



COMMITTEE OF ADJUSTMENT AGENDA

Location: COUNCIL CHAMBER
Hearing: August 13, 2015 AT 1:30 P.M.

1. CALL TO ORDER
 2. DISCLOSURES OF DIRECT OR INDIRECT PECUNIARY INTEREST
 3. REQUESTS FOR WITHDRAWAL/DEFERRAL
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File	Name of Applicant	Location of Land	War	Dispositio
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DEFERRED APPLICATIONS - (CONSENT)

B-021/15	MAGELLAN AEROSPACE LIMITED	3160 DERRY RD E	5	Oct. 8
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NEW APPLICATIONS - (MINOR VARIANCE)

A-348/15	NANCY COUTO	1380 HOLLYROOD AVE	1	Approved
A-349/15	SKYMARK SQUARE LANDS INC	5019, 5023 & 5027 SPECTRUM WAY & 5030, 5036 & 5042 SATELLITE DR	5	Approved
A-350/15	GURPAL MAND	2049 DIXIE RD	1	Approved
A-351/15				
A-352/15	SUSAN BOUTARI	5840 O'MEARA ST	6	Dec. 3
A-353/15	AMACON DEVELOPMENT (CITY CENTRE) CORP	4010-4080 PARKSIDE VILLAGE DR	4	Approved

DEFERRED APPLICATIONS - (MINOR VARIANCE)

A-134/15	JAN & WIESLAWA KAZULA	1326 KENMUIR AVE	1	Approved
A-275/15	CHARLIE SING	2360 LUCKNOW DR	5	Refused
A-302/15	DIBLASIO CORPORATION	121 BRUNEL RD	5	Withdrawn

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

NANCY COUTO

on Thursday August 13, 2015

Nancy Couto is the owner of 1380 Hollyrood Avenue being Part of Lots 16 and 17, Registered Plan C-25, zoned R3-1, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of accessory structures in the rear yard of the subject property proposing:

1. two gazebo structures (gazebo & pavilion); whereas By-law 0225-2007, as amended, permits one gazebo structure in the rear yard in this instance,
2. a gazebo floor area of 23.28m² (250.59sq.ft.) (pavilion) and 12.37m² (133.15sq.ft.) (gazebo); whereas By-law 0225-2007, as amended, permits a maximum floor area for a gazebo of 10.00m² (107.64sq.ft.) for a gazebo in this instance; and,
3. a gazebo (pavilion) height of 3.81m (12.50ft.) and a gazebo height of 3.45m (11.31ft.); whereas By-law 0225-2007, as amended, permits a maximum gazebo height of 3.00m (9.84ft.) in this instance.

Mr. F. Rotundo, the authorized agent, attended and presented the subject application to construct a pool, two gazebos and a pergola within the rear yard of the subject property. Mr. Rotundo advised the Committee that the two gazebos would be oversized in floor area and height and explained that these structures were required for privacy from the adjacent neighbour and to cover an outdoor kitchen. He requested for the application to be amended to include an additional variance for the proposed pergola structure. He explained that this structure would be setback 0.50 m (1.64 ft.) from the side lot line whereas 1.20 m (9.93 ft.) was required.

Mr. Rotundo suggested that the proposed accessory structures were appropriate as the property would comply with the cumulative maximum permitted lot coverage for all structures on the property.

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

The City of Mississauga Planning and Building Department commented as follows (August 7, 2015):

"1.0 RECOMMENDATION

The Planning and Building Department has no objection to the requested variances, as amended. However, the applicant may wish to defer the application to provide the requested information to ensure that all required variances have been accurately identified.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: "R3-1", Residential

3.0 OTHER APPLICATIONS

Building Permit File: BP15-6303

4.0 COMMENTS

Based on a review of the Building Permit application for the proposed gazebos, we advise that variances #1 and #2 should be amended as follows:

"1. two gazebos (gazebo and pavilion) on the lot; whereas By-law 0225-2007, as amended, permits one gazebo on the lot in this instance;

2. a gazebo area of 23.72 m² (255.32 sq.ft.)(pavilion) and 17.34 m² (186.65 sq.ft.)(gazebo); whereas By-law 0225-2007, as amended, permits a maximum area of 10.00 m² (107.64 sq.ft.) for a gazebo in this instance; and,"

Further, we advise that additional information is required to verify the accuracy of variance #3 and to determine whether additional variances will be required.

We note that the applicant is proposing two gazebo structures on the property. Based on a recent site visit and photographs, it appears that the larger gazebo structure would be located adjacent to a newly constructed garage at 1377 Hurontario Street. It is our opinion that the location of the adjacent garage would mitigate impacts to the westerly neighbour.

Further, the second gazebo structure would be located adjacent to the southerly side lot line. It is our opinion that the requested variances for floor area and height of the second gazebo are minor and therefore, we have no objection to the request.

For both gazebos, we note that it appears the structures would comply with the setback requirements of the By-law.

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

The City of Mississauga Transportation and Works Department commented as follows (July 23, 2015):

"This department has no objections to the applicant's request to permit the construction of accessory structures in the rear yard. Should Committee see merit we would recommend that the structures be constructed such that there would be no drainage impacts on the abutting properties."

No other persons expressed any interest in the application.

Mr. Rotuno requested for the application to be amended in accordance with the reduced setback for the pergola and in accordance with the recommendations contained within the Planning and Building Department report.

The Committee consented to the request and, after considering the submissions put forward by Mr. Rotundo and having reviewed the plans and comments received, is satisfied that the



MISSISSAUGA

File: "A" 348/15
WARD 1

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 amended request is minor in nature in this instance.

Accordingly, the Committee resolves to authorize and grant the amended request to permit the construction of accessory structures in the rear yard of the subject property proposing:

1. two gazebos (gazebo and pavilion) on the lot; whereas By-law 0225-2007, as amended, permits one gazebo on the lot in this instance;
2. a gazebo area of 23.72 m² (255.32 sq. ft.) (pavilion) and 17.34 m² (186.65 sq. ft.) (gazebo); whereas By-law 0225-2007, as amended, permits a maximum area of 10.00 m² (107.64 sq. ft.) for a gazebo in this instance;
3. a gazebo (pavilion) height of 3.81m (12.50ft.) and a gazebo height of 3.45m (11.31ft.); whereas By-law 0225-2007, as amended, permits a maximum gazebo height of 3.00m (9.84ft.) in this instance; and,
4. a side yard setback of 0.50 m (1.64 ft.) from the pergola to the side yard lot line; whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20 m (3.93 ft.) in this instance.



File: "A" 348/15
WARD 1

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

Application Approved, as amended.

Dated at the City of Mississauga on August 20, 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 9, 2015.

Date of mailing is August 24, 2015.

S. PATRIZIO (CHAIR)

D. GEORGE

J. ROBINSON

D. KENNEDY

J. PAGE

ABSENT

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on August 20, 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

SKYMARK SQUARE LANDS INC

on Thursday August 13, 2015

Skymark Square Lands Inc is the owner of 5019, 5023 & 5027 Spectrum Way and 5030, 5036 & 5042 Satellite Drive being Part of Block 9, Registered Plan M-793, zoned E1-27, Employment. The applicant requests the Committee to authorize a minor variance to permit development of the subject property proposing to permit accessory uses including laboratories and associated facilities for medical diagnostic and dental purposes, medical supply and equipment store, pharmacy, motor vehicle rental facility, retail store less than 600.00m² (6,458.00sq.ft.), personal service establishment and day care within the existing buildings of Part A of Schedule E1-27 of the Zoning By-law having a maximum of 2,285.00m² (24,596.34sq.ft.) for accessory uses with no more than 50% of any one building in Part A of Schedule E1-27 to be an accessory use; whereas By-law 0225-2007, as amended, makes no provisions for such accessory uses in an E1-27, Employment zone in this instance.

Mr. J. Gallanders, the authorized agent, attended and presented the subject application to permit the reallocation of floor area dedicated to various accessory uses to all of the buildings on the subject property. Mr. Gallanders advised the Committee that the subject property was developed pursuant to a site specific Zoning By-law that allowed for certain ancillary uses to be located only within specific office buildings. Mr. Gallanders explained that there would be no increase in the amount of floor area dedicated to these accessory uses beyond what was permitted. Mr. Gallanders suggested that the proposal was desirable as it would allow flexibility for leasing the buildings to a variety of tenants.

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

The City of Mississauga Planning and Building Department commented as follows (August 11, 2015):

"1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Airport Corporate Centre

Designation: Business Employment, Special Site 1

Zoning By-law 0225-2007

Zoning: "E1-27", Employment in Nodes

3.0 OTHER APPLICATIONS

N/A

4.0 COMMENTS

We note that in the absence of any associated applications we are unable to confirm the accuracy of the requested variance or determine whether any additional variances are required. However based on the information submitted with the variance application it appears the request should be amended as follows:

"1. The applicant requests the Committee to authorize a minor variance to permit development of the subject property proposing to permit accessory uses including laboratories and associated facilities for medical diagnostic and dental purposes, medical supply and equipment store, pharmacy, motor vehicle rental facility, retail store less than 600.00 m² (6458.55 sq.ft.), personal service establishment and day care within the existing buildings in Area A of Schedule E1-27 of the Zoning By-law having a maximum GFA - non-residential of 2285.00 m² (24596.34 sq.ft.) for accessory uses with no more than 50% of any one building in Area A of Schedule E1-27 to be used for accessory uses; whereas By-law 0225-2007, as amended, makes no provisions for such accessory uses in an E1-27, Employment zone and does not permit a day care use to be located within the Lester B. Pearson Airport Operating Area in this instance."

The Planning and Building Department note that 20% of the total GFA - Non Residential of an office building is permitted under the subject properties zoning to be used as an accessory use, in this instance. The applicant is requesting that additional uses be permitted in the buildings located in Area A of the Schedule E1-27 in conjunction with the existing restaurant uses. The area of 2285m² GFA - Non Residential to be used for accessory uses represents 20% of the total GFA - Non Residential of the existing office building on site. The existing buildings in Area A of the site are underutilized and in the opinion of planning staff are a reasonable location to extend accessory uses to. We are also of the opinion that the request for 50% of any one building to be occupied by an accessory use is appropriate, in this instance. The overall total floor area within all buildings would still maintain the 20% GFA - Non Residential cap while allowing some flexibility for a variety of accessory uses.

Notwithstanding the above information, we do note that a day care use should not be included in the additional permitted accessory uses list in the variance request. Section 6.9.2.4 of the City of Mississauga Official Plan states that a day care will not be permitted within the Airport Operating Area as a principal or accessory use.

Considering the preceding information, the Planning and Building Department has no objection to the requested variance, as amended, and provided that the day care use be removed from the list of permitted accessory uses in the variance request."

The City of Mississauga Transportation and Works Department commented as follows (June 23, 2015):

"We are noting for information purposes that the Planning and Building Department will be commenting on our behalf with regards to the requested variance."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (August 7, 2015):

"A portion of the subject land is located within the Airport Operating Area 30 to 35 Noise Exposure Forecast (NEF) Contour. Policy 5.9.6.2.4 of the Region of Peel Official Plan prohibits development, redevelopment and infill for new residential and sensitive land uses, specifically hospitals, nursing homes, day care facilities and public and private schools in the Lester B. Pearson International Airport Operating Area. ROP Policy 5.9.6.2.6 enables local municipalities to define specific exceptions to this general provision provided that these



MISSISSAUGA

File: "A" 349/15
WARD 5

exceptions are not located within the 35 NEF Contour. Given that only a very limited portion of the subject property is located within the 30 to 35 NEF Contour, and the proposed development does not appear to be located in this area, no objections are offered. Regional Planning staff request that the Committee consider comments from the Greater Toronto Airports Authority (GTAA) and incorporate their conditions of approval appropriately."

No other persons expressed any interest in the application.

Mr. Gallanders 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. Gallanders and having reviewed the plans and comments received, is satisfied that the amended request is desirable for the appropriate further development of the subject property. The Committee indicated that the inclusion of daycare uses on the subject property was inappropriate as the lands were exposed to operating noise from the Lester B. Pearson International Airport. The Committee confirmed that their approval would not extend for daycare uses.

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 amended request is minor in nature in this instance.



MISSISSAUGA

File: "A" 349/15
WARD 5

Accordingly, the Committee resolves to authorize and grant the amended request to permit development of the subject property proposing to permit accessory uses including laboratories and associated facilities for medical diagnostic and dental purposes, medical supply and equipment store, pharmacy, motor vehicle rental facility, retail store less than 600.00 m² (6,458.55 sq. ft.) and personal service establishment within the existing buildings in Area A of Schedule E1-27 of the Zoning By-law having a maximum GFA - non-residential of 2,285.00 m² (24,596.34 sq. ft.) for accessory uses with no more than 50% of any one building in Area A of Schedule E1-27 to be used for accessory uses; whereas By-law 0225-2007, as amended, makes no provisions for such accessory uses in an E1-27, Employment zone in this instance.

MOVED BY: P. Quinn SECONDED BY: D. George CARRIED

Application Approved, as amended.

Dated at the City of Mississauga on August 20, 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 9, 2015.

Date of mailing is August 24, 2015.

S. PATRIZIO (CHAIR)

D. GEORGE

J. ROBINSON

D. KENNEDY

J. PAGE

ABSENT

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on August 20, 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

GURPAL MAND

on Thursday August 13, 2015

Gurpal Mand is the owner of 2049 Dixie Road being Part of Lot 5, Concession 1 SDS, zoned R3, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new dwelling on the proposed "severed" lot of Consent Application File 'B' 57/14 proposing:

1. a total lot area 425.00m² (4,574.81sq.ft.); whereas By-law 0225-2007, as amended, requires a minimum lot area of 550.00m² (5,920.34sq.ft.) in this instance;
2. a total lot coverage of 39.7% of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35% of the lot area in this instance;
3. a front yard of 6.00m (19.68ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m (24.60ft.) in this instance;
4. a southerly side yard of 1.20m (3.93ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81m (5.93ft.) in this instance; and,
5. a rear yard of 6.50m (21.32ft.); whereas By-law 0225-2007, as amended, requires a minimum rear yard of 7.50m (24.60ft.) in this instance.

Mr. C. Hasija and Mr. R. Piryani, authorized agents, attended and presented the subject application. Mr. Hasika advised the Committee that the property was subject to a previous Consent application to partition the lot into two and for the construction of two new dwellings on each property. He explained that a land dedication required by the Region of Peel as condition of Consent resulted in noncompliance with the Zoning By-law for the conveyed and retained lands and for the dwellings that would be constructed.

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

The City of Mississauga Planning and Building Department commented as follows (August 11, 2015):

1.0 RECOMMENDATION

The Planning and Building Department has no objection to the requested variances. However, the applicant may wish to defer the applications to submit the required Building Permit applications to ensure that all required variances have been accurately identified.

2.0 BACKGROUND

Mississauga Official Plan



MISSISSAUGA

File: "A" 350/15
WARD 1

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: "R3", Residential

3.0 OTHER APPLICATIONS

Building Permit File: Required - No application received

4.0 COMMENTS

We note that Building Permits are required and in the absence of Building Permit applications, we are unable to verify the accuracy of the requested variances 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.

Further, we note that it appears an additional variance may be required for an insufficient setback to the front porch inclusive of stairs.

We advise that Consent application 'B' 55/13 and Minor Variance applications 'A' 342/13 and 'A' 343/13 were approved by the Committee in 2013 to create a new lot for residential purposes. The minor variances were for reduced lot areas of 478.00 m² (5,145.31 sq. ft.) whereas 550.00 m² (5,920.34 sq. ft.) is required for an 'R3' zone. At the time, this Department stated that we had no objection to the requests, subject to a condition that the applicant construct a shared driveway access. Further, the Region of Peel required land dedication of 3.05 m (10.01 ft.) for future road widening of Dixie Road.

Since that time, a further Consent application was filed under 'B' 57/14 to allow the applicant additional time to fulfill the conditions of severance.

It is our understanding that the subject applications are required due to constraints posed by the Region's land dedication for the construction of new dwellings.

In regards to variance #1, it appears that the previously approved variances under 'A' 342/13 and 'A' 343/13 did not take into consideration the Region's land dedication requirements in the lot area calculations. The nature of the proposal does not appear to have changed.

In regards to variances #2, #3 and #5, we note that without the Region's land dedication requirement, the proposed dwellings would not require variances for lot coverage, front yard setback and rear yard setback.

In regards to variance #4, we note that the reduced side yards would apply to the interior of the new dwellings, and the required side yard setbacks would be maintained to existing 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 23, 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' 57/14 and also through the Building Permit process."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (August 7, 2015):



MISSISSAUGA

File: "A" 350/15
WARD 1

"Regional servicing comments and conditions from related consent application B-57/14 have not been fulfilled. We have not received a servicing submission to date. The consent certificate is required prior to Site Servicing approvals.

Traffic related comments have been provided under the consent application B-14-057M. Please be advised that the conditions for this file have not yet been cleared."

The Ministry of Transportation commented as follows (August 12, 2015):

"The ministry has received and reviewed the above noted applications and our comments are as follow. In addition, please note that ministry provided comments during severance application in September 2013 and October 2014. These comments are still valid and applicable.

1. The property located at the above noted address is within the ministry Permit Control Area, however is adjacent to the Dixie Road, which is under the Peel Region jurisdiction.
2. In general, the ministry has no objection to the variance applications; although, the following should be taken under the consideration before the variances will be granted. Please be aware that the latest QEW/Dixie interchange design will not require property from this lot, however the MTO new interchange location may trigger changing the access arrangement into the lot. As the design of the future interchange indicates, the new Dixie Road would be realigned more than 30 meters to the west of the existing Dixie Road. It is unknown if the Ministry/Municipality/Region would offer a driveway that long just for the homeowners to maintain access to the new realigned Dixie Road. Furthermore, whereas the lot currently has access off Dixie Road, the future access could be also off Brentano Road, a local road extension. This could be a subject to future discussion.
3. The site is located within the ministry's permit control area therefore an MTO Building and Land Use permit must be obtained prior to the start of any construction on the lot.
4. As part of the Building and Land Use review and approval process the property owner will be required to submit 3 copies of detailed site plan (scale 1:500) showing the setbacks from the property line for all proposed structures.
5. Permits must be obtained from our office."

No other persons expressed any interest in the application.

Mr. Hasika advised the Committee that the application required to be amended to permit a front yard of 5.00 m (16.40 ft.) measured to the porch inclusive of stairs.

The Committee consented to the request and, after considering the submissions put forward by Mr. Hasija and Mr. Piryani and having reviewed the plans and comments received, 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 amended request is minor in nature in this instance.



MISSISSAUGA

File: "A" 350/15
WARD 1

Accordingly, the Committee resolves to authorize and grant the amended request to permit the construction of a new dwelling on the proposed "severed" lot of Consent Application File 'B' 57/14 proposing:

1. a total lot area 425.00m^2 (4,574.81sq.ft.); whereas By-law 0225-2007, as amended, requires a minimum lot area of 550.00m^2 (5,920.34sq.ft.) in this instance;
2. a total lot coverage of 39.7% of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35% of the lot area in this instance;
3. a front yard of 6.00m (19.68ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m (24.60ft.) in this instance;
4. a front yard of 5.00m (16.40ft.) measured to the front porch inclusive of stairs; whereas By-law 0225-2007, as amended, requires a minimum front yard of 5.90m (19.35 ft.) measured to the front porch inclusive of stairs in this instance;
5. a southerly side yard of 1.20m (3.93ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81m (5.93ft.) in this instance; and,
6. a rear yard of 6.50m (21.32ft.); whereas By-law 0225-2007, as amended, requires a minimum rear yard of 7.50m (24.60ft.) in this instance.



MOVED BY: D. George SECONDED BY: J. Robinson CARRIED

Application Approved, as amended.

Dated at the City of Mississauga on August 20, 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 9, 2015.

Date of mailing is August 24, 2015.




S. PATRIZIO (CHAIR)



D. GEORGE



J. ROBINSON

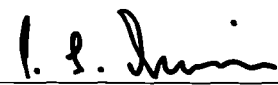


D. KENNEDY



J. PAGE

ABSENT
D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on August 20, 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

GURPAL MAND

on Thursday August 13, 2015

Gurpal Mand is the owner of 2049 Dixie Road being Part of Lot 5, Concession 1 SDS, zoned R3, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new dwelling on the proposed "retained" lot of Consent Application File 'B' 57/14 proposing:

1. a total lot area 426.00m² (4,585.57sq.ft.); whereas By-law 0225-2007, as amended, requires a minimum lot area of 550.00m² (5,920.34sq.ft.) in this instance,
2. a total lot coverage of 39.8% of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35% of the lot area in this instance,
3. a front yard of 6.00m (19.68ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m (24.60ft.) in this instance,
4. a northerly side yard of 1.20m (3.93ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81m (5.93ft.) in this instance; and,
5. a rear yard of 6.50m (21.32ft.); whereas By-law 0225-2007, as amended, requires a minimum rear yard of 7.50m (24.60ft.) in this instance.

Mr. C. Hasija and Mr. R. Piryani, authorized agents, attended and presented the subject application. Mr. Hasika advised the Committee that the property was subject to a previous Consent application to partition the lot into two and for the construction of two new dwellings on each property. He explained that a land dedication required by the Region of Peel as condition of Consent resulted in noncompliance with the Zoning By-law for the conveyed and retained lands and for the dwellings that would be constructed.

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

The City of Mississauga Planning and Building Department commented as follows (August 11, 2015):

1.0 RECOMMENDATION

The Planning and Building Department has no objection to the requested variances. However, the applicant may wish to defer the applications to submit the required Building Permit applications to ensure that all required variances have been accurately identified.

2.0 BACKGROUND

Mississauga Official Plan



MISSISSAUGA

File: "A" 351/15
WARD 1

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: "R3", Residential

3.0 OTHER APPLICATIONS

Building Permit File: Required - No application received

4.0 COMMENTS

We note that Building Permits are required and in the absence of Building Permit applications, we are unable to verify the accuracy of the requested variances 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.

Further, we note that it appears an additional variance may be required for an insufficient setback to the front porch inclusive of stairs.

We advise that Consent application 'B' 55/13 and Minor Variance applications 'A' 342/13 and 'A' 343/13 were approved by the Committee in 2013 to create a new lot for residential purposes. The minor variances were for reduced lot areas of 478.00 m² (5,145.31 sq. ft.) whereas 550.00 m² (5,920.34 sq. ft.) is required for an 'R3' zone. At the time, this Department stated that we had no objection to the requests, subject to a condition that the applicant construct a shared driveway access. Further, the Region of Peel required land dedication of 3.05 m (10.01 ft.) for future road widening of Dixie Road.

Since that time, a further Consent application was filed under 'B' 57/14 to allow the applicant additional time to fulfill the conditions of severance.

It is our understanding that the subject applications are required due to constraints posed by the Region's land dedication for the construction of new dwellings.

In regards to variance #1, it appears that the previously approved variances under 'A' 342/13 and 'A' 343/13 did not take into consideration the Region's land dedication requirements in the lot area calculations. The nature of the proposal does not appear to have changed.

In regards to variances #2, #3 and #5, we note that without the Region's land dedication requirement, the proposed dwellings would not require variances for lot coverage, front yard setback and rear yard setback.

In regards to variance #4, we note that the reduced side yards would apply to the interior of the new dwellings, and the required side yard setbacks would be maintained to existing 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 23, 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' 57/14 and also through the Building Permit process."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (August 7, 2015):



MISSISSAUGA

File: "A" 351/15
WARD 1

"Regional servicing comments and conditions from related consent application B-57/14 have not been fulfilled. We have not received a servicing submission to date. The consent certificate is required prior to Site Servicing approvals.

Traffic related comments have been provided under the consent application B-14-057M. Please be advised that the conditions for this file have not yet been cleared."

The Ministry of Transportation commented as follows (August 12, 2015):

"The ministry has received and reviewed the above noted applications and our comments are as follow. In addition, please note that ministry provided comments during severance application in September 2013 and October 2014. These comments are still valid and applicable.

1. The property located at the above noted address is within the ministry Permit Control Area, however is adjacent to the Dixie Road, which is under the Peel Region jurisdiction.
2. In general, the ministry has no objection to the variance applications; although, the following should be taken under the consideration before the variances will be granted. Please be aware that the latest QEW/Dixie interchange design will not require property from this lot, however the MTO new interchange location may trigger changing the access arrangement into the lot. As the design of the future interchange indicates, the new Dixie Road would be realigned more than 30 meters to the west of the existing Dixie Road. It is unknown if the Ministry/Municipality/Region would offer a driveway that long just for the homeowners to maintain access to the new realigned Dixie Road. Furthermore, whereas the lot currently has access off Dixie Road, the future access could be also off Brentano Road, a local road extension. This could be a subject to future discussion.
3. The site is located within the ministry's permit control area therefore an MTO Building and Land Use permit must be obtained prior to the start of any construction on the lot.
4. As part of the Building and Land Use review and approval process the property owner will be required to submit 3 copies of detailed site plan (scale 1:500) showing the setbacks from the property line for all proposed structures.
5. Permits must be obtained from our office."

No other persons expressed any interest in the application.

Mr. Hasika advised the Committee that the application required to be amended to permit a front yard of 5.00 m (16.40 ft.) measured to the porch inclusive of stairs.

The Committee consented to the request and, after considering the submissions put forward by Mr. Hasija and Mr. Piryani and having reviewed the plans and comments received, 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 amended request is minor in nature in this instance.



MISSISSAUGA

File: "A" 351/15
WARD 1

Accordingly, the Committee resolves to authorize and grant the amended request to permit the construction of a new dwelling on the proposed "retained" lot of Consent Application File 'B' 57/14 proposing:

1. a total lot area 426.00m² (4,585.57sq.ft.); whereas By-law 0225-2007, as amended, requires a minimum lot area of 550.00m² (5,920.34sq.ft.) in this instance,
2. a total lot coverage of 39.8% of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35% of the lot area in this instance,
3. a front yard of 6.00m (19.68ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m (24.60ft.) in this instance,
4. a front yard of 5.00m (16.40ft.) measured to the front porch inclusive of stairs; whereas By-law 0225-2007, as amended, requires a minimum front yard of 5.90m (19.35 ft.) measured to the front porch inclusive of stairs in this instance;
5. a northerly side yard of 1.20m (3.93ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81m (5.93ft.) in this instance; and,
6. a rear yard of 6.50m (21.32ft.); whereas By-law 0225-2007, as amended, requires a minimum rear yard of 7.50m (24.60ft.) in this instance.



MISSISSAUGA

File: "A" 351/15
WARD 1

MOVED BY: D. George SECONDED BY: J. Robinson CARRIED

Application Approved, as amended.

Dated at the City of Mississauga on August 20, 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 9, 2015.

Date of mailing is August 24, 2015.

S. PATRIZIO (CHAIR)

D. GEORGE

J. ROBINSON

D. KENNEDY

J. PAGE

ABSENT

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on August 20, 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

AMACON DEVELOPMENT (CITY CENTRE) CORP

on Thursday August 13, 2015

Amacon Development (City Centre) Corp. is the owner of 4010-4080 Parkside Village Drive being Block 2, Registered Plan M-1925, zoned CC4-5. The applicant requests the Committee to authorize a minor variance to permit a parking space width within the underground garage of 2.53m (8.30ft.) for Unit 68 and 2.68m (8.79ft.) for Unit 46 of the subject development; whereas By-law 0225-2007, as amended, requires minimum parking spaces widths of 2.60m (8.53ft.) for Unit 68 and 2.70m (8.85ft.) for Unit 46 respectively in this instance.

Mr. D. Hunwicks, the authorized agent, attended and presented the subject application to permit relief for 2 parking spaces within the parking garage structure that would be slightly deficient in width. He explained that these deficiencies were the result of minor construction errors within the parking garage structure.

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

The City of Mississauga Planning and Building Department commented as follows (August 7, 2015):

1.0 Recommendation

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

2.0 Background

Mississauga Official Plan

Character Area: Downtown Core

Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: "CC4-5", City Centre

3.0 Other Applications

N/A

4.0 Comments

The Planning and Building Department note that the variances requested are to recognize slight parking stall deficiencies in two of the units. In the opinion of Planning staff the requested variances should have no impact on the functionality of the parking stalls. We are of the opinion that the variances are minor in nature and offer no objection."



File: "A" 353/15
WARD 4

The City of Mississauga Transportation and Works Department commented as follows (July 23, 2015):

"This department has no objections to the applicant's request."

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Mr. Hunwicks and having reviewed the plans and comments received, 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" 353/15
WARD 4

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

MOVED BY: J. Page SECONDED BY: D. Kennedy CARRIED

Application Approved.

Dated at the City of Mississauga on August 20, 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 9, 2015.

Date of mailing is August 24, 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 20, 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

JAN & WIESLAWA KAZULA

on Thursday August 13, 2015

Jan & Wieslawa Kazula are the owners of part of Lot 220, Registered Plan F-20, located and known as 1326 Kenmuir Avenue, zoned R3-1 - Residential. The applicants request the Committee to authorize a minor variance to permit the construction of additions to the existing dwelling on the subject property proposing:

1. a front yard of 5.64 m (18.50 ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50 m (24.60 ft.) in this instance;
2. a northerly side yard of 1.03 m (3.37 ft.) and a southerly side yard of 1.06 m (3.47 ft.); whereas By-law 0225-2007, as amended, requires a minimum northerly and southerly side yards of 1.81 m (5.93 ft.) in this instance;
3. a combined width of the side yards of 2.09 m (6.85 ft.); whereas By-law 0225-2007, as amended, requires a minimum combined width of the side yards of 4.99 m (16.37 ft.) in this instance; and,
4. a height of 9.04 m (29.65 ft.) for the proposed altered dwelling; whereas By-law 0225-2007, as amended, permits a maximum height of 9.00 m (29.52 ft.) in this instance.

On February 26, 2015, Mr. J. Pinkney, the authorized agent, attended and presented the application to permit the construction of a second storey addition above the existing one storey dwelling and a two storey addition at the rear of the dwelling. Mr. Pinkney advised the Committee that the requested reduced front yard setback was measured to a new covered porch. He explained that the second storey addition to the dwelling would maintain the setbacks of the existing dwelling.

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

The City of Mississauga Planning and Building Department commented as follows (February 20, 2015):

1.0 RECOMMENDATION

The Planning and Building Department has no objection to the requested variances. However, the applicant may wish to defer the application to submit the requested information in order to verify the accuracy of 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

Pre-Application Zoning and Applicable Law Review File: P-ZONE 14/2952

4.0 COMMENTS

Based on the review of the Pre-Zoning review application, we advise that there is a significant discrepancy regarding the information submitted with the minor variance request and the Pre-Zoning Review application.

Furthermore, based on the site plan drawing submitted with the variance application, it appears an additional variance for excessive number of accessory structures is required, however, without the information reflected in the Pre-Zone application we cannot confirm.

Moreover, this Department requires additional information regarding average grade, front yard setback, driveway and walkway width and eave overhang dimensions, among other items. Without this information, we cannot confirm the accuracy of the requested variances or whether additional are required.

It is our understanding that the applicant is proposing to construct a second storey addition above the existing one storey dwelling footprint, with a two storey addition at the rear of the existing structure.

With regard to variance #1, we note that the requested relief for front yard setback is measured to the new covered porch and not to the dwelling wall. With regard to variances #2 and #3, it is our understanding that the side yard setbacks are existing and that the additions will not cause a further encroachment. Lastly, with regard to variance #4, given the degree of relief required, we believe that the request is minor in nature. Based on the preceding information, this Department has no objection to the requested variances as currently requested."

The City of Mississauga Community Services Department, Park Planning Section commented as follows (February 17, 2015):

"The Community Services Department – Park Planning Section has reviewed the above noted application and advise that City of Mississauga Forestry staff have identified the following City owned trees within the municipal boulevard:

1. Norway Maple, Fair Condition, 49 cm
2. Schubert Chokecherry, Fair Condition, 18 cm

Should the application be approved, Community Services requests that:

1. The applicant install framed hoarding to the dripline of each of the City owned trees.
2. The applicant is advised that any removal or injury of the above noted trees will require a Tree Permit from the City of Mississauga Forestry Section. Should a permit be issued, injury or removal and replacement planting is to be undertaken by the City at the applicants' expense."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (February 23, 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 building permit."



A letter was received from G. & K. Evangelista, residents of 1338 Kenmuir Avenue, stating their objection to the requested variances. They expressed concerns with respect to the incompatibility of the altered dwelling with the existing character of the neighborhood. They requested the Committee to refuse the subject application.

Mr. D. Ferro, a Planner for the Planning and Building Department, attended and advised the Committee that there is a significant discrepancy regarding the information submitted with the minor variance application and the Pre-Zoning Review application. He noted that without the receipt of the outstanding information, staff would be unable to confirm the accuracy of the requested variance or comment on whether or not additional variances may be required.

No other persons expressed any interest in the application.

The Committee indicated concerns with respect to the discrepancy between the Pre-Zoning Review application and the Minor Variance application. The Committee indicated their preference for the submission of revised plans for subject property that accurately depicted the proposal.

Mr. Pinkney upon hearing the comments of the Committee, requested for a deferral of the subject application.

The Committee consented to the request and deferred the application to the March 26, 2015 hearing.

On March 26, 2015, Mr. J. Kazula, a co-owner of the property, attended and requested a deferral of the applicant to allow for his agent to be in attendance at the hearing to present the application to the Committee.

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

The City of Mississauga Planning and Building Department commented as follows (March 20, 2015):

1.0 RECOMMENDATION

The Planning and Building Department has no objection to the requested variances. However, the applicant may wish to defer the application to submit the requested information in order to verify the accuracy of the requested variances and to determine whether additional variances will be required.

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

Pre-Zoning Review File: PZONE 14-2952

4.0 COMMENTS

When this application was previously heard by the Committee on February 26, 2015, the Committee indicated its concerns with the discrepancies between the Pre-Zoning application and the minor variance request. As a result, the applicant requested a deferral. We advise that



MISSISSAUGA

File: "A" 134/15
WARD 1

revised drawings for the Pre-Zoning Review application were received on March 13, 2015. Zoning staff have not had sufficient time to review the revised drawings.

Based on the preceding information, our comments dated February 20, 2015 remain applicable."

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

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

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (March 23, 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 building permit."

A letter was received from S. Pham, a resident of 1321 Kenmuir Avenue, stating concerns with the subject application.

No other persons expressed any interest in the application.

On April 23, 2015, Mr. J. Kazula, a co-owner of the property, attended and requested a deferral of the application to allow staff additional time to provide comments for the revised application. He explained that revised plans had been recently submitted to staff.

The City of Mississauga Planning and Building Department commented as follows (April 22, 2015):

1.0 RECOMMENDATION

The Planning and Building Department has no objection to the requested variances. However, the applicant may wish to defer the application to submit the requested information in order to verify the accuracy of the requested variances and to determine whether additional variances will be required.

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

Pre-Zoning Review File: PZONE 14-2952

4.0 COMMENTS

When this application was previously heard by the Committee on March 26, 2015, this Department indicated that revised drawings had been recently submitted, and staff required additional time to review the material. Upon review, additional information was required, and was recently received on April 14, 2015. Zoning staff require further time to adequately review the submitted information. Until such time, we are unable to verify the accuracy of the requested variances and to determine whether additional variances will be required.



MISSISSAUGA

File: "A" 134/15
WARD 1

In regards to the requested variances, our previous comments dated February 20, 2015 remain applicable.

The City of Mississauga Transportation and Works Department commented as follows (April 16, 2015):

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

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (April 20, 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 building permit.

No other persons expressed any interest in the application.

The Committee consented to the request and deferred the application to the June 4, 2015 hearing.

On June 4, 2014, Mr. J. Kazula, a co-owner of the property, attended and requested a deferral of the application to allow him to receive comments back from a concurrent Site Plan Approval application to ensure the accuracy of the requested relief to the Zoning By-law.

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

The City of Mississauga Planning and Building Department commented as follows (May 29, 2015):

1.0 RECOMMENDATION

The Planning and Building Department has no objection to the requested variances, as amended. However, the applicant may wish to defer the application to submit the requested information to ensure that all required variances have been accurately identified.

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

Pre-Zoning Review File: PZONE 14-2952

4.0 COMMENTS

Based on a review of the Pre-Zoning Review application, we advise that variance #3 is correct. However, variances #1 and #2 should be amended as follows:

"1. a front yard of 7.26 m (23.82 ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.5 m (24.60 ft.) in this instance;



MISSISSAUGA

File: "A" 134/15
WARD 1

2. a northerly side yard of 1.03 m (3.37 ft.) and southerly side yard of 1.06 m (3.47 ft.); whereas By-law O225-2007, as amended, requires a minimum side yard setback of 2.41 m (7.91 ft.) in this instance;"

Variances for excessive height and excessive eave height may be required. However, two different average grade heights have been submitted. Therefore, we are unable to verify the accuracy of the requested variance or to determine whether additional variances will be required.

Further, an additional variance is required as follows:

"excessive porch encroachment of 2.94 m (9.65 ft.); whereas By-law O225-2007, as amended, permits a maximum encroachment of 1.6 m (5.25 ft.) in this instance."

In our previous comments dated February 20, 2015, we had noted that based on the site plan drawing submitted with the minor variance application, it appeared that an additional variance would be required for excessive number of accessory structures. However, this information was not reflected in the Pre-Zoning Review application and therefore has not been identified by Zoning staff.

In regards to variance #1, we note that the front yard setback is to the existing dwelling, which generally aligns with the other houses on the west side of Kenmuir Avenue. Therefore, we have no objection to the request.

In regards to variances #2 and #3, we note that the side yard setbacks are currently existing for the first storey. Further, the setbacks being requested are located at pinch points as the existing dwelling was not constructed parallel to the side lot lines, but was sited to align with the front lot line. For the southerly side yard, we further note that the second storey portion above the garage has been stepped in from the first storey, reducing the massing impact. Therefore, we have no objection to the requests.

In regards to the requested variance for height of the dwelling, it is our opinion that the request is minor. However, the applicant may wish to clarify the average grade heights to confirm the accuracy of the request and to determine whether an additional variance for excessive eave height is required.

In regards to the variance for excessive porch encroachment, we note that the porch is limited in size and includes stairs leading to the elevated first storey. We have no objection to the request.

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

The City of Mississauga Transportation and Works Department commented as follows (May 28, 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 (June 1, 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 building permit."

No other persons expressed any interest in the application.

The Committee consented to the request and deferred the application to the July 9, 2015 hearing.



MISSISSAUGA

File: "A" 134/15
WARD 1

On July 9, 2015, Mr. J. Kazula, a co-owner of the property attended and requested a deferral of the subject application. He indicated that he needed additional time to review the comments from the associated Site Plan Approval application.

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

The City of Mississauga Planning and Building Department commented as follows (July 3, 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: Mineola Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: "R3-1", Residential

3.0 OTHER APPLICATIONS

Pre-Zoning Review File: PZONE 14-2952

4.0 COMMENTS

Based on a review of the Pre-Zoning Review application, we advise that the requested variances should be amended as follows:

"1. A front of 7.26 m (23.82 ft.); whereas By-law 255-2007, as amended, requires a minimum front yard of 7.5 m (24.60 ft.) in this instance;

2. A northerly side yard of 1.03 m (3.37 ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 2.41 m (7.91 ft.) in this instance;

3. a combined width of the side yards of 2.09 m (6.85 ft.); whereas By-law 0225-2007, as amended, requires a minimum combined width of the side yards of 4.99 m (16.37 ft.) in this instance;

4. Excessive porch encroachment of 2.94 m (9.65 ft.); whereas By-law 0225-2007, as amended, permits a maximum encroachment of 1.6 m (5.25 ft.) in this instance;

5. a height to the highest ridge of 9.22 m (30.25 ft.) for the proposed altered dwelling; whereas By-law 0225-2007, as amended, permits a maximum height to the highest ridge of 9.00 m (29.52 ft.) in this instance;

6. a height of eaves of 6.55 m (21.50 ft.) for the proposed altered dwelling; whereas By-law 0225-2007, as amended, permits a maximum height of eaves of 6.4 m (21.00 ft.) in this instance."

In regards to variance #1, we note that the front yard setback is to the existing dwelling, which generally aligns with the other houses on the west side of Kenmuir Avenue.

In regards to variances #2 and #3, we note that the side yard setbacks currently exist for the first storey. Further, the setbacks being requested are located at pinch points as the existing dwelling was not constructed parallel to the side lot lines, but was sited to align with the front lot line.

In regards to variance #4, we note that the porch is limited in size, but includes steps which must be included in the encroachment.



MISSISSAUGA

File: "A" 134/15
WARD 1

In regards to variances #5 and #6, it is our opinion that the requests are minor.

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

The City of Mississauga Transportation and Works Department commented as follows (July 2, 2015):

"Please refer to our comments submitted for the April 23, 2015 hearing of this application as those comments are still applicable."

No other persons expressed any interest in the application.

The Committee consented to the request and deferred the application to the August 13, 2015 hearing.

On August 13, 2015, Mr. Z. Stanbok, the authorized agent, attended and presented the subject application to construct additions to the existing dwelling on the subject property. Mr. Stanbok advised the Committee that the proposed dwelling would have reduced front and side yard widths. He explained that the reduced southerly side yard to the first storey side wall was an existing site condition and that the second storey would be recessed to provide an additional setback to the southerly side lot line. He noted that the dwelling was not constructed parallel to the side lot lines.

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

The City of Mississauga Planning and Building Department commented as follows (August 7, 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: Mineola Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: "R3-1", Residential

3.0 OTHER APPLICATIONS

Pre-Zoning Review File: PZONE 14-2952

4.0 COMMENTS

Based on a review of the Pre-Zoning Review application, we advise that the requested variances should be amended as follows:

- "1. A front yard of 7.26 m (23.82 ft.); whereas By-law 255-2007, as amended, requires a minimum front yard of 7.5 m (24.60 ft.) in this instance;
- 2. A northerly side yard of 1.03 m (3.37 ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 2.41 m (7.91 ft.) in this instance;
- 3. a combined width of the side yards of 2.09 m (6.85 ft.); whereas By-law 0225-2007, as amended, requires a minimum combined width of the side yards of 4.99 m (16.37 ft.) in this instance;



MISSISSAUGA

File: "A" 134/15
WARD 1

4. Excessive porch encroachment of 2.94 m (9.65 ft.); whereas By-law 0225-2007, as amended, permits a maximum encroachment of 1.6 m (5.25 ft.) in this instance;

5. a height to the highest ridge of 9.22 m (30.25 ft.) for the proposed altered dwelling; whereas By-law 0225-2007, as amended, permits a maximum height to the highest ridge of 9.00 m (29.52 ft.) in this instance;

6. a height of eaves of 6.55 m (21.50 ft.) for the proposed altered dwelling; whereas By-law 0225-2007, as amended, permits a maximum height of eaves of 6.4 m (21.00 ft.) in this instance."

In regards to variance #1, we note that the front yard setback is to the existing dwelling, which generally aligns with the other houses on the west side of Kenmuir Avenue.

In regards to variances #2 and #3, we note that the side yard setbacks currently exist for the first storey. Further, the setbacks being requested are located at pinch points as the existing dwelling was not constructed parallel to the side lot lines, but was sited to align with the front lot line.

In regards to variance #4, we note that the porch is limited in size, but includes steps which must be included in the encroachment.

In regards to variances #5 and #6, it is our opinion that the requests are minor.

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

The City of Mississauga Transportation and Works Department commented as follows (July 23, 2015):

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

No other persons expressed any interest in the application.

The Secretary-Treasurer advised the Committee that the payment of the deferral fees remained outstanding.

Mr. Stanbok 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. Stanbok and having reviewed the plans and comments received, 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 amended request is minor in nature in this instance.



MISSISSAUGA

File: "A" 134/15
WARD 1

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

1. a front yard of 7.26 m (23.82 ft.); whereas By-law 0255-2007, as amended, requires a minimum front yard of 7.50 m (24.60 ft.) in this instance;
2. a northerly side yard of 1.03 m (3.37 ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 2.41 m (7.91 ft.) in this instance;
3. a combined width of the side yards of 2.09 m (6.85 ft.); whereas By-law 0225-2007, as amended, requires a minimum combined width of the side yards of 4.99 m (16.37 ft.) in this instance;
4. excessive porch encroachment of 2.94 m (9.65 ft.); whereas By-law 0225-2007, as amended, permits a maximum encroachment of 1.60 m (5.25 ft.) in this instance;
5. a height to the highest ridge of 9.22 m (30.25 ft.) for the proposed altered dwelling; whereas By-law 0225-2007, as amended, permits a maximum height to the highest ridge of 9.00 m (29.52 ft.) in this instance; and,
6. a height of eaves of 6.55 m (21.50 ft.) for the proposed altered dwelling; whereas By-law 0225-2007, as amended, permits a maximum height of eaves of 6.4 m (21.00 ft.) in this instance.

This decision is subject to the following condition:

1. The applicant shall submit the outstanding \$1000 deferral fee to the Committee of Adjustment office.



File: "A" 134/15
WARD 1

MOVED BY: J. Page SECONDED BY: D. Reynolds CARRIED

Application Approved, as amended, on condition as stated.

Dated at the City of Mississauga on August 20, 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 9, 2015.

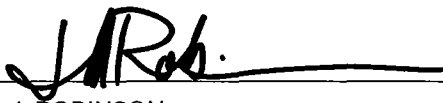
Date of mailing is August 24, 2015.



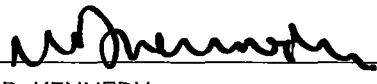
S. PATRIZIO (CHAIR)



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 20, 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

CHARANJIT AND NARINDER SINGH

on Thursday August 13, 2015

Charanjit And Narinder Singh are the owners of Part of Block F, Registered Plan M-167, located and known as 2360 Lucknow Drive, zoned E2 - Employment. The applicant requests the Committee to authorize a minor variance to permit the continued operation of a banquet hall on the subject property providing 115 parking spaces on-site (including 30 tandem spaces) and 30 parking spaces off-site on the abutting lands located at 2373 Lucknow Drive for a total of 145 parking spaces as previously approved pursuant to Committee of Adjustment File 'A' 199/13; whereas By-law 0225-2007, as amended, requires a minimum of 152 parking spaces contained wholly on site for the banquet hall use in this instance.

On June 18, 2015, Mr. N. Dell, attended and requested a deferral of the application to allow him additional time to prepare sufficient information for review by staff and the Committee.

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

The City of Mississauga Planning and Building Department commented as follows (June 15, 2015):

1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Northeast Employment Area (West)
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: "E2", Employment

3.0 OTHER APPLICATIONS

N/A

4.0 COMMENTS

We note that building permit 99-2451 was approved for a front and rear addition to the banquet hall facility on site and the front addition has not been constructed to date. This



MISSISSAUGA

File: "A" 275/15
WARD 5

building permit has also not received a final inspection and sign-off from the building inspector.

Until satisfactory arrangements have been made with the building inspector to formally remove the front addition from the scope of the issued building permit and final inspection and sign-off have been obtained we are unable to verify the accuracy of the requested variance.

The requested variance is for a continuation of minor variance application 'A' 199/13 which was approved on a 1 year term with a number of conditions, after multiple deferrals. Policy Planning Staff note that during the past year the applicant failed to meet condition #2 of variance application 199/13. This condition required the applicant to submit a satisfactory lease document for off-site parking spaces to the Planning and Building Department and Legal Services. A shared parking agreement has been submitted by the applicant, however it was not deemed to be satisfactory by Legal Services. A revised resubmission of the agreement has not been completed to our knowledge. As a result we recommend that this application be deferred until the applicant is able to submit a shared parking agreement that is satisfactory to Legal Services and the Planning and Building Department."

The City of Mississauga Transportation and Works Department commented as follows (June 10, 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.

The Committee consented to the request and deferred the application peremptorily to the August 13, 2015 hearing.

On August 13, 2015, the application was called and no one was in attendance to present the application.

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

The City of Mississauga Planning and Building Department commented as follows (August 11, 2015):

1.0 RECOMMENDATION

The Planning and Building Department are not in a position to comment on the appropriateness of this application.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Northeast Employment Area (West)
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: "E2", Employment

3.0 OTHER APPLICATIONS

Building Permit File: BP 99-2451

4.0 COMMENTS

The Planning and Building Department's comments from the June 18th, 2015 hearing are still applicable in regards to the final inspection and sign off by the building inspector, and the parking agreement.

It is the Departments understanding that the applicant has drafted a new shared parking agreement that they will be presenting to the Committee on Thursday, however it has not been formally submitted for review by Legal Services.

At the June 18th, 2015 Committee of Adjustment hearing the Committee indicated that they would be dealing with the application on a peremptory basis at this hearing. Since the Department has not received the necessary information to evaluate the variance application, we are not in a position to provide a comment on the appropriateness of this application."

The City of Mississauga Transportation and Works Department commented as follows (July 23, 2015):

"Please refer to our comments submitted for the June 18, 2015 hearing of this application as those comments are still applicable."

No other persons expressed any interest in the application.

The Secretary-Treasurer advised the Committee that his office has had no contact from the authorized agent with respect to the status of the application. He noted that Planning Staff comments indicated they are still not in a position to comment on the application. The Secretary Treasurer advised that the Committee had they had previously made the application peremptory as the applicant was not following up on the current application and the Committee advised that they did not want to see a similar situation as the previous application which had been deferred for close to a year with many of the comments and concerns raised by staff being still not resolved.

The Committee after having reviewed the plans and comments received, is not satisfied that the request is desirable for the appropriate use of the subject property and is premature pending resolution of staff comments and concerns.

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 requested variance is not minor in nature in this instance.



MISSISSAUGA

File: "A" 275/15
WARD 5

Accordingly, the Committee resolves to deny the application.

MOVED BY: D. George SECONDED BY: J. Robinson CARRIED

Application Refused.

Dated at the City of Mississauga on August 20, 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 9, 2015.

Date of mailing is August 24, 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 20, 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.