department (August 4, 2015),
City of Mississauga, Transportation and Works Department (July 30, 2015),
City of Mississauga, Community Services Department (July 27, 2015),
Region of Peel, Environment, Transportation & Planning Services (August 4, 2015)
Credit Valley Conservation (March 22, 2015),

No other persons expressed any interest in the application.

When asked, Mr. Kossak indicated that he had reviewed the recommended conditions and consented to their imposition should the application be approved.

The Committee, after considering the submissions put forward by Mr. Kossak, the comments received, and the recommended conditions, is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the municipality.

The Committee, having regard to those matters under subsection 51(24) of the Planning Act R.S.O. 1990, c. P.13., as amended, resolves to grant provisional consent subject to the following conditions being fulfilled:

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the "severed" land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no services easement(s) and/or right(s)-of-way, are necessary.
3. A letter shall be received from the City of Mississauga, Manager/Supervisor, Zoning Plan Examination, indicating that the "severed" and "retained" lands comply with the provisions of the Zoning By-law with respect to, among other things, minimum lot frontage, minimum lot area, setbacks to existing building(s), or alternatively, any minor variance is approved, final and binding and/or the demolition of any existing building(s).
4. A letter shall be received from the City of Mississauga, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated July 30, 2015.
5. A letter shall be received from the City of Mississauga, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated July 27, 2015.

MOVED BY: D. George

SECONDED BY: J. Page

CARRIED

Application Approved, on conditions as stated.


Dated at the City of Mississauga on August 13, 2015.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **SEPTEMBER 6, 2015**.


Date of mailing is August 17, 2015.




S. PATRIZIO (CHAIR)



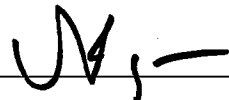
D. GEORGE



J. ROBINSON



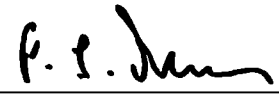
D. KENNEDY



J. PAGE



D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on August 13, 2015.



DAVID L. MARTIN, SECRETARY-TREASURER

NOTES:

The decision to give provisional consent shall be deemed to be refused if the conditions of provisional consent, have not been fulfilled on or before August 17, 2016.

See "SUMMARY OF APPEAL PROCEDURES" and "FULFILLING CONDITIONS & CERTIFICATE ISSUANCE" attached.

COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 50(3) AND/OR (5)
of The Planning Act R.S.O. 1990, c.P.13, as amended
- and -
IN THE MATTER OF AN APPLICATION BY

ROCKFAY DEVELOPMENT INC.

on Thursday, August 6, 2015

Rockfay Development Inc. is the owner of 24 Tecumseth Avenue being Lot 342, Registered Plan F-12, zoned RM7 - Residential. The applicant requests the consent of the Committee to the conveyance of a parcel of land having a frontage of approximately 7.62 m (25.00 ft.) and an area of approximately 266.41 m² (2,867.70 sq. ft.). The effect of the application is to create a new lot for residential purposes.

Mr. Kossak, of New Age Designs, authorized agent, attended and presented the application. He presented a site plan for the Committee's review and consideration indicating that approval is being requested to sever the existing property into two lots and construct semi-detached dwellings. He indicated that no variances are required as the proposed semi-detached dwellings will comply with the Zoning By-law.

The Committee reviewed the information submitted with the application.

The Committee received comments and recommendations from the following agencies:

City of Mississauga, Planning and Building Department (August 4, 2015),
City of Mississauga, Transportation and Works Department (July 30, 2015),
City of Mississauga, Community Services Department (July 27, 2015),
Region of Peel, Environment, Transportation & Planning Services (August 4, 2015)

An e-mail was received from B. and C. Asbil of 19 Tecumseth Avenue, expressing support for the application.

No other persons expressed any interest in the application.

When asked, Mr. Kossak indicated that he had reviewed the recommended conditions and consented to their imposition should the application be approved.

The Committee, after considering the submissions put forward by Mr. Kossak, the comments received, and the recommended conditions, is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the municipality.

The Committee, having regard to those matters under subsection 51(24) of the Planning Act R.S.O. 1990, c. P.13., as amended, resolves to grant provisional consent subject to the following conditions being fulfilled:

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the "severed" land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no services easement(s) and/or right(s)-of-way, are necessary.
3. A letter shall be received from the City of Mississauga, Manager/Supervisor, Zoning Plan Examination, indicating that the "severed" and "retained" lands comply with the provisions of the Zoning By-law with respect to, among other things, minimum lot frontage, minimum lot area, setbacks to existing building(s), or alternatively, any minor variance is approved, final and binding and/or the demolition of any existing building(s).
4. A letter shall be received from the City of Mississauga, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated July 30, 2015.
5. A letter shall be received from the City of Mississauga, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated July 27, 2015.

MOVED BY: J. Page

SECONDED BY: D. Kennedy

CARRIED






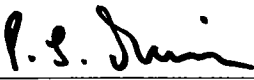
File: "B" 041/15
WARD 1

Application Approved, on conditions as stated.

Dated at the City of Mississauga on August 13, 2015.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **SEPTEMBER 6, 2015**.

Date of mailing is August 17, 2015.


S. PATRIZIO (CHAIR)
D. GEORGE
J. ROBINSON
D. KENNEDY
J. PAGE
D. REYNOLDS
P. QUINN

I certify this to be a true copy of the Committee's decision given on August 13, 2015.


DAVID L. MARTIN, SECRETARY-TREASURER

NOTES:

The decision to give provisional consent shall be deemed to be refused if the conditions of provisional consent, have not been fulfilled on or before August 17, 2016.

See "SUMMARY OF APPEAL PROCEDURES" and "FULFILLING CONDITIONS & CERTIFICATE ISSUANCE" attached.

COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 50(3) AND/OR (5)
of The Planning Act R.S.O. 1990, c.P.13, as amended
- and -
IN THE MATTER OF AN APPLICATION BY

DZEVAT DJONBALJAJ

on Thursday, August 6, 2015

Dzevat Djonbaljaj is the owner of 1092 Ella Avenue being Lot 66, Registered Plan E21, zoned R3 - Residential. The applicant requests the consent of the Committee to the conveyance of a parcel of land having a frontage of approximately 9.545 m (31.31 ft.) and an area of approximately 318.76 m² (3,431.21 sq. ft.). The effect of the application is to create a new lot for residential purposes.

The lands are also the subject to Minor Variance files "A"345/15 & "A"346/15.

Mr. A. Diaz, authorized agent, attended and presented the application. He presented a site plan for the Committee's review and consideration indicating that approval is being requested to sever the existing property. He indicated that his client wishes to construct two single family detached dwellings on the new lots. Mr. Diaz indicated that minor variance applications have also been submitted as variances are required for reduced front yard, side yards, lot frontage and lot area. Mr. Diaz indicated that if a single family dwelling was constructed on the whole lot, the setbacks would comply; however as the lots are narrower, relief is required. He advised that he had discussions with the neighbours and provided letters expressing support for the applications.

The Committee reviewed the information submitted with the application.

The Committee received comments and recommendations from the following agencies:

City of Mississauga, Planning and Building Department (July 31, 2015),
City of Mississauga, Transportation and Works Department (July 30, 2015),
City of Mississauga, Community Services Department (July 27, 2015),
Region of Peel, Environment, Transportation & Planning Services (August 4, 2015)
Credit Valley Conservation (July 22, 2015),
Hydro One (July 23, 2015).

A petition was received, signed by the property owners/residents at 1069, 1070, 1073, 1074, 1079, 1084, 1085, 1091 Ella Avenue and 1019 and 1029 Strathly Avenue, expressing their objection to the applications and noting their concerns and requesting that the applicant construct in accordance with the Zoning By-law.

Letters were received from the property owners at 1059, 1073, 1079, 1078, 1087 Gardner Avenue expressing support for the application.

No other persons expressed any interest in the application.

The Committee expressed concerns with respect to the Credit Valley Conservation comments which indicate that the lots are located in a flood plain.

Mr. Diaz indicated that the dwellings have been designed to have the garage at grade, noting that the basement area, behind the garage, is also at grade. He advised that he believed that the Credit Valley Conservation concerns could be addressed when he applies for Building Permit and Credit Valley Conservation approval. Mr. Diaz indicated that he believes that the proposal is similar to the townhouse development at 1107 Lakeshore Road East noting that they were successful in addressing Credit Valley Conservation concerns through the Building Permit process.

Mr. J. Lee, Planner for the City of Mississauga, attended and advised that the lot is within the regulated area under the jurisdiction of the Credit Valley Conservation. He indicated that the lands do not have a special designation indicating that they are located in a flood plain.

When asked, Mr. Diaz indicated that he had reviewed the recommended conditions and consented to their imposition should the application be approved.

The Committee, after considering the submissions put forward by Mr. Diaz, the comments received, and the recommended conditions, is not satisfied that the severance is appropriate for the proper and orderly development of the municipality. The Committee indicated that the lots are located in the flood plain and the Credit Valley Conservation do not support the application. The Committee indicated that the creation of new lots in a flood plain is not appropriate. They further advised that the proposed lot sizes are deficient in lot frontage and area and will not be consistent in size with the adjoining parcels in the neighbourhood.

The Committee does not consider this request minor or appropriate.

The Committee, having regard to those matters under subsection 51(24) of the Planning Act R.S.O. 1990, as amended, resolves to refuse to grant consent in that the lands are not suitable for the purposes for which it is to be subdivided and the dimensions of the lots are inadequate.

MOVED BY: P. Quinn

SECONDED BY: J. Robinson


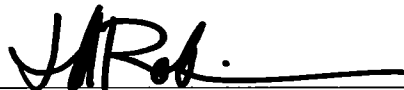
CARRIED

Application Refused.

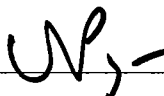
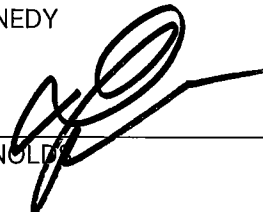
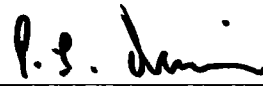
Dated at the City of Mississauga on August 13, 2015.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **SEPTEMBER 6, 2015**.

Date of mailing is August 17, 2015.


S. PATRIZIO (CHAIR)
D. GEORGE
J. ROBINSON

DISSENTED

D. KENNEDY
J. PAGE
D. REYNOLDS
P. QUINN

I certify this to be a true copy of the Committee's decision given on August 13, 2015.


DAVID L. MARTIN, SECRETARY-TREASURER

NOTES:

The decision to give provisional consent shall be deemed to be refused if the conditions of provisional consent, have not been fulfilled on or before August 17, 2016.

See "SUMMARY OF APPEAL PROCEDURES" and "FULFILLING CONDITIONS & CERTIFICATE ISSUANCE" attached.

COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 45(1) OR (2)
of The Planning Act R.S.O. 1990, c.P.13, as amended
- and -
IN THE MATTER OF ZONING BY-LAW 0225-2007
as amended
- and -
IN THE MATTER OF AN APPLICATION BY

DZEVAT DJONBALJAJ

on Thursday, August 6, 2015

Dzevat Djonbaljaj is the owner of 1092 Ella Avenue being Lot 66, Registered Plan E-21, zoned R3 - Residential. The applicant requests the Committee to authorize a minor variance to permit the creation of a lot (being the retained land of Consent application "B"42/15) proposing:

1. a lot frontage of 9.545 m (31.31 ft.); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00 m (49.21 ft.) in this instance;
2. a lot area of 318.76 m² (3,431.21 sq. ft.); whereas By-law 0225-2007, as amended, requires a minimum lot area of 550.00 m² (5,920.34 sq. ft.) in this instance;
3. a front yard of 7.22 m (23.68 ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50 m (24.60 ft.) in this instance; and,
4. an easterly side yard of 1.20 m (3.93 ft.) and a westerly side yard of 1.25 m (4.10 ft.); whereas By-law 0225-2007, as amended, requires minimum of 2.41 m (7.90 ft.) for each side yard in this instance.

Mr. A. Diaz, authorized agent, attended and presented the application. He presented a site plan for the Committee's review and consideration and advised that a Consent application ("B" 42/15) has been submitted to permit the creation of two lots. He indicated that relief is required for reduced front yard, side yards, lot area and lot frontage. Mr. Diaz indicated that relief is being requested for side yards as the lot is narrow. He advised that he had discussions with the neighbours and provided letters expressing support for the application.

The Committee reviewed the information and plans submitted with the application.

The City of Mississauga Planning and Building Department commented as follows (July 31, 2015):

"1.0 Recommendation

The Planning and Building Department recommends that the applications be refused.

2.0 Background

Mississauga Official Plan

Character Area: **Lakeview Neighbourhood**

Designation: **Residential Low Density II**

Discussion:

Section 16.1.2.1 of Mississauga Official Plan states that,

16.1.2.1 To preserve the character of lands designated Residential Low Density I and Residential Low Density II, the minimum frontage and area of new lots created by land division or units or parcels of tied land (POTLs) created by condominium will generally represent the greater of:

- a. The average frontage and area of residential lots, units or POTLs on both sides of the same street within 120 m of the subject property. In the case of corner development lots, units or POTLs on both streets within 120 m will be considered; or
- b. The requirements of the Zoning By-law.

Zoning By-law 0225-2007

Zoning: "R3", Residential

3.0 Other Applications

☒ Pre-Zoning Review File: PZONE15-5659

4.0 Comments

Based on a review of the Pre-Zoning Review application for the proposed detached dwellings, we advise that more information is required to verify the accuracy of the requested variances and to determine whether additional variances will be required. Further, we advise that although we are processing a Pre-Zoning Review application, we will be unable to verify the accuracy of the proposed lot areas and frontages without the benefit of a surveyor's schedule.

In regards to Section 16.1.2.1 of Mississauga Official Plan, we advise that the average frontage of lots within 120 m (393.70 ft.) is 16.47 m (54.04 ft.) whereas the frontages of the proposed lots will be 9.454 m (31.02 ft.). The average area of lots within 120 m (393.70 ft.) is 553.72 m² (5960.19 sq. ft.) whereas the area of the proposed lots will be 318.76 m² (3431.21 sq. ft.).

We note that the Committee has recently considered two Consent applications on Gardner Avenue under 'B' 52/13 and 'B' 39/12. The former was approved by the Committee while the latter was refused, and appealed to the Ontario Municipal Board. The appeal was allowed and provisional Consent was granted. In both instances, significant variances for frontage and area were required. In addition, side yard variances were requested and approved for one side of the dwellings. For both instances, this Department recommended refusal of the applications.

The subject application is requesting a similar severance and minor variances. However, in this instance, side yard variances are being requested for both sides of the dwellings and a minor front yard variance is also being requested.

With the exception of the four lots associated with the recent severances on Gardner Avenue, the lot fabric in the surrounding vicinity is relatively uniform. If approved, the resulting lots would join the four lots on Gardner Avenue as the smallest lots in the area. Further, we note that the City's Zoning By-law contains zoning standards for detached dwellings under the 'R1' to 'R5' zones. The subject property is zoned 'R3' and both of the proposed lots would require significant variances for lot frontage and lot area.

Further, it is our opinion that the requests for side yard setbacks on both sides of the dwellings would exacerbate the impact of the deficient frontages.



MISSISSAUGA

File: "A" 345/15
WARD 1

Based on the preceding information, we recommend that the applications be refused."

The City of Mississauga Transportation and Works Department commented as follows (July 20, 2015):

"We are noting for information purposes that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 42/15."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (August 4, 2015):

"As per Region of Peel Water design standard 4.3, Hydrants near driveways shall be located a minimum of 1.25 m clear from the projected garage (or edge of driveway, whichever is greater) in residential applications."

"Please note that severing the lands may adversely affect the existing location of the water and sanitary sewer services. The result of this may require the applicant to install new water / sanitary servicing connections to either the severed or retained lands in compliance with the Ontario Building Code. 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. For more information, please call our Site Servicing Technicians at 905.791.7800 x7973. Please note that site servicing approvals will be required prior to the issuance of a building permit."

"The subject land is located within the Sencon Creek Flood Plain. The Regional Official Plan (ROP) designates floodplains as a Natural Hazard in Peel, under Policy 2.4.5.2. Within this designation, ROP policies seek to ensure that development and site alterations do not create new or aggravate existing flood plain management problems along flood susceptible riverine environments. The Region relies on the environmental expertise of the Credit Valley Conservation Authority (CVC) staff for the review of development applications located within or adjacent to Natural hazards in Peel and their potential impacts on the natural environment. Regional Planning staff therefore, request that the Committee consider comments from the CVC and incorporate their conditions of approval appropriately."

A petition was received, signed by the property owners/residents at 1069, 1070, 1073, 1074, 1079, 1084, 1085, 1091 Ella Avenue and 1019 and 1029 Strathy Avenue, expressing their objection to the applications and noting their concerns and requesting that the applicant construct in accordance with the Zoning By-law.

Letters were received from the property owners at 1059, 1073, 1079, 1078, 1087 Gardner Avenue expressing support for the application.

No other persons expressed any interest in the application.

The Committee expressed concerns with respect to the Credit Valley Conservation comments, submitted with the Consent application, which indicate that the lots are located in a flood plain.



MISSISSAUGA

File: "A" 345/15
WARD 1

Mr. Diaz indicated that the dwellings have been designed to have the garage at grade, noting that the basement area, behind the garage, is also at grade. He advised that he believed that the Credit Valley Conservation concerns could be addressed when he applies for Building Permit and Credit Valley Conservation approval. Mr. Diaz indicated that he believes that the proposal is similar to the townhouse development at 1107 Lakeshore Road East noting that they were successful in addressing Credit Valley Conservation concerns through the Building Permit process.

Mr. J. Lee, Planner for the City of Mississauga, attended and advised that the lot is within the regulated area under the jurisdiction of the Credit Valley Conservation. He indicated that the lands do not have a special designation indicating that they are located in a flood plain.

The Committee, after considering the submissions put forward by Mr. Diaz and having reviewed the plans and comments received, is not satisfied that the request is desirable for the appropriate further development of the subject property. The Committee indicated that the lot sizes, being the smallest lots in the area, will not be in character with the neighbourhood. They further noted that the Credit Valley Conservation have advised that the lots are located in a flood plain. The Committee indicated that they do not believe that the creation of two new lots in a flood plain is appropriate or desirable in this instance.

The Committee is not satisfied that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained in this instance.

The Committee is of the opinion that the request is not minor in nature in this instance.

Accordingly, the Committee resolves to deny the request as presented.

MOVED BY:	P. Quinn	SECONDED BY:	J. Robinson	CARRIED
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File: "A" 345/15
WARD 1

Application Refused.

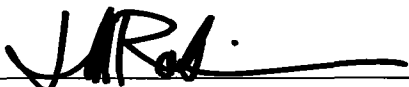
Dated at the City of Mississauga on August 13, 2015.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **SEPTEMBER 2, 2015**.

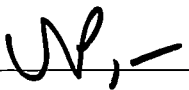
Date of mailing is August 17, 2015.

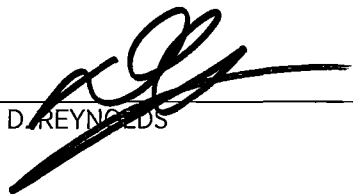

S. PATRIZIO (CHAIR)



D. GEORGE


J. ROBINSON

DISSENTED
D. KENNEDY


J. PAGE


D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on July 16, 2015.


DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 45(1) OR (2)
of The Planning Act R.S.O. 1990, c.P.13, as amended
- and -
IN THE MATTER OF ZONING BY-LAW 0225-2007
as amended
- and -
IN THE MATTER OF AN APPLICATION BY

DZEVAT DJOMBALJAJ

on Thursday, August 6, 2015

Dzevat Djombaljai is the owner of 1092 Ella Avenue being Lot 66, Registered Plan E-21, zoned R3 - Residential. The applicant requests the Committee to authorize a minor variance to permit the creation of a lot (being the conveyed land of Consent application "B"42/15) proposing:

1. a lot frontage of 9.545 m (31.31 ft.); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00 m (49.21 ft.) in this instance;
2. a lot area of 318.76 m² (3,431.21 sq. ft.); whereas By-law 0225-2007, as amended, requires a minimum lot area of 550.00 m² (5,920.34 sq. ft.) in this instance;
3. a front yard of 7.22 m (23.68 ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50 m (24.60 ft.) in this instance; and,
4. an easterly side yard of 1.20 m (3.93 ft.) and a westerly side yard of 1.25 m (4.10 ft.); whereas By-law 0225-2007, as amended, requires minimum of 2.41 m (7.90 ft.) for each side yard in this instance.

Mr. A. Diaz, authorized agent, attended and presented the application. He presented a site plan for the Committee's review and consideration and advised that a Consent application ("B" 42/15) has been submitted to permit the creation of two lots. He indicated that relief is required for reduced front yard, side yards, lot area and lot frontage. Mr. Diaz indicated that relief is being requested for side yards as the lot is narrow. He advised that he had discussions with the neighbours and provided letters expressing support for the application.

The Committee reviewed the information and plans submitted with the application.

The City of Mississauga Planning and Building Department commented as follows (July 31, 2015):

"1.0 RECOMMENDATION

The Planning and Building Department recommends that the applications be refused.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: **Lakeview Neighbourhood**
Designation: **Residential Low Density II**

Discussion:

Section 16.1.2.1 of Mississauga Official Plan states that,

16.1.2.1 To preserve the character of lands designated Residential Low Density I and Residential Low Density II, the minimum frontage and area of new lots created by land division or units or parcels of tied land (POTLs) created by condominium will generally represent the greater of:

- a. The average frontage and area of residential lots, units or POTLs on both sides of the same street within 120 m of the subject property. In the case of corner development lots, units or POTLs on both streets within 120 m will be considered; or
- b. The requirements of the Zoning By-law.

Zoning By-law 0225-2007

Zoning: **"R3", Residential**

3.0 OTHER APPLICATIONS

☒ Pre-Zoning Review File: PZONE15-5659

4.0 COMMENTS

Based on a review of the Pre-Zoning Review application for the proposed detached dwellings, we advise that more information is required to verify the accuracy of the requested variances and to determine whether additional variances will be required. Further, we advise that although we are processing a Pre-Zoning Review application, we will be unable to verify the accuracy of the proposed lot areas and frontages without the benefit of a surveyor's schedule.

In regards to Section 16.1.2.1 of Mississauga Official Plan, we advise that the average frontage of lots within 120 m (393.70 ft.) is 16.47 m (54.04 ft.) whereas the frontages of the proposed lots will be 9.454 m (31.02 ft.). The average area of lots within 120 m (393.70 ft.) is 553.72 m² (5960.19 sq. ft.) whereas the area of the proposed lots will be 318.76 m² (3431.21 sq. ft.).

We note that the Committee has recently considered two Consent applications on Gardner Avenue under 'B' 52/13 and 'B' 39/12. The former was approved by the Committee while the latter was refused, and appealed to the Ontario Municipal Board. The appeal was allowed and provisional Consent was granted. In both instances, significant variances for frontage and area were required. In addition, side yard variances were requested and approved for one side of the dwellings. For both instances, this Department recommended refusal of the applications.

The subject application is requesting a similar severance and minor variances. However, in this instance, side yard variances are being requested for both sides of the dwellings and a minor front yard variance is also being requested.



MISSISSAUGA

File: "A" 346/15
WARD 1

With the exception of the four lots associated with the recent severances on Gardner Avenue, the lot fabric in the surrounding vicinity is relatively uniform. If approved, the resulting lots would join the four lots on Gardner Avenue as the smallest lots in the area. Further, we note that the City's Zoning By-law contains zoning standards for detached dwellings under the 'R1' to 'R5' zones. The subject property is zoned 'R3' and both of the proposed lots would require significant variances for lot frontage and lot area.

Further, it is our opinion that the requests for side yard setbacks on both sides of the dwellings would exacerbate the impact of the deficient frontages.

Based on the preceding information, we recommend that the applications be refused."

The City of Mississauga Transportation and Works Department commented as follows (July 20, 2015):

"We are noting for information purposes that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 42/15."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (August 4, 2015):

"As per Region of Peel Water design standard 4.3, Hydrants near driveways shall be located a minimum of 1.25 m clear from the projected garage (or edge of driveway, whichever is greater) in residential applications."

"Please note that severing the lands may adversely affect the existing location of the water and sanitary sewer services. The result of this may require the applicant to install new water / sanitary servicing connections to either the severed or retained lands in compliance with the Ontario Building Code. 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. For more information, please call our Site Servicing Technicians at 905.791.7800 x7973. Please note that site servicing approvals will be required prior to the issuance of a building permit."

"The subject land is located within the Senson Creek Flood Plain. The Regional Official Plan (ROP) designates floodplains as a Natural Hazard in Peel, under Policy 2.4.5.2. Within this designation, ROP policies seek to ensure that development and site alterations do not create new or aggravate existing flood plain management problems along flood susceptible riverine environments. The Region relies on the environmental expertise of the Credit Valley Conservation Authority (CVC) staff for the review of development applications located within or adjacent to Natural hazards in Peel and their potential impacts on the natural environment. Regional Planning staff therefore, request that the Committee consider comments from the CVC and incorporate their conditions of approval appropriately."

A petition was received, signed by the property owners/residents at 1069, 1070, 1073, 1074, 1079, 1084, 1085, 1091 Ella Avenue and 1019 and 1029 Strathy Avenue, expressing their objection to the applications and noting their concerns and requesting that the applicant construct in accordance with the Zoning By-law.

Letters were received from the property owners at 1059, 1073, 1079, 1078, 1087 Gardner Avenue expressing support for the application.

No other persons expressed any interest in the application.

The Committee expressed concerns with respect to the Credit Valley Conservation comments, submitted with the Consent application, which indicate that the lots are located in a flood plain.

Mr. Diaz indicated that the dwellings have been designed to have the garage at grade, noting that the basement area, behind the garage, is also at grade. He advised that he believed that the Credit Valley Conservation concerns could be addressed when he applies for Building Permit and Credit Valley Conservation approval. Mr. Diaz indicated that he believes that the proposal is similar to the townhouse development at 1107 Lakeshore Road East noting that they were successful in addressing Credit Valley Conservation concerns through the Building Permit process.

Mr. J. Lee, Planner for the City of Mississauga, attended and advised that the lot is within the regulated area under the jurisdiction of the Credit Valley Conservation. He indicated that the lands do not have a special designation indicating that they are located in a flood plain.

The Committee, after considering the submissions put forward by Mr. Diaz and having reviewed the plans and comments received, is not satisfied that the request is desirable for the appropriate further development of the subject property. The Committee indicated that the lot sizes, being the smallest lots in the area, will not be in character with the neighbourhood. They further noted that the Credit Valley Conservation have advised that the lots are located in a flood plain. The Committee indicated that they do not believe that the creation of two new lots in a flood plain is appropriate or desirable in this instance.

The Committee is not satisfied that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained in this instance.

The Committee is of the opinion that the request is not minor in nature in this instance.

Accordingly, the Committee resolves to deny the request as presented.


MOVED BY:	P. Quinn	SECONDED BY:	J. Robinson	CARRIED
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Application Refused.

Dated at the City of Mississauga on August 13, 2015.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **SEPTEMBER 2, 2015**.

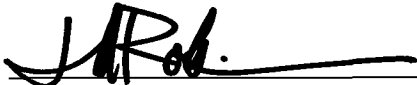
Date of mailing is August 17, 2015.



S. PATRIZIO (CHAIR)



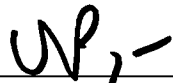
D. GEORGE



J. ROBINSON

DISSENTED

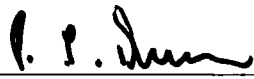
D. KENNEDY



J. PAGE



D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on July 16, 2015.



DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 45(1) OR (2)
of The Planning Act R.S.O. 1990, c.P.13, as amended
- and -
IN THE MATTER OF ZONING BY-LAW 0225-2007
as amended
- and -
IN THE MATTER OF AN APPLICATION BY

HARVEY KALICHMAN

on Thursday, August 6, 2015

Harvey Kalichman is the owner of 117 Vista Drive being Lot 14, Registered Plan 513, zoned R2-50, Residential. The applicant requests the Committee to authorize a minor variance to permit:

1. an accessory structure (pool enclosure) having a floor area of 61.26 m² (659.41 sq.ft.) to remain; whereas By-law 0225-2007, as amended, permits a maximum floor area of 10.00 m² (107.64 sq.ft.) for an accessory structure in this instance;
2. an accessory structure (storage shed) having a floor area of 17.52 m² (188.58 sq.ft.) to remain; whereas By-law 0225-2007, as amended, permits a maximum floor area of 10.00 m² (107.64 sq.ft.) for an accessory structure in this instance;
3. two accessory structures (pool enclosure and storage shed) to remain; whereas By-law 0225-2007, as amended, permits a maximum of one accessory structure per lot in this instance;
4. a jacuzzi to remain having a rear yard of 0.60 m (2.00 ft.) to the rear property line; whereas By-law 0225-2007, as amended, requires a minimum setback of 1.50 m (4.92 ft.) in this instance; and,
5. an accessory structure (storage shed) to remain in the rear yard having a setback of 0.40 m (1.33 ft.); whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 0.61 m (2.00 ft.) in this instance.

Mr. G. Dell, of Greg Dell & Associates, authorized agent, attended and presented the application. He advised that the applicant wishes to allow a glass pool enclosure to remain on the property to allow year round use of the pool. Mr. Dell presented plans for the Committee's review and consideration. He indicated that relief is also being requested to permit more than one accessory dwelling on the lot. He further advised that the storage shed and Jacuzzi require relief to remain in their present location with reduced setbacks. Mr. Dell indicated that he wished to amend the application to include relief for excessive lot coverage. He noted that the application form indicates a request to allow a lot coverage of 50.00% of the lot area.



MISSISSAUGA

File: "A" 334/15
WARD 11

The Committee reviewed the information and plans submitted with the application.

The City of Mississauga Planning and Building Department commented as follows (July 31, 2015):

"1.0 RECOMMENDATION"

The Planning and Building Department recommend that the application be deferred in order to provide time for the applicant to submit additional information to verify that all variances have been identified.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: **Streetsville Neighbourhood**
Designation: **Residential Low Density I**

Zoning By-law 0225-2007

Zoning: **"R2-50", Residential**

3.0 OTHER APPLICATIONS

☒ Pre-Zoning Review File: 14-4075

4.0 COMMENTS

The Planning and Building Department is currently processing a pre-zoning application for the proposed accessory structures. Based on the review of the pre-zoning application we advise that it appears an additional variance is required for excessive lot coverage, however additional information has been requested to verify the accuracy of the requested variance or determine whether additional variances will be required.

With regards to variances #1, the area of the accessory structure significantly exceeds the limit of 10m², however the structure will only be approximately 1.5m high at its highest point and taper towards the edges of the pool. Considering the uniqueness of this structure, the relatively low profile of the structure and that the pool already exists with the same footprint as the proposed structure, the Planning and Building Department have no objection to this variance.

Variance #2 represents an existing condition which requests that the shed be permitted to remain on the subject property. In this case, although the shed exceeds the size restrictions, there is no required height variance and the location of it is in a position which is well shielded from neighbouring properties and should not create negative visual impacts or imposing massing on adjacent lands.

With regards to variance #3 we note that due to the uniqueness of the pool cover structure we have no objection to the request for 2 accessory structures in this instance.

Variances #4 and #5 are existing conditions which are mitigated by fencing and shielding from trees which should have no impact on adjacent properties and in our opinion are minor in nature.



MISSISSAUGA

File: "A" 334/15
WARD 11

Considering the preceding information, the Planning and Building Department has no objection to the requested variances, however we recommend that the application be deferred in order for the applicant to submit information to the zoning division to determine whether additional variances are required for lot coverage or anything else that may be needed."

The City of Mississauga Transportation and Works Department commented as follows (July 20, 2015):

"Enclosed for Committee's easy reference are some photo's which depict the subject property."

No other persons expressed any interest in the application.

Mr. Dell, upon hearing the comments of the Committee, requested that the application be amended in accordance with their recommendations. He indicated that the property is well landscaped and the structures are shielded from view by the neighbours.

The Committee consented to the request and, after considering the submissions put forward by Mr. Dell and having reviewed the plans, is satisfied that the amended request is desirable for the appropriate further development of the subject property. The Committee noted that the grading on the property conceals the structure from the view of the neighbours and does not adversely impact them in any manner.

The Committee is satisfied that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained in this instance.

The Committee is of the opinion that the requested amended variance is minor in nature in this instance.

Accordingly, the Committee resolves to authorize and grant the amended request to permit

1. an accessory structure (pool enclosure) having a floor area of 61.26 m² (659.41 sq.ft.) to remain; whereas By-law 0225-2007, as amended, permits a maximum floor area of 10.00 m² (107.64 sq.ft.) for an accessory structure in this instance;
2. an accessory structure (storage shed) having a floor area of 17.52 m² (188.58 sq.ft.) to remain; whereas By-law 0225-2007, as amended, permits a maximum floor area of 10.00 m² (107.64 sq.ft.) for an accessory structure in this instance;
3. two accessory structures (pool enclosure and storage shed) to remain; whereas By-law 0225-2007, as amended, permits a maximum of one accessory structure per lot in this instance;
4. a jacuzzi to remain having a rear yard of 0.60 m (2.00 ft.) to the rear property line; whereas By-law 0225-2007, as amended, requires a minimum setback of 1.50 m (4.92 ft.) in this instance;
5. an accessory structure (storage shed) to remain in the rear yard having a setback of 0.40 m (1.33 ft.); whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 0.61 m (2.00 ft.) in this instance;



MISSISSAUGA

File: "A" 334/15
WARD 11

6. a lot coverage of 50.00% of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25.00% of the lot area in this instance.

MOVED BY:	J. Robinson	SECONDED BY:	J. Page	CARRIED
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Application Approved, as amended.

Dated at the City of Mississauga on August 13, 2015.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **SEPTEMBER 2, 2015**.

Date of mailing is August 17, 2015.

S. PATRIZIO (CHAIR)

D. GEORGE

J. ROBINSON

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on July 16, 2015.

DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 45(1) OR (2)
of The Planning Act R.S.O. 1990, c.P.13, as amended
- and -
IN THE MATTER OF ZONING BY-LAW 0225-2007
as amended
- and -
IN THE MATTER OF AN APPLICATION BY

PJERIN KALAJ

on Thursday, August 6, 2015

Pjerin Kalaj is the owner of 1181 Northmount Avenue being part of Lot 119, Registered Plan C-22, zoned RM1 – Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new two storey dwelling on the subject property proposing a southerly side yard of 0.70 m (2.29 ft.); whereas By-law 0225-2007, as amended, requires a minimum southerly side yard of 1.22 m (4.00 ft.) in this instance.

Mr. T. Palinko, authorized agent, attended and presented the application. He indicated that the existing dwelling, constructed approximately fifty years ago, has a southerly side yard of 0.70 m (2.29ft.). He advised that they wish to retain a portion of this foundation and wish to maintained the same side yard for the new construction. Mr. Palinko presented a set of plans for the Committee's review and consideration. He advised that the homeowners wish to reside in the existing dwelling while the new home is constructed. They will construct the new dwelling around the existing one and demolish the walls in the existing dwelling after the new home is erected.

The Committee reviewed the information and plans submitted with the application.

The City of Mississauga Planning and Building Department commented as follows (July 31, 2015):

1.0 RECOMMENDATION

The Planning and Building Department recommends that the application be refused.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: "RM1", Residential

3.0 OTHER APPLICATIONS

☒ **Building Permit** File: BP15-6311

4.0 COMMENTS

We note that the Department is currently processing a Building Permit application for the proposed dwelling. However, Zoning staff have not had sufficient time to review the application. Therefore, we are unable to verify the accuracy of the requested variance or determine whether additional variances will be required.

It is our understanding that the applicant is requesting a southerly side yard setback of 0.70 m (2.29 ft.) to utilize the existing southerly basement wall for the construction of a new two storey dwelling. Based on the Site Plan drawing provided with the Minor Variance application, it appears that the southerly dwelling wall would be approximately double the length of the existing wall. Although we acknowledge that the requested setback currently exists and would continue, the massing along the southerly side would be increased.

We advise that from a permit perspective, the proposal constitutes a new dwelling and not a renovation or addition. For new construction, we encourage property owners to comply with the provisions of the Zoning By-law, unless sufficient justification has been provided.

The Site Plan indicates that the northerly side yard setback would be 2.95 m (9.68 ft.). It appears that the proposed dwelling can be constructed without the need for variances.

Based on the preceding information, it is our opinion that the proposed dwelling should comply with the By-law. Therefore, we recommend that the application be refused."

The City of Mississauga Transportation and Works Department commented as follows (July 20, 2015):

"We are noting for information purposes that any Transportation and Works Department concerns/requirements for this property will be addressed at the time of the Building Permit process."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (August 4, 2015):

"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."

Ms. Zaka, property owner at 1193 Northmount Avenue, attended and advised that she lives in a semi-detached dwelling and is concerned about the setback of the proposed dwelling to the property line. She indicated that if the dwelling is located too close to the property line, then sunlight will be reduced into her home.

No other persons expressed any interest in the application.

The Committee advised Ms. Zaka that the submitted plans indicate that a northerly side yard of 2.50m (8.20ft.) is proposed to the property line. They indicated that the variance request is to reduce the side yard on southerly side of the dwelling.

The Committee, after considering the submissions put forward by Mr. Palinko and having reviewed the plans and comments received, is not satisfied that the request is desirable for the appropriate further development of the subject property. The Committee indicated that the existing dwelling is substantially smaller than the proposed dwelling. They further indicated that a reduced side yard will adversely impact the neighbour on the southerly side. They noted that a two storey wall, substantially longer than the existing dwelling, will contribute to excessive massing.



MISSISSAUGA

File: "A" 335/15
WARD 1

They indicated that the proposal is comparable to a new dwelling rather than an addition and the construction of a new dwelling should conform to the Zoning By-law requirements.

The Committee is not satisfied that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained in this instance.

The Committee is of the opinion that the request is not minor in nature in this instance.

Accordingly, the Committee resolves to deny the request as presented.

MOVED BY:	D. George	SECONDED BY:	J. Page	CARRIED
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Application Refused.

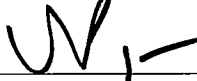
Dated at the City of Mississauga on August 13, 2015.


THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **SEPTEMBER 2, 2015**.

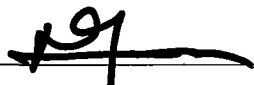
Date of mailing is August 17, 2015.

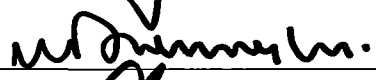

S. PATRIZIO (CHAIR)


J. ROBINSON


J. PAGE


P. QUINN


D. GEORGE


D. KENNEDY


D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on July 16, 2015.


DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 45(1) OR (2)
of The Planning Act R.S.O. 1990, c.P.13, as amended
- and -
IN THE MATTER OF ZONING BY-LAW 0225-2007
as amended
- and -
IN THE MATTER OF AN APPLICATION BY

FRANK & VALERIE RENDACE

on Thursday, August 6, 2015

Frank & Valerie Rendace are the owners of 5437 Wilderness Trail being Lot 33, Registered Plan M-1243, zoned R5 - Residential. The applicants request the Committee to authorize a minor variance to permit the construction of a one storey addition and deck at the rear of the existing dwelling on the subject property proposing a rear yard setback of 6.06 m (19.88 ft.); whereas By-law 0225-2007, as amended, requires a minimum rear yard of 7.50 m (24.60 ft.) in this instance.

Mr. G. Tari, authorized agent, attended and presented the application to permit the construction of an addition and deck on the subject property. He advised that the existing dwelling is small and the property owners wish to increase their living space by constructing a sunroom addition to create an eating area in the kitchen. He presented plans for the Committee's review and consideration.

The Committee reviewed the information and plans submitted with the application.

The City of Mississauga Planning and Building Department commented as follows (July 31, 2015):

"1.0 RECOMMENDATION"

The Planning and Building Department have no objection with the requested variances, as amended, however we note that in the absence of a building permit we are unable to verify the accuracy of the variances or determine whether additional variances are required.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Hurontario Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: "R5", Residential

3.0 OTHER APPLICATIONS

☐ Building Permit File: Required - No application received

4.0 COMMENTS

We note that a Building Permit is required and in the absence of a Building Permit application, we are unable to verify the accuracy of the requested variance, or determine whether additional variances will be required. In order to confirm the accuracy of the requested variance, the applicant may apply for a pre-zoning review application and submit working drawings in order that a detailed zoning review may be completed. A minimum of six to eight weeks will be required to process a pre-zoning review application depending on the complexity of the proposal and the detail of the information submitted.

We further advise that the proposed "deck" is actually a balcony and appears to require an additional variance for excessive encroachment into the required rear yard. Based on a review of the drawings submitted with the variance application we advise that the additional variance is required:

"2. To permit the construction of a balcony in the rear yard with an encroachment of 1.44m; whereas By-law 0225-2007, as amended, permits a balcony to project 1.0m into the rear yard."

The Planning and Building Department note that the proposed new sunroom and balcony are built on the same footprint as the existing balcony structure. As a result, we have no objection in principle to the requested variances for a reduced rear yard setback, however the applicant may wish to defer in order to apply for the required Building Permit to ensure that all variances are accurately identified."

The City of Mississauga Transportation and Works Department commented as follows (July 20, 2015):

"This department has no objections to the applicant's request to permit the addition of a one-story addition and deck at the rear of the existing dwelling. We are also advising that any Transportation and Works Department concerns/requirements for the addition will be addressed at the time of the Building Permit process."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (August 4, 2015):

"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. Please note that site servicing approvals will be required prior to the issuance of a building permit."

The Toronto and Region Conservation Authority commented as follows (August 5, 2015):

"This letter will acknowledge receipt of the above noted application (received on July 20, 2015). Toronto and Region Conservation Authority (TRCA) staff have reviewed the above noted application, and as per the "Living City Policies for Planning and Development within the Watersheds of the TRCA" (LCP), provides the following comments as part of TRCA's commenting role under the *Planning Act*, the Authority's delegated responsibility of representing the provincial interest on natural hazards encompassed by Section 3.1 of the *Provincial Policy Statement* (PPS, 2014); TRCA's Regulatory Authority under Ontario Regulation 166/06, *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*; and our Memoranda of Understanding (MOU) with the Region of Peel and City of Mississauga, wherein we provide technical environmental advice.

PURPOSE OF THE APPLICATION

It is our understanding that the purpose of this Minor Variance Application is to permit the construction of a one (1) storey addition and deck at the rear of the existing dwelling on the subject property proposing a rear yard setback of 6.06 m (19.88 ft.); whereas By-law 0225-2007, as amended, requires a minimum rear yard of 7.50 m (24.60 ft.) in this instance.

RECOMMENDATION

On this basis of the comments below, TRCA staff has **no objection** to the Minor Variance Application as currently submitted.

APPLICABLE TRCA POLICIES AND REGULATION

The subject lands are located adjacent to a watercourse which is within the Etobicoke Creek Watershed. Based on a review of submitted materials it appears that the proposed one storey addition and deck are located outside of TRCA's Regulated Area. In addition it is the opinion of TRCA staff that the proposed works associated with this application are not anticipated to impact any significant natural feature and/or hazard lands. As such, a permit is not required from the TRCA pursuant to Ontario Regulation 166/06, and our policy interests do not appear to be affected.

Please be advised that TRCA staff has an interest in any future development on the subject property and future development may be subject to a TRCA permit pursuant to Ontario Regulation 166/06."

No other persons expressed any interest in the application.

Mr. Tari, upon hearing the comments of the Committee and the Planning and Building Department, requested that the application be amended in accordance with their recommendations. Mr. Tari indicated that he did not wish to defer the application and requested that the Committee consider the request as presented.

The Committee consented to the requests and, after considering the submissions put forward by Mr. Tari and having reviewed the plans, is satisfied that the amended request is desirable for the appropriate further development of the subject property.

The Committee is satisfied that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained in this instance.

The Committee is of the opinion that the requested amended variance is minor in nature in this instance.



MISSISSAUGA

File: "A" 337/15
WARD 5

Accordingly, the Committee resolves to authorize and grant the amended request to permit the construction of a one storey addition and deck at the rear of the existing dwelling on the subject property proposing to permit:

1. a rear yard setback of 6.06 m (19.88 ft.); whereas By-law 0225-2007, as amended, requires a minimum rear yard of 7.50 m (24.60 ft.) in this instance; and,
2. the construction of a balcony in the rear yard with an encroachment of 1.44m (4.72ft.); whereas By-law 0225-2007, as amended, permits a balcony to project 1.00m(3.28ft.) in this instance.


MOVED BY:	J. Page	SECONDED BY:	J. Robinson	CARRIED
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Application Approved, as amended.

Dated at the City of Mississauga on August 13, 2015.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **SEPTEMBER 2, 2015**.


Date of mailing is August 17, 2015.




S. PATRIZIO (CHAIR)



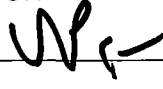
D. GEORGE



J. ROBINSON



D. KENNEDY



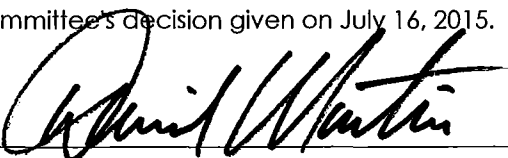
J. PAGE



D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on July 16, 2015.



DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 45(1) OR (2)
of The Planning Act R.S.O. 1990, c.P.13, as amended
- and -
IN THE MATTER OF ZONING BY-LAW 0225-2007
as amended
- and -
IN THE MATTER OF AN APPLICATION BY

DAVE & LINDA PROCUNIER

on Thursday, August 6, 2015

Dave & Linda Procunier are the owners of 1189 Lorne Park Road being Lot 6, Registered Plan M-154, zoned R2-4 - Residential. The applicants request the Committee to authorize a minor variance to permit the construction of a garage addition to the existing dwelling on the subject property proposing:

1. a westerly side yard of 1.89 m (6.20 ft.); whereas By-law 0225-2007, as amended, requires a minimum westerly side yard of 2.41 m (7.90 ft.) in this instance;
2. a rear yard of 4.58 m (15.02 ft.); whereas By-law 0225-2007, as amended, requires a minimum rear yard of 7.50 m (24.60 ft.) in this instance;
3. a rear yard setback to an eave of 3.35 m (10.99 ft.); whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.05 m (23.12 ft.) to an eave in this instance; and,
4. a combined width of the side yards of 3.78 m (12.40 ft.); whereas By-law 0225-2007, as amended, requires a minimum combined width of the side yards of 4.92 m (16.14 ft.) in this instance.

Mr. P. DeMan, of Deman Construction, authorized agent, attended and presented the application to permit the construction of a garage addition. He advised that the variances were identified through the Site Plan Approval process. He indicated that the garage could be moved closer to the street; however, the design would be compromised and an additional variance may have been required for garage projection.

The Committee reviewed the information and plans submitted with the application.

The City of Mississauga Planning and Building Department commented as follows (July 31, 2015):

"1.0 RECOMMENDATION

The Planning and Building Department recommends that the application be deferred for the applicant to redesign the garage to reduce the rear yard setback.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: **Clarkson-Lorne Park Neighbourhood – Special Site 1**
Designation: **Residential Low Density I**

Zoning By-law 0225-2007

Zoning: **"R2-4", Residential**

3.0 OTHER APPLICATIONS

☒ **Site Plan** File: SPM 15-3 W2

4.0 COMMENTS

Based on a review of the Site Plan application, we advise that variance #1 is not required. Further, variances #2-4 as requested are correct.

In regards to variances #2 and #3, we note that approximately half of the proposed garage will be used as garden storage. The reduced rear yard setback may impose a negative massing impact on the adjacent property at 1186 Queen Victoria Avenue. The footprint of the garage appears to be similar to that of the existing dwelling. It is our opinion that the rear of the garage can be reduced to reduce the rear yard setback and setback to the eave.

In regards to variance #4, we acknowledge that the property currently does not have a garage and the proposed location of the garage is the most appropriate on the site. In order to accommodate a two car garage, which is common for this neighbourhood, a reduced combined side yard variance is required.

Based on the preceding information, we recommend that the application be deferred for the applicant to redesign the garage to reduce the rear yard setback."

The City of Mississauga Transportation and Works Department commented as follows (July 20, 2015):

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 15/03. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (August 4, 2015):

"As per Region of Peel Water design standard 4.3, Hydrants near driveways shall be located a minimum of 1.25 m clear from the projected garage (or edge of driveway, whichever is greater) in residential applications."

No other persons expressed any interest in the application.

Mr. J. Lee, Planner with the City of Mississauga, attended and advised that the most recent comments from the Zoning Section indicate that a variance is not required for the side yard.

Mr. DeMan, upon hearing the comments of the Committee and the Planning and Building Department, requested that the application be amended in accordance with their recommendations.

The Committee consented to the request and, after considering the submissions put forward by Mr. DeMan and having reviewed the plans, is satisfied that the amended request is desirable for the appropriate further development of the subject property.

The Committee is satisfied that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained in this instance.

The Committee is of the opinion that the requested amended variance is minor in nature in this instance.

Accordingly, the Committee resolves to authorize and grant the amended to permit the construction of a garage addition to the existing dwelling on the subject property proposing:

1. a rear yard of 4.58 m (15.02 ft.); whereas By-law 0225-2007, as amended, requires a minimum rear yard of 7.50 m (24.60 ft.) in this instance;
2. a rear yard setback to an eave of 3.35 m (10.99 ft.); whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 7.05 m (23.12 ft.) to an eave in this instance; and,
3. a combined width of the side yards of 3.78 m (12.40 ft.); whereas By-law 0225-2007, as amended, requires a minimum combined width of the side yards of 4.92 m (16.14 ft.) in this instance.

MOVED BY:	D. George	SECONDED BY:	D. Reynolds	CARRIED
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MISSISSAUGA

File: "A" 338/15
WARD 2

Application Approved, as amended.

Dated at the City of Mississauga on August 13, 2015.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **SEPTEMBER 2, 2015**.

Date of mailing is August 17, 2015.

S. PATRIZIO (CHAIR)

D. GEORGE

J. ROBINSON

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on July 16, 2015.

DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 45(1) OR (2)
of The Planning Act R.S.O. 1990, c.P.13, as amended
- and -
IN THE MATTER OF ZONING BY-LAW 0225-2007
as amended
- and -
IN THE MATTER OF AN APPLICATION BY

SANJAY SINGHAL

on Thursday, August 6, 2015

Sanjay Singhal is the owner of 1720 Birchwood Drive being part of Lot 6, Registered Plan B-24, zoned R2-5 - Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a gazebo and pool within the rear yard of the subject property proposing:

1. a floor area of 53.42 m² (575.02 sq. ft.) for the proposed gazebo; whereas By-law 0225-2007, as amended, permits a maximum floor area of 10.00 m² (107.64 sq. ft.) for a gazebo in this instance,
2. a height of 5.19 m (17.02 ft.) for the gazebo; whereas By-law 0225-2007, as amended, permits a maximum height of 3.00 m (9.84 ft.) for a gazebo in this instance; and,
3. a new in ground pool proposing a setback of 1.47m (4.83ft.) to the rear property line; whereas By-law 0225-2007, as amended, requires a minimum setback of 1.50m (4.92ft.) to the inside wall of the pool to a property line in this instance.

Mr. S. Singhal, property owner, attended and presented the application to permit the construction of a gazebo and pool on the subject property. Mr. Singhal presented a rendering of the rear yard illustrating the location of the structures. He advised that there is an existing shed located on the property and requested that the application be amended to allow the shed to remain.

The Secretary-Treasurer advised the Committee that the Zoning By-law permits one gazebo and one shed per lot. Therefore, it is unnecessary to amend the application to allow the two structures on the lot.

Mr. Singhal advised that he has spoken to the neighbours and submitted two letter expressing support for the application.

The Committee reviewed the information and plans submitted with the application.



MISSISSAUGA

File: "A" 339/15
WARD 2

The City of Mississauga Planning and Building Department commented as follows (August 5, 2015):

"1.0 RECOMMENDATION"

The Planning and Building Department has no objection to the requested variances, subject to the condition outlined below. However, the applicant may wish to defer the application to submit the required Site Plan Approval and Building Permit applications to ensure that all required variances have been accurately identified.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: **Clarkson-Lorne Park Neighbourhood**
Designation: **Residential Low Density I**

Zoning By-law 0225-2007

Zoning: **"R2-5", Residential**

3.0 OTHER APPLICATIONS

<input type="checkbox"/> Site Plan	File: Required - No application received
<input type="checkbox"/> Building Permit	File: Required - No application received

4.0 COMMENTS

We note that Site Plan Approval and Building Permit applications are required and in the absence of a Site Plan Approval or a Building Permit application, we are unable to verify the accuracy of the requested variance or determine whether additional variances will be required. In order to confirm the accuracy of the requested variance, the applicant may apply for a Pre-zoning Review application and submit working drawings in order that a detailed zoning review may be completed. A minimum of six to eight (6-8) weeks will be required to process a Pre-zoning Review application depending on the complexity of the proposal and the detail of the information submitted.

In regards to variances #1 and #2, based on a recent site visit and photographs, it appears that the proposed cabana would be screened from 1700 Birchwood Drive, which is the property most affected by the proposal. However, the majority of the screening is provided on the neighbouring property. Should Committee see merit in the application, the Committee may consider conditions requiring that the applicant provide additional screening on the subject property.

Although the proposed gazebo floor area and height are significantly greater than the permissions within the By-law, in this instance, it is our opinion that the requests maintain the general intent and purpose of the Zoning By-law.

In regards to variance #3, it is our opinion that the request is minor and therefore, we have no objection to the request."



MISSISSAUGA

File: "A" 339/15
WARD 2

The City of Mississauga Transportation and Works Department commented as follows (July 20, 2015):

"Should Committee see merit in the applicant's request we would recommend that a condition of approval be that a letter be received from this department indicating that the proposal to construct the gazebo with a floor area of 53.42 sq. m (whereas 10 sq. m is permitted) has been reviewed/approved by our Development Construction Section. The proposed gazebo is significant in size and we need to ensure that there will be no drainage related impacts on the abutting properties."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (August 4, 2015):

"This property is within the vicinity of Birchwood Park. This site was used for the disposal of flyash and bottom ash from the Lakeview Generating Station. Leachate has been detected. A park is located on the site. It is catalogued by the M.O.E.C.C. as A220105."

"The subject land is located within area the Regional Official Plan (ROP) designates as a Core Area of the Greenlands System in Peel, under Policy 2.3.2. Within this designation, ROP policies seek to protect environmental resources. The Region relies on the environmental expertise of the Credit Valley Conservation Authority (CVC) staff for the review of development applications located within or adjacent to Core Areas of the Greenlands Systems in Peel and their potential impacts on the natural environment. Regional Planning staff therefore, request that the Committee consider comments from the CVC and incorporate their conditions of approval appropriately. Please be advised that final approval of this application requires all environmental concerns to be addressed to the satisfaction of the CVC."

The Credit Valley Conservation commented as follows (July 30, 2015):

"Credit Valley Conservation (CVC) has had the opportunity to review the above-noted application and the following comments are provided for your consideration:

SITE CHARACTERISTICS:

The subject property is adjacent to Birchwood Creek and its associated valley system and floodplain. It is the policy of CVC and the Province of Ontario to conserve and protect the significant physical, hydrological and biological features associated with the functions of the above noted characteristics and to recommend that no development be permitted which would adversely affect the natural features or ecological functions of these areas.

As you may be aware, the subject property is partially located within an area designated as Core Greenlands by the Region of Peel.

ONTARIO REGULATION 160/06:

This property is subject to the Development, Interference with Wetlands, and Alterations to Shorelines & Watercourses Regulation (Ontario Regulation 160/06). This regulation prohibits altering a watercourse, wetland or shoreline and prohibits development in areas adjacent to the Lake Ontario shoreline, river and stream valleys, hazardous lands and wetlands, without the prior written approval of Credit Valley Conservation (CVC) (i.e. the issuance of a permit).

PROPOSAL:

The applicants request the Committee to authorize a minor variance to permit the construction of a new two storey dwelling and attached garage proposing:

- i. a floor area of 53.42 m² (575.02 sq. ft.) for the proposed gazebo; whereas By-law 0225, as amended, permits a maximum floor area of 10.00 m² (107.64 sq. ft.) for a gazebo in this instance,
- ii. a height of 5.19 m (17.02 ft.) for the gazebo; whereas By-law 0225, as amended, permits a maximum height of 3.00 m (9.84 ft.) for a gazebo in this instance; and,
- iii. a new inground pool proposing a setback of 1.47 m (4.83 ft.) to the rear property line; whereas By-law 0225, as amended, requires a minimum setback of 1.50 m (4.92 ft.) to the inside wall of the pool to a property line in this instance.

COMMENTS:

CVC has reviewed the proposed gazebo and pool through pre-consultation with the applicant. The minor variance application does not impact the Authority's interests in this case; as such CVC has **no objection** to the approval of the application by the Committee at this time.

Please note that the subject property is within a CVC Regulated Area, and a permit is required for the development as proposed."

A letter was received from Mr. L. Scott, property owner at 1700 Birchwood Drive, expressing support for the request.

A letter was received from Mr. N. Gerasolo, property owner at 1265 Sayers Road, expressing support for the request.

No other persons expressed any interest in the application.

Mr. Singhal, upon hearing the comments of the Committee and the Planning and Building Department, requested that the application be considered as presented.

The Committee, after considering the submissions put forward by Mr. Singhal and having reviewed the plans, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee indicated that the structure is proportionate to the lot size and is well screened due to the existing greenery and trees.

The Committee is satisfied that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained in this instance.

The Committee is of the opinion that the requested variance is minor in nature in this instance.



MISSISSAUGA

File: "A" 339/15
WARD 2

Accordingly, the Committee resolves to authorize and grant the request as presented.


MOVED BY:	D. George	SECONDED BY:	D. Reynolds	CARRIED
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Application Approved.

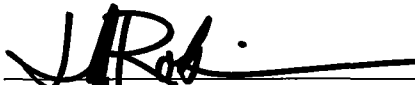
Dated at the City of Mississauga on August 13, 2015.

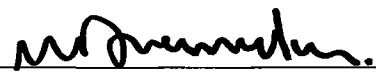
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **SEPTEMBER 2, 2015**.

Date of mailing is August 17, 2015.

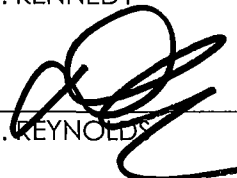

S. PATRIZIO (CHAIR)

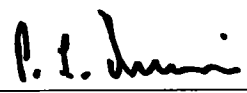

D. GEORGE


J. ROBINSON

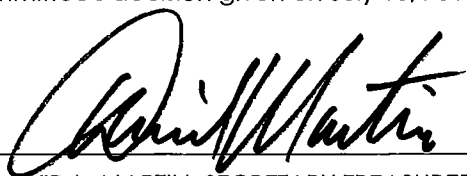

D. KENNEDY


J. PAGE


D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on July 16, 2015.


DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 45(1) OR (2)
of The Planning Act R.S.O. 1990, c.P.13, as amended
- and -
IN THE MATTER OF ZONING BY-LAW 0225-2007
as amended
- and -
IN THE MATTER OF AN APPLICATION BY

THE CORPORATION OF THE CITY OF MISSISSAUGA

on Thursday, August 6, 2015

The Corporation of The City of Mississauga is the owner of 1455 Old Derry Road being Block 31, Registered Plan M-1336, zoned G1 - Greenbelt. The applicant requests the Committee to authorize a minor variance to permit:

1. the existing residential uses including a porch, fence, landscaping and sprinkler system to remain on the subject property zoned G1 - Greenbelt; whereas By-law 0225-2007, as amended, does not permit residential uses within lands zoned G1 - Greenbelt in this instance;
2. to permit the existing porch to remain proposing a setback of 3.70 m (12.13 ft.) to a lot line; whereas By-law 0225-2007, as amended, requires a minimum setback of 4.20 m (13.77 ft.) to a lot line in this instance; and,
3. the existing porch to remain proposing a setback of 0.70 m (2.29 ft.) to lands zoned G1 - Greenbelt; whereas By-law 0225-2007, as amended, requires a minimum setback of 5.00 m (16.40 ft.) to lands zoned G1 - Greenbelt in this instance.

Ms. S. Addison, authorized agent, attended and presented the application to permit residential uses in a G, Greenbelt zone. Ms. Addison requested that the application be amended to withdraw requests numbered 2 and 3.

The Committee consented to the request.

The Committee reviewed the information and plans submitted with the application.

The City of Mississauga Planning and Building Department commented as follows (August 5, 2015):

"1.0 RECOMMENDATION"

This application arises through Council's direction from Minutes of Settlement arising out of civil litigation.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: **Meadowvale Village Neighbourhood**
Designation: **Greenbelt**

Zoning By-law 0225-2007

Zoning: "G1", Greenbelt

3.0 OTHER APPLICATIONS

N/A

4.0 COMMENTS

This application arises from Minutes of Settlement entered into by Council arising out of civil litigation with the adjacent property owner at 7042 Gazette Gate. The City will be transferring Part 2 on 43R-35031, currently zoned G1 – Greenbelt, to the adjacent residential property at 7038 Gazette Gate.

An in-ground sprinkler system and fencing was installed on the subject lands approximately fifteen years ago. The area has been re-graded and sodded and is not representative of a natural area. This application seeks to legalize the existing situation; no new construction is proposed. Additionally we note that the CVC has indicated that the lands do not lie within the floodplain boundaries and have confirmed that the lands are not representative of the natural state commonly found within greenbelt lands."

The City of Mississauga Transportation and Works Department commented as follows (July 20, 2015):

"From the information submitted with this application it is our understanding that the existing situation has existed for years and the requested variances are the result of the Minutes of Settlement from the litigation. In view of the above we have no objections to the applicant's request which will legalize the situation and convey Part 2 on Plan 43R-35031 to Ms. Khursigara."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (August 4, 2015):

"The subject land is located within area the Regional Official Plan (ROP) designates as a Core Area of the Greenlands System in Peel, under Policy 2.3.2. Within this designation, ROP policies seek to protect environmental resources. The Region relies on the environmental expertise of the Credit Valley Conservation Authority (CVC) staff for the review of development applications located within or adjacent to Core Areas of the Greenlands Systems in Peel and their potential impacts on the natural environment. Regional Planning staff therefore, request that the Committee consider comments from the CVC and incorporate their conditions of approval appropriately. Please be advised that final approval of this application requires all environmental concerns to be addressed to the satisfaction of the CVC."

The Credit Valley Conservation commented as follows (August 4, 2015):

"Credit Valley Conservation (CVC) has had the opportunity to review the above-noted application and the following comments are provided for your consideration:

SITE CHARACTERISTICS:

The subject property is adjacent to Levi Creek and its associated valley system and floodplain. It is the policy of CVC and the Province of Ontario to conserve and protect the significant physical, hydrological and biological features associated with the functions of the above noted characteristics and to recommend that no



MISSISSAUGA

File: "A" 340/15
WARD 11

development be permitted which would adversely affect the natural features or ecological functions of these areas.

As you may be aware, the subject property is partially located within an area designated as part of the Natural Heritage System and is located within the City of Mississauga's Natural Areas Survey designated as MV19. It is also designated as Core Greenlands by the Region of Peel.

ONTARIO REGULATION 160/06:

This property is subject to the Development, Interference with Wetlands, and Alterations to Shorelines & Watercourses Regulation (Ontario Regulation 160/06). This regulation prohibits altering a watercourse, wetland or shoreline and prohibits development in areas adjacent to the Lake Ontario shoreline, river and stream valleys, hazardous lands and wetlands, without the prior written approval of Credit Valley Conservation (CVC) (i.e. the issuance of a permit).

PROPOSAL:

The applicant requests the Committee to authorize a minor variance to permit:

- i. the existing residential uses including a porch, fence, landscaping and sprinkler system to remain on the subject property zoned G1 – Greenbelt; whereas By-law 0225-2007, as amended, does not permit residential uses within lands zoned G1 – Greenbelt in this instance;
- ii. to permit the existing porch to remain proposing a setback of 3.70m (12.13 ft.) to a lot line; whereas By-law 0225-2007, as amended, requires a minimum setback of 4.20m (13.77 ft.) to a lot line in this instance; and,
- iii. the existing porch to remain proposing a setback of 0.70m (2.29 ft.) to lands zoned G1 – Greenbelt; whereas By-law 0225-2007, as amended, requires a minimum setback of 5.00m (16.40 ft.) to lands zoned G1 – Greenbelt in this case.

COMMENTS:

It is our understanding that this variance is being requested as part of Minutes of Settlement to legalize the situation and convey a portion of the lands to the adjacent private property. Based on the available information and from the site visit conducted on July 30, 2015 to the City owned property by CVC staff, the existing structures and lands on Part 2 on Plan 43R-35031 does not contain any features of concern to CVC. On this basis, CVC has **no objection** to the approval of the application by the Committee at this time.

It is CVC's recommendation that the manicured lawn beyond the area that is being transferred to the adjacent private property be restored and left to naturalize. All the land within the remaining G1 – Greenbelt in this area should not be manicured and should be left to naturalize.

Please note that the lands being transferred are within a CVC Regulated Area and adjacent to natural and hazardous features. Any proposed development in the future is subject to CVC review and permitting and must maintain appropriate setbacks."

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Ms. Addison and having reviewed the plans, is satisfied that the amended request is desirable for the appropriate further development of the subject property.

The Committee is satisfied that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained in this instance.



MISSISSAUGA

File: "A" 340/15
WARD 11

The Committee is of the opinion that the requested amended variance is minor in nature in this instance.

Accordingly, the Committee resolves to authorize and grant the amended request variance to permit the existing residential uses including a porch, fence, landscaping and sprinkler system to remain on the subject property zoned G1 - Greenbelt; whereas By-law 0225-2007, as amended, does not permit residential uses within lands zoned G1 - Greenbelt in this instance;

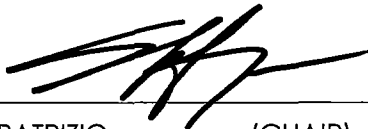
MOVED BY:	P. Quinn	SECONDED BY:	D. Kennedy	CARRIED
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Application Approved, as amended

Dated at the City of Mississauga on August 13, 2015.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **SEPTEMBER 2, 2015**.

Date of mailing is August 17, 2015.



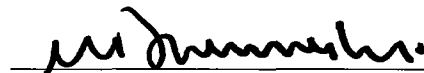
S. PATRIZIO (CHAIR)

ABSENT

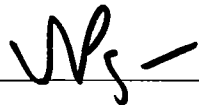
D. GEORGE



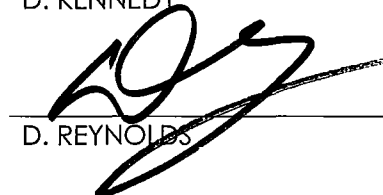
J. ROBINSON



D. KENNEDY



J. PAGE

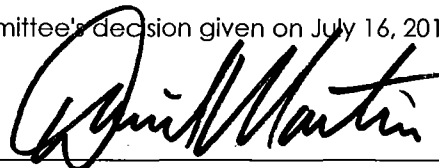


D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on July 16, 2015.



DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 45(1) OR (2)
of The Planning Act R.S.O. 1990, c.P.13, as amended
- and -
IN THE MATTER OF ZONING BY-LAW 0225-2007
as amended
- and -
IN THE MATTER OF AN APPLICATION BY

JOSEPH DONALD TRDAK

on Thursday, August 6, 2015

Joseph Donald Trdak is the owner of 25 Dundas Street West being Part of Lots 5 & 6, Plan TOR-12, zoned C4 - Commercial. The applicant requests the Committee to authorize a minor variance to permit:

1. the operation a restaurant within the required separation distance to a Residential zone; whereas By-law 0225-2007, as amended, requires a minimum separation distance of 60.00 m (196.85 ft.), measured in a straight line from the building containing the restaurant use to the lot line of a Residential zone in this instance;
2. the operation of an outdoor patio ancillary to the proposed restaurant; whereas By-law 0225-2007, as amended, does not permit an outdoor patio use on the subject property in this instance; and,
3. to provide no parking for all uses on the subject property; whereas By-law 0225-2007, as amended, requires a minimum of 4 parking spaces for all uses on the subject property in this instance.

Mr. N. Dell, authorized agent, attended and presented the application to permit the operation of a restaurant providing no parking on site. He requested that the variance for an outdoor patio use be withdrawn from the request. Mr. Dell indicated that his client wishes to operate a coffee shop which will sell muffins, cookies and coffee.

The Committee and the Secretary-Treasurer requested clarification as to whether a take-out restaurant or a restaurant is proposed as it impacts the minor variance request with respect to the number of required parking spaces.

Mr. Dell indicated that his client wishes to operate a take-out restaurant with a maximum of six seats. He indicated that there is no on-site parking provided. Mr. Dell noted that there is a paved laneway at the side of the building; however it is obstructed by a staircase. Mr. Dell indicated that he does not believe that on-site parking is required as they anticipate that the majority of their business will come from individuals in the immediate vicinity who will walk to the take-out restaurant. He further noted that the business operator will use public transit to travel to the take-out restaurant.

The Committee reviewed the information and plans submitted with the application.



MISSISSAUGA

File: "A" 341/15
WARD 7

The City of Mississauga Planning and Building Department commented as follows (July 31, 2015):

"1.0 RECOMMENDATION"

The Planning and Building Department recommends that the application be deferred for the applicant to provide the requested PIL application and/or Parking Utilization Study.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: **Downtown Cooksville**
Designation: **Mixed Use - Special Site 1**

Zoning By-law 0225-2007

Zoning: **"C4", Mainstreet Commercial**

3.0 OTHER APPLICATIONS

☒ Certificate of Occupancy File: C15-5517

4.0 COMMENTS

Based on a review of the Certificate of Occupancy application for the proposed Take-out Restaurant, we advise that more information is required to verify the accuracy of the requested variances and to determine whether additional variances will be required.

Further, we advise that it appears that variance #1 is not required as there is no Residential zone within 60.00 m (196.85 ft.) of the proposed Take-out Restaurant. We also note that the variance request should be amended to indicate that the proposed use is a Take-out Restaurant and not a Restaurant.

In regards to variance #2, we note that the proposed patio would be located facing Dundas Street West, which is a busy arterial road in the city. We do not anticipate any negative impacts resulting from the proposed patio.

In regards to variance #3, we advise that the City's Payment-In-Lieu (PIL) of parking programs applies to the subject property and the applicant has the following options:

1. Apply for a PIL application for City Council's consideration for the parking deficiency. Through the PIL process the proponent contribution will be calculated for the requested parking deficiency; or
2. Provide a satisfactory Parking Utilization Study that provides survey data for a proxy site in accordance with the Terms of Reference for Parking Utilization Studies, explains the nature of the operation and how it can operate at the reduced standard (e.g. only one employee/instructor that drives, hours of operation for other uses in building, etc.). If this option is selected, then the application should be deferred to allow for the submission of a Parking Utilization Study."



MISSISSAUGA

File: "A" 341/15
WARD 7

The City of Mississauga Transportation and Works Department commented as follows (July 20, 2015):

"Information submitted with this application indicates that the applicant is proposing an outdoor patio ancillary to the proposed restaurant. From the information submitted on the sketch site plan and also from our review of City Drawings, we are not in a position to confirm if the proposed patio would be encroaching into the Dundas Street West municipal right-of-way. In view of the above, and should the Committee see merit in the applicant's request we would request that a condition of approval be that a survey plan be prepared by an Ontario Land Surveyor showing any required details and a revised Site Plan be provided which would accurately depict the location of the outdoor patio so we can determine if there are any encroachment's.

It should be noted that should the outdoor patio encroach into the limits of the Dundas Street West municipal right-of-way, then satisfactory arrangements would have to be made with the Realty Services Section confirming that the required Licence Agreement with the City of Mississauga is in place for the use of the untraveled portion of the Dundas Street West road allowance which would be utilized by the outdoor patio. We are also noting for information purposes that from our site inspection there is currently an existing outdoor patio (which is fenced), however, this department has no recollection of any previous approvals for an outdoor patio for the subject property."

Mr. Khan, restaurant operator at 35 Dundas Street West, attended and advised of his concern with respect to the lack of on-site parking. He advised that his restaurant contains approximately fifty (50) seats. Mr. Khan indicated that he believes that, as there will be no parking provided for the take-out restaurant, patrons will park on his parking lot and reduce the number of spaces available for his clients.

No other persons expressed any interest in the application.

Mr. Dell indicated that there is on-street parking available on Cook Street as well as a parking lot at the Cooksville Colonnade. He advised that the majority of the business will come from walk-in clients.

Mr. Dell, upon hearing the comments of the Committee and the Planning and Building Department, requested that the application be amended to withdraw the request concerning the separation distance to the take-out restaurant.

The Committee consented to the request and, after considering the submissions put forward by Mr. Dell and Mr. Khan and having reviewed the plans and comments received, is not satisfied that the request is desirable for the appropriate further development of the subject property. The Committee indicated that the take-out restaurant will operate at the same time as the neighbouring restaurant and there will not be an opportunity to share the parking when the other restaurant is closed. The Committee indicated that there is no loading area provided for delivering the supplies to the take-out restaurant and no parking provided on-site. The Committee indicated that there is an opportunity for the property owner to provide parking at the rear of the building by re-designing the access to the rear residential unit. They also advised that the property is located in an area where Payment-in-Lieu of Parking can be provided and the monies generated could be used to fund future initiatives to provide parking.



MISSISSAUGA

File: "A" 341/15
WARD 7

The Committee is not satisfied that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained in this instance.

The Committee is of the opinion that the request is not minor in nature in this instance.

Accordingly, the Committee resolves to deny the request as presented.

MOVED BY:	D. George	SECONDED BY:	D. Reynolds	CARRIED
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Application Refused.


Dated at the City of Mississauga on August 13, 2015.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **SEPTEMBER 2, 2015**.

Date of mailing is August 17, 2015.

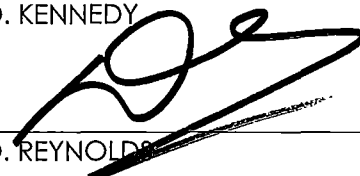

S. PATRIZIO (CHAIR)


D. GEORGE


J. ROBINSON

DISSENTED
D. KENNEDY


J. PAGE


D. REYNOLDS

DISSENTED
P. QUINN

I certify this to be a true copy of the Committee's decision given on July 16, 2015.


DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 45(1) OR (2)
of The Planning Act R.S.O. 1990, c.P.13, as amended
- and -
IN THE MATTER OF ZONING BY-LAW 0225-2007
as amended
- and -
IN THE MATTER OF AN APPLICATION BY

ISLAMIC PROPAGATION CENTRE

on Thursday, August 6, 2015

Islamic Propagation Centre is the owner of 5761 Coopers Avenue being Blocks 14 & 15, Registered Plan M-425, zoned E2 - Employment. The applicant requests the Committee to authorize a minor variance to permit the construction of additions to the existing building on the subject property proposing:

1. a rear yard of 5.80 m (19.02 ft.); whereas By-law 0225-2007, as amended, requires a minimum rear yard of 7.50m (24.60 ft.) in this instance;
2. a north-westerly side yard of 1.90 m (6.23 ft.); whereas By-law 0225-2007, as amended, requires a minimum north-westerly side yard of 7.50 m (24.60 ft.) in this instance;
3. an easterly side yard of 7.00 m (22.96 ft.); whereas By-law 0225-2007, as amended, requires a minimum easterly side yard of 7.50 m (24.60 ft.) in this instance;
4. a total of 265 parking spaces; whereas By-law 0225-2007, as amended, requires a minimum of 271 parking spaces in this instance;
5. a total of 4 parking spaces to be located offsite; whereas By-law 0225-2007, as amended, requires for all parking to be located onsite in this instance; and,
6. an offsite parking aisle to access 11 parking spaces; whereas By-law 0225-2007, as amended, requires a minimum parking aisle width of 7.00 m (22.96 ft.) and requires for parking aisles to be wholly onsite in this instance.

Mr. M. deBruyn, authorized agent, attended and presented the application to permit the construction of additions to the existing building. He explained that, in order to meet accessibility requirements, the sidewalks had to be enlarged resulting in a reduction of available parking on site.

Mr. deBruyn advised that the variances are required due to the irregular shape of the lot. He further advised that some of the parking spaces were re-aligned and the aisle width was reduced. He presented a site plan for the Committee's review and consideration.

The Committee reviewed the information and plans submitted with the application.

The City of Mississauga Planning and Building Department commented as follows (August 5, 2015):

"1.0 Recommendation

The Planning and Building Department has no objection to the requested variances, as amended.

2.0 Background

Mississauga Official Plan

Character Area: **Gateway Employment Area**
Designation: **Business Employment**

Zoning By-law 0225-2007

Zoning: **"E2, E2-37", Employment**

3.0 Other Applications

☒ *Site Plan* File: SP 14-30

4.0 Comments

The Planning and Building Department is currently processing a Site Plan application for the proposed additions to the existing building under file SP 14-30. Based on the review of the Site Plan application we advise that the variance request should be amended as follows:

"The applicant requests the Committee to authorize a minor variance to permit the construction of additions to the existing building on the subject property proposing:

1. A rear yard setback of 5.80 m (19.02 ft.); whereas By-law 0225-2007, as amended, requires a minimum rear yard of 7.50m (24.60 ft.) in this instance;
2. A north-westerly interior side yard setback of 1.90 m (6.23 ft.); whereas By-law 0225-2007, as amended, requires a minimum north-westerly side yard of 7.50 m (24.60 ft.) in this instance;
3. An easterly interior side yard setback of 7.00 m (22.96 ft.); whereas By-law 0225-2007, as amended, requires a minimum easterly side yard of 7.50 m (24.60 ft.) in this instance;
4. A total of 265 parking spaces; whereas By-law 0225-2007, as amended, requires a minimum of 271 parking spaces in this instance
5. A total of 4 parking spaces to be located offsite; whereas By-law 0225-2007, as amended, requires for all parking to be located onsite in this instance; and,
6. An offsite parking aisle for 11 parking spaces; whereas By-law 0225-2007, as amended, requires a minimum parking aisle width of 7.00 m (22.96 ft.) and requires for parking aisles to be wholly onsite in this instance."



MISSISSAUGA

File: "A" 343/15
WARD 5

With regards to variance #1 and #2, we note that they each arise as a result of the lot shape. The rear yard setback is deficient in the southeastern corner of the lot; however, the lot line angles away from the building along the length of the rear yard, which results in most of the lot being in compliance with the By-law. Variance #2 is required because of an irregular point in the lot line that bends in towards the building on the northwesterly side. We are of the opinion that these variances are minor in nature and maintain the general intent of setbacks in the Zoning By-law.

Variance #3 is required to address the side yard deficiency of half a metre along the easterly portion of the property. The adjacent lands are zoned as Parkway Belt lands and are vacant. It is the opinion of planning staff that the reduced setback will not have an impact on adjacent lands or uses and is appropriate in this instance.

With regards to variances #4-6, the applicant has submitted a Letter of Justification, along with additional information, requested by staff, to justify the reduction in parking. Due to new accessibility regulations, the sidewalk was widened which moved some of the existing parking into the shared aisle. However, the shared parking aisle is based on an agreement with other condo owners of the commercial plaza. Policy Planning staff have reviewed the documentation provided by the applicant and have noted that they are able to support the parking related variances in this instance.

Considering the preceding information the Planning and Building Department are of the opinion that the variances requests, as amended, are minor in nature and meet the general intent of the Official Plan and Zoning By-law, and as a result we offer no objection to the application."

The City of Mississauga Transportation and Works Department commented as follows (July 20, 2015):

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 14/30. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (August 4, 2015):

"Development Engineering has been circulated the associated site plan SP-14-030M and provided servicing comments in April 2014 and updated comments in December 2014. It was stated in those comments that the consultant is required to complete and submit proposed water and sanitary demands for modelling to determine the impact on the existing system and capacity to accommodate the addition. This information has not been provided to the Region.

Note that the site does not have frontage to municipal sanitary sewer."

Mr. T. Kortko, property owner at 5733 and 5759 Coopers Avenue, attended and advised of his concerns with respect to traffic flow. He requested that the applicant move the access to Rose Cherry Drive to provide better traffic flow for the site.

No other persons expressed any interest in the application.



MISSISSAUGA

File: "A" 343/15
WARD 5

Mr. deBruyn, upon hearing the comments of the Committee and the Planning and Building Department, requested that the application be amended in accordance with their recommendations.

The Committee consented to the request and, after considering the submissions put forward by Mr. deBruyn and having reviewed the plans, is satisfied that the amended request is desirable for the appropriate further development of the subject property.

The Committee is satisfied that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained in this instance.

The Committee is of the opinion that the requested amended variance is minor in nature in this instance.

Accordingly, the Committee resolves to authorize and grant the request to permit the construction of additions to the existing building on the subject property proposing:

1. a rear yard setback of 5.80 m (19.02 ft.); whereas By-law 0225-2007, as amended, requires a minimum rear yard of 7.50m (24.60 ft.) in this instance;
2. a north-westerly interior side yard setback of 1.90 m (6.23 ft.); whereas By-law 0225-2007, as amended, requires a minimum north-westerly side yard of 7.50 m (24.60 ft.) in this instance;
3. an easterly interior side yard setback of 7.00 m (22.96 ft.); whereas By-law 0225-2007, as amended, requires a minimum easterly side yard of 7.50 m (24.60 ft.) in this instance;
4. a total of 265 parking spaces; whereas By-law 0225-2007, as amended, requires a minimum of 271 parking spaces in this instance
5. a total of 4 parking spaces to be located offsite; whereas By-law 0225-2007, as amended, requires for all parking to be located onsite in this instance; and,
6. an offsite parking aisle for 11 parking spaces; whereas By-law 0225-2007, as amended, requires a minimum parking aisle width of 7.00 m (22.96 ft.) and requires for parking aisles to be wholly onsite in this instance.

MOVED BY:	P. Quinn	SECONDED BY:	J. Page	CARRIED
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MISSISSAUGA

File: "A" 343/15
WARD 5

Application Approved, as amended.

Dated at the City of Mississauga on August 13, 2015.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **SEPTEMBER 2, 2015**.

Date of mailing is August 17, 2015.

S. PATRIZIO (CHAIR)

D. GEORGE

J. ROBINSON

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on July 16, 2015.

DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 45(1) OR (2)
of The Planning Act R.S.O. 1990, c.P.13, as amended
- and -
IN THE MATTER OF ZONING BY-LAW 0225-2007
as amended
- and -
IN THE MATTER OF AN APPLICATION BY

ANDREW LUI

on Thursday, August 6, 2015

Andrew Lui is the owner of 2283 Otami Trail being Lot 8, Registered Plan 783, zoned R1 - Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of an addition to the existing garage on the subject property proposing a front yard of 10.00 m (32.80 ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 12.00 m (39.37 ft.) in this instance.

Mr. M. Galea, authorized agent, attended and presented the application to permit the construction of an addition to the existing garage proposing a reduced front yard. Mr. Galea presented a set of plans for the Committee's review and consideration. He explained that they wish to preserve the existing tree located behind the dwelling. In addition, the applicant has extensive landscaping in the rear yard which they wish to preserve. Mr. Galea indicated that the addition will be constructed in line with the homes on the adjacent lots. He advised that the neighbours have been consulted and have expressed support for the application.

The Committee reviewed the information and plans submitted with the application.

The City of Mississauga Planning and Building Department commented as follows (July 31, 2015):

"1.0 RECOMMENDATION"

The Planning and Building Department has no objection to the requested variance.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: **Sheridan Neighbourhood**
Designation: **Residential Low Density I**

Zoning By-law 0225-2007

Zoning: **"R1", Residential**

3.0 OTHER APPLICATIONS

☒ **Building Permit** File: BP15-6287

4.0 COMMENTS

Based on a review of the Building Permit application, we advise that the variance as requested is correct.

In regards to the requested variance, we note that the reduced front yard setback would only apply to the proposed garage addition. Further, there are other instances of projecting garages on Otami Trail.

Based on the nature of the request and the extent of relief required, we have no objection to the request."

The City of Mississauga Transportation and Works Department commented as follows (July 20, 2015):

"This department has no objections to the applicant's request to permit the construction of an addition to the existing garage."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (August 4, 2015):

"This property is within the vicinity of the Newman Landfill Site. The southern part of the site was used for the disposal of wastes, while the northern portion was used for the disposal of flyash from the Lakeview Generating Station. A methane collection system continues to remove methane gas from the site. An environmental monitoring program is in place at the site and consists of groundwater and landfill gas monitoring on a routine basis. It is catalogued by the M.O.E.C.C. as #7071."

Letters were received from the residents/property owners at 2268, 2275, 2286, 2291, 2298, and 2301 Otami Trail expressing no objection to the application.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Galea and having reviewed the plans, is satisfied that the request is desirable for the appropriate further development of the subject property.

The Committee is satisfied that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained in this instance.

The Committee is of the opinion that the requested variance is minor in nature in this instance.

Accordingly, the Committee resolves to authorize and grant the request as presented.

MOVED BY:	J. Robinson	SECONDED BY:	P. Quinn	CARRIED
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File: "A" 344/15
WARD 8

Application Approved.

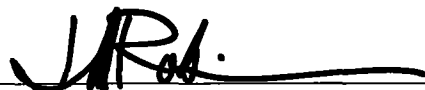
Dated at the City of Mississauga on August 13, 2015.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **SEPTEMBER 2, 2015**.

Date of mailing is August 17, 2015.

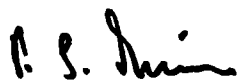


S. PATRIZIO (CHAIR)



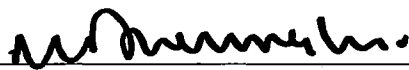
J. ROBINSON

ABSENT
J. PAGE




P. QUINN

ABSENT
D. GEORGE



D. KENNEDY



D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on July 16, 2015.



DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 45(1) OR (2)
of The Planning Act R.S.O. 1990, c.P.13, as amended
- and -
IN THE MATTER OF ZONING BY-LAW 0225-2007
as amended
- and -
IN THE MATTER OF AN APPLICATION BY

2375450 ONTARIO INC.

on Thursday, August 6, 2015

2375450 Ontario Inc. is the owner of 2677 Drew Road being Block D, Registered Plan 875, zoned E2 - Employment. The applicant requests the Committee to authorize a minor variance to permit the operation of a Motor Vehicle Repair Facility - Commercial Motor Vehicle, Motor Vehicle Body Repair Facility, Motor Vehicle Body Repair Facility - Commercial Motor Vehicle and Vehicle Pound Facility within Unit A of the development on the subject property; whereas By-law 0225-2007, as amended, does not permit any of these uses within an E2 - Employment zone in this instance.

Mr. E. Perlman, of Glen Schnarr & Associates Inc., authorized agent, attended and presented the application. He advised that his client, Action Auto & Collision Centre, operates their business from Unit A of the subject building.

Mr. Perlman advised that they wish to operate a motor vehicle repair facility – commercial motor vehicle, motor vehicle body repair facility, motor vehicle body repair facility – commercial motor vehicle, and vehicle pound facility. Mr. Perlman indicated that his client does mechanical and body repairs of passenger and commercial (truck tractors) vehicles, including body panel repairs, painting, and part replacement and repairs.

Mr. Perlman advised that the business located in Unit B already has an approval to repair commercial vehicles. Mr. Perlman indicated that the proposed uses are similar to other uses in the immediate vicinity. He noted that sufficient parking can be provided on site for the proposed uses. He advised that the proposed uses are in character with the uses in the area.

The Committee reviewed the information and plans submitted with the application.

The City of Mississauga Planning and Building Department commented as follows (August 5, 2015):

"1.0 RECOMMENDATION"

The Planning and Building Department have no objection to the requested variances, however the applicant may wish to defer to determine whether additional variances will be required.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: **Northeast Employment Area**
Designation: **Business Employment**

Zoning By-law 0225-2007

Zoning: **"E2", Employment**

3.0 OTHER APPLICATIONS

☒ Certificate of Occupancy File: C 14-159

4.0 COMMENTS

The Planning and Building Department is currently processing a zoning certificate application. Based on the information provided with that application, the variances, as requested, are correct. However, we also advise that more information is required to determine whether additional variances will be required as a result of an addition of a mezzanine in the most recent submission. Zoning staff have indicated that they require more information to ensure that this does not have an impact on parking or result in the need for any other variances.

We note that the surrounding properties, as well as the adjacent unit on the subject property, contain similar and compatible uses. The other unit on the property already contains a commercial motor vehicle repair facility which was established legally under past zoning and has operated without issue as far as we are aware. The property is located on an Industrial cul-de-sac with adjacent properties in the area also being designated as Employment lands. There are no residential areas adjacent to the subject property and in the opinion of Planning Staff there should be no impact on adjacent lands from the proposed variance.

The Planning and Building Department are of the opinion that the requested variances are minor in nature and maintain the general intent of the Official Plan and Zoning By-law; as a result we offer no objection to the requested variances, however the applicant may wish to defer to ensure that no additional variances are required."

The City of Mississauga Transportation and Works Department commented as follows (July 20, 2015):

"Enclosed for Committee's easy reference are some photo's which depict the subject property."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (August 4, 2015):

"Any changes to the underground water or sanitary sewer will require review by the Region of Peel."



MISSISSAUGA

File: "A" 347/15
WARD 5

The Toronto and Region Conservation commented as follows (July 29, 2015):

"This letter will acknowledge receipt of the above noted application (received on July 20, 2015). Toronto and Region Conservation Authority (TRCA) staff have reviewed the above noted application, and as per the "Living City Policies for Planning and Development within the Watersheds of the TRCA" (LCP), provides the following comments as part of TRCA's commenting role under the *Planning Act*, the Authority's delegated responsibility of representing the provincial interest on natural hazards encompassed by Section 3.1 of the *Provincial Policy Statement* (PPS, 2014); TRCA's Regulatory Authority under Ontario Regulation 166/06, *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*; and our Memoranda of Understanding (MOU) with the Region of Peel and City of Mississauga, wherein we provide technical environmental advice.

Purpose of the Application

It is our understanding that the purpose of this Minor Variance Application is to permit the operation of a Motor Vehicle Repair Facility – Commercial Motor Vehicle, Motor Vehicle Body Repair Facility, Motor Vehicle Body Repair Facility – Commercial Motor Vehicle and Vehicle Pound Facility within Unit A of the development on the subject property; whereas By-law 0225-2007, as amended, does not permit any of these uses within an E2 – Employment zone in this instance.

Recommendation

On the basis of the comments noted below, TRCA staff has **no objection** to the Minor Variance Application as currently submitted.

Applicable TRCA Policies and Regulation

A portion of the subject lands are regulated by the TRCA under Ontario Regulation 166/06, and are subject to the policies within TRCA's LCP. However, given that no new development is proposed as part of this application, a TRCA permit is not required. In addition it is the opinion of TRCA staff that the effect of this application is not anticipated to result in impacts to any significant natural feature and/or hazard lands and our policy interests do not appear to be affected.

Please be advised that TRCA staff has an interest in any future development on the subject property and future development may be subject to a TRCA permit under Ontario Regulation 166/06."

No other persons expressed any interest in the application.

Mr. Perlman, upon hearing the comments of the Committee and the Planning and Building Department advised that the Zoning Section want to ensure that sufficient parking is provided for the mezzanine floor area. He advised the Committee that an additional five (5) parking spaces are required for the additional floor area and they will be able to accommodate the parking requirements.

The Committee, after considering the submissions put forward by Mr. Perlman and having reviewed the plans, is satisfied that the request is desirable for the appropriate further development of the subject property.

The Committee is satisfied that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained in this instance.

The Committee is of the opinion that the requested variance is minor in nature in this instance.



MISSISSAUGA

File: "A" 347/15
WARD 5

Accordingly, the Committee resolves to authorize and grant the request as presented.

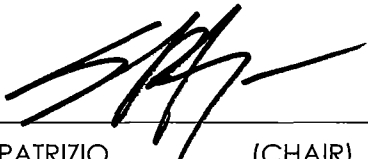
MOVED BY:	J. Robinson	SECONDED BY:	D. Reynolds	CARRIED
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Application Approved.


Dated at the City of Mississauga on August 13, 2015.

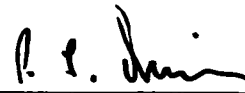
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **SEPTEMBER 2, 2015**.

Date of mailing is August 17, 2015.

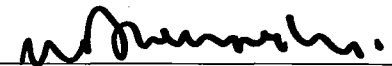

S. PATRIZIO (CHAIR)


J. ROBINSON


J. PAGE


P. QUINN

ABSENT
D. GEORGE


D. KENNEDY


D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on July 16, 2015.


DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 45(1) OR (2)
of The Planning Act R.S.O. 1990, c.P.13, as amended
- and -
IN THE MATTER OF ZONING BY-LAW 0225-2007
as amended
- and -
IN THE MATTER OF AN APPLICATION BY

JOANNE PLUT

on Thursday, August 6, 2015

Joanne Plut is the owner of Lot 7, Registered Plan M-391, located and known as 1306 Lakebreeze Drive, zoned R3-1 - Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of an accessory structure (pool cabana) within the rear yard of the subject property proposing:

1. a floor area of 19.36 m² (208.39 sq. ft.); whereas By-law 0225-2007, as amended, permits a maximum floor area of 10.00 m² (107.64 sq. ft.) in this instance; and,
2. a height of 3.51 m (11.51 ft.); whereas By-law 0225-2007, as amended, permits a maximum height of 3.00 m (9.84 ft.) in this instance.

On July 2, 2015, Ms. J. Plut, the property owner, attended and presented the subject application to construct an accessory structure with an attached gazebo structure. Ms. Plut advised the Committee that the structure would be constructed on a concrete platform and would enhance the functionality of the pool and amenity area within the rear yard.

The Committee reviewed the information and plans submitted with the application.

The City of Mississauga Planning and Building Department commented as follows (June 30, 2015):

"1.0 Recommendation

The Planning and Building Department recommends that the application be deferred for the applicant to redesign the proposal to reduce the size and height of the proposed cabana.

2.0 Background

Mississauga Official Plan

Character Area: **Mineola Neighbourhood**

Designation: **Residential Low Density II**

Zoning By-law 0225-2007

Zoning: **"R3-1", Residential**

3.0 Other Applications

☒ Building Permit File: BP 15-5933

4.0 Comments

Based on a review of the Building Permit application for the proposed cabana, we advise that the variance request should be amended as follows:

"1. A maximum floor area for an accessory structure of 27.55 m² (296.55 sq. ft.); whereas By-law 0225-2007, as amended, permits a maximum floor area of 10.00 m² (107.64 sq. ft.) in this instance;

2. A maximum floor area for a gazebo of 20.41 m² (219.69 sq. ft.); whereas By-law 0225-2007, as amended, permits a maximum floor area of 10.00 m² (107.64 sq. ft.) in this instance;

3. A maximum height to the highest ridge for the gazebo/accessory structure of 3.94 m (12.93 ft.); whereas By-law 0225-2007, as amended, permits a maximum height of 3.00 m (9.84 ft.) in this instance."

This Department has concerns with the cumulative effect of the variances being requested as they may have a negative impact on the adjacent neighbours. Based on the site plan drawing submitted with the Minor Variance application, it appears that the cabana structure would encompass almost the entire width of the lot. The intent of the By-law regarding the size and height of accessory structures and gazebos is to ensure that they remain subordinate to the dwelling and do not impose a negative impact to adjacent neighbours.

It is our opinion that the proposed cabana can be redesigned to mitigate potential impacts on neighbours and to de-emphasize the size and height of the structure.

Based on the preceding information, we recommend that the application be deferred.

The City of Mississauga Transportation and Works Department commented as follows (June 19, 2015):

"Should Committee see merit in the applicant's request to permit the construction of an accessory structure (pool cabana) within the rear-yard we would request that the structure be equipped with an eavestrough and the downspouts be located such that the drainage does not impact on the abutting lands."

A letter was received from N. and J. Dale, property owners at 274 Timothy Court, expressing objection to the application and noting their concerns.

A letter was received from D. and L. Masson, property owners at 282 Timothy Court, expressing objection to the application and noting their concerns.

A letter was received from C. Hare, property owner at 278 Timothy Court, expressing opposition to the application and noting his concerns.

A letter was received from J. Macdonald, property owner at 286 Timothy Court expressing opposition to the application.

A letter was received from L. Elliott, property owner at 1300 Lakebreeze Drive, expressing support for the application.

Ms. E. Elliott, property owner at 1300 Lakebreeze Drive, attended and expressed her support for the application noting that the noise from the equipment will be reduced and the structure is more aesthetically pleasing.

No other persons expressed any interest in the application.

Ms. Plut, upon hearing the comments of the Committee and the Planning and Building Department, requested that the application be amended in accordance with their recommendations.

The Committee consented to the request.

The Committee indicated its concern with the size of the proposed accessory structure and suggested that it represented overdevelopment within the rear yard.

Ms. Plut requested a deferral of the application to redesign the proposed structure.

The Committee consented to the request and deferred the application to the August 6, 2015 hearing.

On August 6, 2015, Ms. Plut attended and advised that the plans for the accessory structure were revised to reduce the size and height of the structure. Ms. Plut presented plans for the Committee's review and consideration noting that the size of the structure has been reduced by approximately 60.00% to address neighbour concerns. She indicated that the structure will contain a change area, a gazebo area and a pool equipment enclosure area. Ms. Plut indicated that the amount of noise emanating from the pool equipment would be reduced due to the enclosure.

Ms. Plut presented photographs of some of the neighbouring homes, illustrating where they were located, and indicating the view from their properties. She indicated that there would be no adverse impact to the neighbours as the height and size of the structure will be reduced. She indicated that a privacy fence has been installed and there are existing trees that provide privacy. She advised that many of the neighbours do not object to the request.

The Committee reviewed the information and plans submitted with the application.

The City of Mississauga Planning and Building Department commented as follows (July 31, 2015):

"1.0 RECOMMENDATION

The Planning and Building Department has no objection to the requested variances.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: **Mineola Neighbourhood**
Designation: **Residential Low Density II**

Zoning By-law 0225-2007

Zoning: **"R3-1", Residential**

3.0 OTHER APPLICATIONS

☒ **Building Permit** File: BP15-5933

4.0 COMMENTS

Based on a review of the Building Permit application for the proposed cabana, we advise that the variances as requested are correct.

When this application was previously heard by the Committee on July 2, 2015, the applicant requested a deferral to redesign the proposed structure to address concerns regarding its size. Since that time, the applicant has had discussions with this Department and redesigned the cabana with a significantly smaller footprint and height.

Upon review of the revised proposal, we are satisfied that the proposed pool cabana would not have a negative impact on adjacent neighbours. The structure would maintain the required setbacks to side and rear lot lines and has been significantly reduced to mitigate impacts to neighbours. Further, a majority of the cabana would be used as an enclosed utility room for pool equipment, reducing visual and noise impacts to neighbours.

Based on the preceding information, we have no objection to the requested variances."

The City of Mississauga Transportation and Works Department commented as follows (July 20, 2015):

"Please refer to our comments submitted for the July 2, 2015 hearing of this application as those comments are still applicable."

A letter was received from Mr. D. Masson, property owner at 282 Timothy Court, expressing objection to the application and noting their concerns with respect to the height.

A letter was received from Mrs. J. Macdonald, property owner at 286 Timothy Court, requesting that the applicant construct a structure in compliance with the Zoning By-law.

A letter was received from C. Hare, property owner at 278 Timothy Court, expressing his opposition to the application and noting his comments and concerns.

A letter was received from M. Tuck, property owner at 1299 Lakebreeze Drive, expressing no objection to the application.

A letter was received from B. and G. Mandi, property owners at 1287 Lakebreeze Drive, expressing no objection to the application.

A letter was received from M. Puskaric, property owner at 1311 Lakebreeze Drive expressing no objection to the application.

A letter was received from M. and T. Pistore, property owners at 1294 Lakebreeze Drive, expressing no objection to the application.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Ms. Plut and having reviewed the plans, is satisfied that the request is desirable for the appropriate further development of the subject property.

The Committee is satisfied that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained in this instance.



MISSISSAUGA

File: "A" 285/15

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The Committee is of the opinion that the requested variance is minor in nature in this instance.

Accordingly, the Committee resolves to authorize and grant the request, as presented.

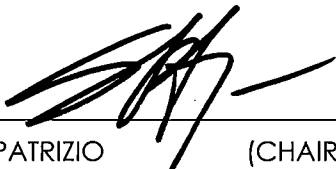
MOVED BY:	D. Reynolds	SECONDED BY:	P. Quinn	CARRIED
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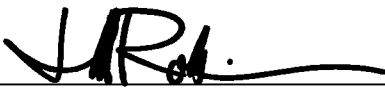
Application Approved, as amended.


Dated at the City of Mississauga on August 13, 2015.

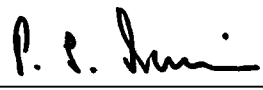
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE **SEPTEMBER 2, 2015**.

Date of mailing is August 17, 2015.



S. PATRIZIO (CHAIR)


J. ROBINSON


J. PAGE

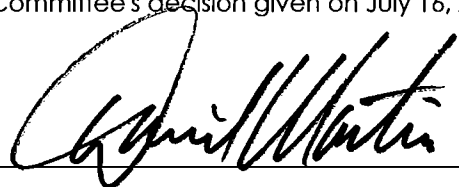

P. QUINN

ABSENT
D. GEORGE


D. KENNEDY


D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on July 16, 2015.


DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.