



COMMITTEE OF ADJUSTMENT AGENDA

Location: COUNCIL CHAMBER
Hearing: AUGUST 20, 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
<u>NEW APPLICATIONS - (MINOR VARIANCE)</u>				
A-354/15	ANDY & CATHERINE COURT	1525 CLEARWATER DR	1	Approved
A-355/15	DANUTA NOWAKOWSKA-WOZNIAK	1291 HAIG BLVD	1	Approved
A-356/15	BOURK & GRETE BOYD	906 WHITTIER CRES	2	Sep. 17
A-357/15	599491 ONTARIO INC	2559 HURONTARIO ST	7	Approved
A-358/15	ANTONIO BOSCO	1445 GLENBURNIE RD	1	Approved
A-359/15	DARREN DE VOS & TANIA MASSA	4716 HURON HEIGHTS DR	4	Approved
A-360/15	MICHAEL DACOSTA	164 MAPLEWOOD RD	1	Approved
A-361/15	IVAN & KATICA JURKOVIC	2376 HAMMOND RD	8	Approved
A-362/15	THE SALPAM GROUP	1520 COURTNEYPARK DR E	5	Sep. 10
A-363/15	AMIR SABIEL	1742 POETS WALK	6	Approved

DEFERRED APPLICATIONS - (MINOR VARIANCE)

A-153/15	JULIE ELAINE ROCCA	236 QUEEN ST S	11	Refused
A-261/15	SSRA HOLDINGS INC	2107 PARKER DR	7	Approved
A-269/15	JAMES D. COOPER	1507 LOCKHART RD	2	Sep. 24
A-319/15	FERAS SALAMEH	2260 DOULTON DR	8	Approved



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

ANDY & CATHERINE COURT

on Thursday August 20, 2015

Andy & Catherine Court are the owners of 1525 Clearwater Drive being Lot 20, Registered Plan 501, zoned R3, Residential. The applicants request the Committee to authorize a minor variance to permit the existing driveway to remain on the subject property proposing:

1. a driveway width of 6.40m (21.00ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 4.50m (15.00ft.) in this instance; and,
2. a driveway setback to the side lot line of 0.00m (0.00ft.); whereas By-law 0225-2007, as amended, requires a minimum setback of 0.61m (2.00ft.) from the driveway to the side lot line in this instance.

Mr. A. Court, a co-owner of the property, attended and presented the application to allow for the oversized driveway to remain on the subject property. Mr. Court presented a site plan depicting the proposed final driveway configuration. He noted that the widened portion of the driveway along the property line had been prepared for paving but the work had not been completed. Mr. Court indicated that a mature tree was located on the opposite side within the front yard and suggested that widening the driveway into the front yard area may damage the tree. Mr. Court confirmed that he had spoken to the property owner abutting the driveway and confirmed that they did not have any concerns with the altered driveway.

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

The City of Mississauga Planning and Building Department commented as follows (August 14, 2015):

1.0 RECOMMENDATION

The Planning and Building Department has no objection to variance #1 as amended. Further, we recommend that variance #2 be refused.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: "R3", Residential

3.0 OTHER APPLICATIONS

No other applications currently in process.

4.0 COMMENTS

We advise that this Department does not support variances for 0.00 m (0.00 ft.) driveway setbacks to side lot lines as the hard surface and resulting parking of vehicles can have a negative impact on adjacent neighbours. Therefore, we recommend that variance #2 be refused.

In regards to variance #1, we acknowledge that the applicant is proposing the widened driveway to allow for easier vehicular maneuvering for multiple vehicles. We note that double car driveways are common in this part of the city, and the widened portion would not apply to the entire length of the driveway. Should variance #2 be refused, the resulting driveway would have a width of 5.79 m (19.00 ft.) which should be sufficient for those purposes. We would have no objection to an amended variance request for a driveway width of 5.79 m (19.00 ft.)."

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

"This department would have no objections to the variance to permit a slightly wider driveway, however we are not in support of Variance #2 which is requesting a proposed setback of 0.00 meters from the driveway to the side lot line. We feel that in this instance the minimum 0.60M (2.00 ft.) can be provided."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (August 17, 2015):

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

A letter was received from M. & M. Gibson, a resident of 1655 Lincolshire Boulevard, stating their acceptance of the proposed driveway width.

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Mr. Court 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 indicated that the configuration of the altered driveway would not be excessive.

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" 354/15
WARD 1

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

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

Application Approved.

Dated at the City of Mississauga on August 27, 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 16, 2015.

Date of mailing is August 31, 2015.

S. PATRIZIO

D. GEORGE (CHAIR)

J. ROBINSON

D. KENNEDY

ABSENT

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on August 27, 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

DANUTA NOWAKOWSKA-WOZNIAK

on Thursday August 20, 2015

Danuta Nowakowska-Wozniak is the owner of 1291 Haig Boulevard being Part of Lot 7, Concession 2, SDS, zoned R3, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of additions to the existing dwelling proposing a northerly side yard of 1.35m (4.42ft.) to the second storey addition; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81m (5.93ft.) in this instance.

Mr. S. Borys, the authorized agent, attended and presented the subject application to allow for the construction of additions to the existing dwelling on the subject property. He noted that the additions would encroach into the required northerly side yard.

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

The City of Mississauga Planning and Building Department commented as follows (August 14, 2015):

1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: "R3", Residential

3.0 OTHER APPLICATIONS

Pre-Zoning Review File: PZONE 15-5087

4.0 COMMENTS

Based on a review of the Pre-Zoning Review application, we advise that the variance as requested is correct.

We note that the requested variance would facilitate the construction of a second storey addition to the existing dwelling. Based on the Site Plan drawing provided, the existing northerly wall of the dwelling is set back 1.21 m (3.97 ft.) from the side lot line, which complies with the requirements of the 'R3' zone. However, the By-law requires the second storey to be



MISSISSAUGA

File: "A" 355/15
WARD 1

set back to 1.81 m (5.94 ft.). In this instance, the proposed second storey will be set back slightly from the existing first storey, providing a 1.35 m (4.42 ft.) setback from the northerly side lot line.

Based on our review of the elevation drawings submitted, we are satisfied that the proposed variance would not have a negative impact on the streetscape and neighbouring properties. The second storey has been set back from the existing first storey, and it is our opinion that the request is minor. Therefore, we have no objection to the requested variance."

The City of Mississauga Transportation and Works Department commented as follows (August 16, 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 17, 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."

Mr. J. Lee, a Planner for the Planning and Building Department, attended and confirmed that the contents of the Planning report were with respect to the second storey addition.

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Mr. Borys 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" 355/15
WARD 1

Accordingly, the Committee resolves to authorize and grant the request as presented subject to the following condition:

- 1. The applicant shall proceed in accordance with the plans reviewed by the Committee.

MOVED BY: S. Patrizio SECONDED BY: J. Robinson CARRIED

Application Approved on condition as stated.

Dated at the City of Mississauga on August 27, 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 16, 2015.

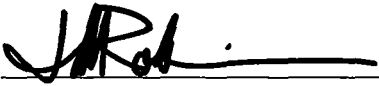
Date of mailing is August 31, 2015.




 S. PATRIZIO



 D. GEORGE (CHAIR)



 J. ROBINSON




 D. KENNEDY

ABSENT

 J. PAGE



 D. REYNOLDS



 P. QUINN

I certify this to be a true copy of the Committee's decision given on August 27, 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

599491 ONTARIO INC

on Thursday August 20, 2015

599491 Ontario Inc is the owner of 2559 Hurontario Street being Part of Lot 18, Registered Plan TOR 12, zoned C4-9, Commercial. The applicant requests the Committee to authorize a minor variance to permit the establishment of a takeout restaurant within the ground floor of the subject building providing 4 parking spaces for all uses on site; whereas By-law 0225-2007, as amended, requires a total of 6 parking spaces to be provided wholly on site in this instance.

Mr. S. Abraham, a representative of the authorized agent, attended and presented the operation of a takeout restaurant on the subject property proposing an insufficient parking supply. He indicated that there would be minimal seating in the restaurant as most patrons would take the food to be consumed offsite. Mr. Abraham noted that additional parking was available on the property but that these spaces were not recognized by the Zoning By-law. He confirmed that these spaces were functional. Mr. Abraham noted that the restaurant was located in an area that was well serviced by public transit and suggested that most of the patrons of the proposed restaurant would not require parking.

Mr. D. Abraham, a co-owner of the property, attended and explained that the subject property had been historically difficult to lease. He indicated that there was sufficient parking within the surrounding neighbourhood to accommodate the anticipated parking demand.

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

The City of Mississauga Planning and Building Department commented as follows (August 14, 2015):

1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: "C4-9", Neighbourhood Commercial

3.0 OTHER APPLICATIONS

Building Permit File: BP 11/3607

4.0 COMMENTS

Based on a review of the Building Permit application for the proposed take-out restaurant, we advise that additional information is required to verify the accuracy of the requested variance or to determine whether additional variances will be required.

In regards to the requested variance, we advise that a Parking Justification Letter prepared by Starchitect Consulting and Construction satisfactorily justifies the requested reduction in parking.

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

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

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

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (August 17, 2015):

"Any changes to the underground water or sanitary sewer, if any necessitated by the variance, will require review by the Region of Peel."

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Messrs. Abraham 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 was satisfied that a parking justification letter had been received by staff that adequately addressed the parking deficiency.

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" 357/15
WARD 7

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


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

Application Approved.

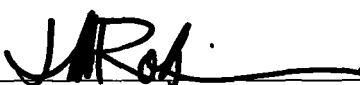
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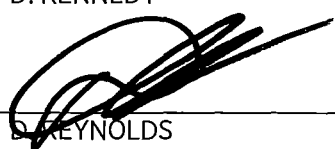

S. PATRIZIO



D. GEORGE (CHAIR)


J. ROBINSON


D. KENNEDY

ABSENT
J. PAGE


D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on August 27, 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

ANTONIO BOSCO

on Thursday August 20, 2015

Antonio Bosco is the owner of 1445 Glenburnie Road being Lot 18, Plan G-20, Part of Lot 2, Range 2, C.I.R., zoned R2-5, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new two storey detached dwelling proposing:

1. a combined width of side yards of 6.54 m (21.45 ft.); whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 8.22 m (26.96 ft.) in this instance;
2. a dwelling depth of 22.67 m (74.37 ft.); whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00 m (65.61 ft.) in this instance; and,
3. a driveway width of 7.40 m (24.27 ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00 m (19.68 ft.) in this instance.

Mr. W. Oughtred, the authorized agent, attended and presented the application to permit the construction of a new dwelling on the subject property. Mr. Oughtred advised the Committee that the proposed new dwelling would generally maintain the front and side yard setbacks of the previous dwelling that was on the property. He noted that the proposed dwelling would have an attractive courtyard on its southerly side. Mr. Oughtred indicated that the dwelling depth was the result of an angulated floor plan and that the property was significantly deep and that the depth would be appropriate for the property. Mr. Oughtred noted that the southerly side yard had an exposed basement because of the varying topography of the property.

Mr. Oughtred indicated that the dwelling would have the appearance of a single storey dwelling as the diminutive second storey would be located within the roofline. He explained that the inclusion of the additional second storey floor area resulted in an increase in side yard width requirements. Mr. Oughtred indicated that side yard widths that would be provided were appropriate for a one storey dwelling.

Mr. Oughtred advised the Committee that a small portion of the driveway would be excessive in width and that the driveway would taper in width towards the street to help minimize the amount of paved surface.

Mr. Oughtred indicated that there had been historical drainage problems with the surrounding neighbourhood. He noted that a dilapidated storm sewer traversed along the southerly side of the property that would be replaced. He noted that the municipality wished to engage into a 3.00 m (9.84 ft.) easement over these lands. He noted that sufficient room would be maintained within the southerly side yard for maintenance and access purposes of the proposed sewer.



MISSISSAUGA

File: "A" 358/15
WARD 1

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

The City of Mississauga Planning and Building Department commented as follows (August 14, 2015):

"1.0 RECOMMENDATION

The Planning and Building has no objection to the requested variances. However, the applicant may wish to defer the application to submit the requested information for the Site Plan application 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, Greenbelt

Zoning By-law 0225-2007

Zoning: "R2-5", Residential

3.0 OTHER APPLICATIONS

Site Plan File: SP 15-43 W1

4.0 COMMENTS

Based on a review of the Site Plan application, we advise that the requested variances are correct. However, we note that additional information is required to determine whether additional variances may be required.

In regards to variance #1, we note that the dwelling is considered a two storey dwelling but based on the elevation drawings provided, it does not have the appearance of a typical two storey dwelling. The second storey portion is limited and has the appearance of a loft area. Due to the technical interpretation of the proposal as a two storey dwelling, the combined width of side yards requirement increases from 20% of the frontage to 27%. If the dwelling were to be considered a one storey dwelling, it appears that the variance for combined width of side yards would not be required.

In regards to variance #2, the lot is relatively deep and it is our opinion that the requested increase in dwelling depth is minor in this instance.

In regards to variance #3, we note that for lots with frontage of 18.0 m (59.06 ft.) or greater, the Zoning By-law permits an increase in the maximum driveway width to 10.5 m (34.45 ft.) for the portion of the driveway that is within 6.0 m (19.69 ft.) of the front garage face and which is providing direct vehicular access to the garage, provided that the driveway does not cover more than 50% of the area of the front yard and/or exterior side yard. In this instance, the subject property has a frontage of greater than 18.0 m (59.06 ft.) and the driveway has been widened in front of the garage. Based on the Site Plan drawing provided, it appears that the extended portion of the driveway extends beyond the 6.0 m (19.69 ft.) limit, but only by a small amount. The remainder of the driveway adjacent to Glenburnie Road appears to comply with the By-law requirement.

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

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

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 15/043. Acknowledging that through the Site Plan Process any Transportation and Works Department concerns/requirements will be addressed, we wish to bring to Committee's attention a significant drainage related concern which may have an impact on the requested variance dealing with the combined width of the



MISSISSAUGA

File: "A" 358/15
WARD 1

side yards where 6.54m (21.45ft) is being requested whereas a combined minimum width of 8.22m (26.96ft) is required in this instance.

From our review of the Site Plan Application and our discussions with both a representative of our Environmental Services Section and an abutting neighbour it has been brought to our attention that there is a significant drainage related concern originating from the subject property which is currently being addressed through our review of the Site Plan Application. It appears that the existing catch basin located immediately in front of the subject property is blocked and not functional. The blocked catch basin was intended to pick up drainage from the Glenburnie Road and was originally connected into an existing storm sewer pipe located across the southerly limits of the subject lands. The drainage from these existing storm pipes would then outlet into the Mary Fix Creek located to the rear of this property. As the existing catch basin in front of the property is currently not functional and the storm sewer pipe across the southerly limits of this property needs to be replaced, this department has made these requirements of the Site Plan Approval in addition to the creation of a new 3.0M Municipal Storm Sewer Easement in favour of the City of Mississauga be established along the southerly limits of the property.

In view of the above and should Committee see merit in the applicant's request for approving the combined width of side yard variance of 6.54M, we would request that any side yard setback reductions to be approved through the Committee of Adjustment take into consideration that the City is requesting a 3.0M Municipal Storm Sewer Easement in favour of the City of Mississauga to be established along the southerly limits of the property."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (August 17, 2015):

"Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Site servicing approvals will be required before a building permit is issued.

The subject lands are partially regulated by Credit Valley Conservation (CVC). Regional staff request that the Committee consider comments from CVC and incorporate their conditions of approval appropriately."

A letter was received from J. McKinnon, Chairman of the Credit Reserve Association, stating his objection to the requested variances.

Mr. D. Matthews, a Planning Consultant for the property owners of 1433 Glenburnie Road, attended and expressed the objection of his clients. Mr. Matthews advised the Committee that the surrounding area had contained historical drainage problems and displayed a photograph depicting flooding along the street. He noted that an existing dilapidated sewer needed to be replaced and suggested that the southerly side yard needed to be sufficient in width to allow for the installation and maintenance of the proposed new sewer infrastructure. Mr. Matthews indicated concerns with a proposed decorative wall that encroached into the proposed easement area.

No other persons expressed any interest in the application.

Mr. Oughtred confirmed that the decorative wall would be removed from the proposal. He noted that the proposal was subject to Site Plan Approval and that any matters with respect to the easement for the proposed sewer would be addressed through that process.

The Committee after considering the submissions put forward by Mr. Oughtred 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.



MISSISSAUGA

File: "A" 358/15
WARD 1

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 subject to the following condition:

- 1. The applicant shall proceed in accordance with the plans reviewed by the Committee.

MOVED BY: S. Patrizio SECONDED BY: J. Robinson CARRIED

Application Approved on condition as stated.

Dated at the City of Mississauga on August 27, 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 16, 2015.

Date of mailing is August 31, 2015.

S. PATRIZIO

D. GEORGE (CHAIR)

J. ROBINSON

D. KENNEDY

ABSENT

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on August 27, 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)
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- and -

IN THE MATTER OF ZONING BY-LAW 0225-2007
as amended

- and -

IN THE MATTER OF AN APPLICATION BY

DARREN DE VOS & TANIA MASSA

on Thursday August 20, 2015

Darren De Vos & Tania Massa are the owners of 4716 Huron Heights Drive being Lot 211 Registered Plan M-1509, zoned R6-2, Residential. The applicants request the Committee to authorize a minor variance to permit the construction of a covered porch/deck in the rear yard of the subject property proposing the covered porch/deck to encroach into the rear yard; whereas By-law 0225-2007, as amended, does not permit encroachment of a deck or covered porch into the rear yard in an R6-2, Residential zone in this instance.

Mr. A. Chakraborty, a representative of the authorized agent, attended and presented the subject application to permit a covered porch and deck within the rear yard. He noted that the Zoning By-law did not specifically note that a covered porch and deck were permissible uses within the rear yard of the property and required relief for this restriction.

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

The City of Mississauga Planning and Building Department commented as follows (August 14, 2015):

1.0 RECOMMENDATION

The Planning and Building Department have no objection to the requested variance, however the applicant my wish to defer the application to allow time to submit the required Building Permit to verify whether the variance is required or not, and whether any additional variances will be required.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Hurontario Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: "R6-2", Residential

3.0 OTHER APPLICATIONS

Building Permit File: Required - No application received

4.0 COMMENTS

The Planning and Building Department 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 are required. However based on the information provided in the variance application it appears that the requested variance may not be required. However, should it be determined through the Building Permit process that a variance is required, the Planning and Building Department have no objection in general to the proposal in this application. The structure covers a relatively small portion of the rear yard and is on a similar building footprint to the adjacent property."

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

"This department has no objections to the applicants request to permit the addition of a covered porch/deck in the rear yard. Should Committee see merit in the applicant's request we would recommend that the existing drainage pattern in the area of the addition be maintained."

No other persons expressed any interest in the application.

Mr. Chakraborty confirmed the accuracy of the requested variances and instructed the Committee to proceed with evaluating the merits of the application.

The Committee after considering the submissions put forward by Mr. Chakraborty 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" 359/15
WARD 4

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

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

Application Approved.

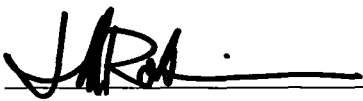
Dated at the City of Mississauga on August 27, 2015.

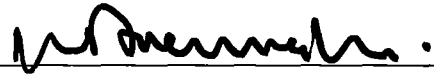
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE SEPTEMBER 16, 2015.

Date of mailing is August 31, 2015.


S. PATRIZIO



D. GEORGE (CHAIR)


J. ROBINSON

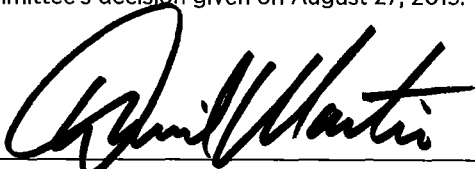

D. KENNEDY

ABSENT
J. PAGE


D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on August 27, 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

MICHAEL DACOSTA

on Thursday August 20, 2015

Michael Dacosta is the owner of 164 Maplewood Road being Lot 4, Registered Plan 384, zoned R1-2, Residential. The applicant requests the Committee to authorize a minor variance to permit the existing attachment of a walkway to the driveway to remain having a width of 3.61 m (11.84 ft.); whereas By-law 0225-2007, as amended, permits a maximum attachment of a walkway to the driveway of 1.50 m (4.92 ft.) in this instance.

Mr. W. Oughtred, the authorized agent, attended and presented the subject application to permit the existing driveway and walkway to remain on the subject property. Mr. Oughtred advised the Committee that the walkway that abutted the driveway was oversized in width and that the driveway area for the parking of motor vehicles complied with 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 (August 14, 2015):

1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: "R1-2", Residential

3.0 OTHER APPLICATIONS

No other applications currently in process.

4.0 COMMENTS

We advise that the intent of the By-law regarding the width of walkway attachments to driveways is to ensure that walkways are not used as part of the driveway for parking of vehicles.



MISSISSAUGA

File: "A" 360/15
WARD 1

Based on a review of the Site Plan drawing provided with the Minor Variance application, it is evident that the attachment is used for the purposes of a walkway to the front door and as a path toward the side yard leading to the rear yard.

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

The City of Mississauga Transportation and Works Department commented as follows (August 16, 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. Oughtred 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" 360/15
WARD 1

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

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

Application Approved.

Dated at the City of Mississauga on August 27, 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 16, 2015.

Date of mailing is August 31, 2015.

S. PATRIZIO

D. GEORGE (CHAIR)

J. ROBINSON

D. KENNEDY

ABSENT

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on August 27, 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

IVAN & KATICA JURKOVIC

on Thursday August 20, 2015

Ivan & Katica Jurkovic are the owners of 2376 Hammond Road being Part of Lot 23, Registered Plan M-396, zoned R1, Residential. The applicants request the Committee to authorize a minor variance to permit:

1. the existing accessory structure (shed) attached to a gazebo to remain in the rear yard having a floor area of 15.98 m² (172.01 sq. ft.); whereas By-law 0225-2007, as amended, permits an accessory structure having a maximum floor area of 10.00 m² (107.64 sq. ft.) in this instance,
2. the existing gazebo attached to an accessory structure (shed) having a floor area of 24.33 m² (79.82 sq. ft.); whereas By-law 0225-2007, as amended, permits a gazebo having a maximum floor area of 10.00 m² (107.64 sq. ft.) in this instance; and,
3. to permit the accessory structure (shed) and gazebo having a setback of 0.71 m (2.32 ft.) to the rear property line; whereas By-law 0225-2007, as amended, requires a minimum rear yard setback of 1.20 m (3.93 ft.) in this instance.

Mr. W. Oughtred, the authorized agent, attended and presented the subject application to permit the existing canopy and gazebo structure to remain on the subject property. Mr. Oughtred advised the Committee that the structure was constructed in the early 1990s and noted that the structures had come to the attention of the municipality as a result of a recent By-law enforcement inspection. Mr. Oughtred suggested that the structure was well screened by the significant mature vegetation within the substantially large rear yard. He noted that the structure was appropriate in height.

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

The City of Mississauga Planning and Building Department commented as follows (August 14, 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 required Building Permit application to ensure that all required variances have been accurately identified.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Sheridan Neighbourhood



MISSISSAUGA

File: "A" 361/15
WARD 1

Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: "R1", 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 (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, we note that the lot is relatively large and therefore can accommodate larger structures on the property without becoming an overdevelopment of the site. Further, based on the information submitted with the application, it appears that the roof overhang of the shed has been incorporated into the floor area calculation of the gazebo. For functional purposes, the gazebo portion of the structure appears to have a floor area that is similar to the shed. It is our opinion that the requested variances are minor in this instance.

In regards to variance #3, based on a recent site visit to the property, we note that eaves have been installed on the structure to mitigate runoff and drainage impacts to the neighbours. Further, we note that based on aerial photographs of the subject property, it appears that the structure has existed for a number of years.

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

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

"Enclosed for Committee's easy reference are some photo's which depict the existing accessory structure."

A letter was received from the residents of 2370 & 2394 Hammond Place; and, 2391 & 2397 Marisa Court, expressing an interest in the subject application.

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Mr. Oughtred 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" 361/15
WARD 1

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

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

Application Approved.

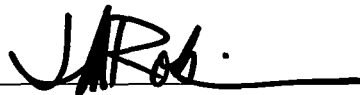
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Date of mailing is August 31, 2015.

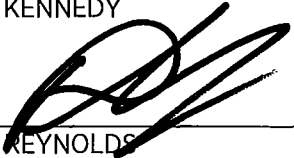

S. PATRIZIO



D. GEORGE (CHAIR)


J. ROBINSON

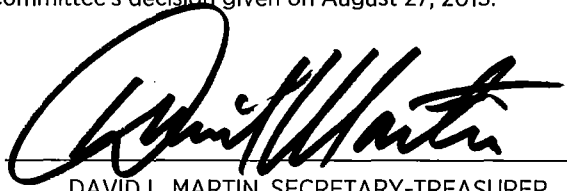

D. KENNEDY

ABSENT
J. PAGE


D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on August 27, 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

AMIR SABIEL

on Thursday August 20, 2015

Amir Sabiel is the owner of 1742 Poets Walk being Lot 19, Registered Plan M-748, zoned R2-17, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a garage addition to the existing dwelling proposing an exterior side yard of 7.00 m (22.96 ft.); whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 7.50 m (24.60 ft.) in this instance.

Mr. A. Sabiel, the property owner, attended and presented the subject application to construct an addition to a portion of the existing garage. Mr. Sabiel advised the Committee that two of the garage parking spaces were deficient in depth to allow for the parking of motor vehicles. He noted that the addition would allow for sufficient depth for vehicles to be parked inside the garage. Mr. Sabiel confirmed that the third parking space was also deficient in width but noted that this area would be used for storage purposes.

Mr. Sabiel indicated that the addition would be in conformity with the front yard setbacks of other dwellings along Poets Walk.

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

The City of Mississauga Planning and Building Department commented as follows (August 14, 2015):

1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

Character Area: East Credit Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: "R2-17", Residential

3.0 OTHER APPLICATIONS

Building Permit File: BP 15-6097

4.0 COMMENTS

The Planning and Building Department is currently processing a Building Permit application for the proposed garage addition. Based on the review of the building permit application we advise that the following additional variance is required:

2. a rectangular length of 5.60m within the proposed garage; whereas By-law 0225-2007, as amended, requires a minimum rectangular length of 6.0m in this instance.

The Planning and Building Department note that the expansion of the garage is requested in order to provide more room for a vehicle to park within it. The additional depth would still be roughly in line with the garage structure on the adjacent property and in our opinion 7m would still provide an adequate distance between the street and the structure, in this instance. Additionally the reduction in the driveway depth, as a result of the garage size increase, would still allow sufficient depth for vehicles to park within the property boundaries. Although the garage length is still deficient, we note that the extension represents an improvement on existing conditions and in this case we are of the opinion that the variance requested is minor in nature and meets the general intent of the Zoning By-law.

Based on the preceding information, the Planning and Building Department have no objection to the requested variances, as amended."

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

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

A letter was received from S. Morling, an occupant of resident of 5476 Durie Road, expressing an interest in the subject application.

A letter was received from the residents of 1747, 1748, 1753, 1754, 1759, 1760, 1765, 1766, 1771, 1772, 177, 1783 &, 1789 Poets Walk; and, 5433, 5435, 5441, 5447, 5452, 5459, 5465, 5470, 5471, 5476 & 5477 Durie Road, expressing their objection to the subject application.

Mr. S. Morling, a resident of 5476 Durie Road and representative of several neighbours, attended and expressed his concerns with the subject application. Mr. Morling displayed a series of photographs depicting the character of the dwellings within the area. He noted various concerns with the maintenance of the subject property.

No other persons expressed any interest in the application.

Mr. Sabiel 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. Sabiel 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 concerns raised by Mr. Morling with respect to property maintenance were not matters address through the Minor Variance process.

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" 363/15
WARD 6

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 a garage addition to the existing dwelling proposing:

1. an exterior side yard of 7.00 m (22.96 ft.); whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 7.50 m (24.60 ft.) in this instance; and,
2. a rectangular length of 5.60 m (18.37 ft.) within the proposed garage; whereas By-law 0225-2007, as amended, requires a minimum rectangular length of 6.00 m (19.68 ft.) in this instance.

MOVED BY: S. Patrizio SECONDED BY: D. Reynolds CARRIED

Application Approved, as amended.


Dated at the City of Mississauga on August 27, 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 16, 2015.

Date of mailing is August 31, 2015.


S. PATRIZIO

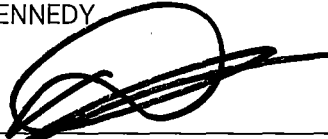

D. GEORGE (CHAIR)

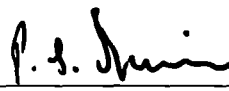

J. ROBINSON


D. KENNEDY

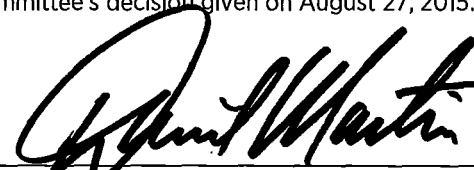
ABSENT

J. PAGE


D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on August 27, 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

JULIE ELAINE ROCCA

on Thursday August 20, 2015

Julie Elaine Rocca is the owner of part of Lot 21, Registered Plan STR-1, located and known as 236 Queen Street South, zoned C4 - Commercial. The applicant requests the Committee to authorize a minor variance to continue to permit the operation of an existing restaurant located on the second floor of the subject building, providing no parking spaces; whereas By-law 0225-2007, as amended, requires a minimum of 15 parking spaces, including one (1) parking space for persons with disabilities in this instance.

On March 12, 2015, Mr. A. Kodous, the authorized agent, attended and presented the application to permit the operation of an existing restaurant located on the second floor of the subject building. Mr. Kodous advised the Committee that prior to January 2015, a restaurant by the name of "Sphinx Lounge" operated at the subject location. He noted that he was a new tenant at the location and had since established a Middle Eastern café by the name of "Karnak Café". He noted that the restaurant served appetizers as well as functioned as a hookah lounge. He explained that no alcohol was served on-site. Mr. Kodous noted that the restaurant accommodated 39 seating spaces and the hours of operation were Monday to Sunday, 12:00 a.m. to 12:00 p.m.

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

The City of Mississauga Planning and Building Department commented as follows (March 6, 2015):

"1.0 RECOMMENDATION

The Planning and Building Department recommends that the application be deferred for the applicant to clarify the proposed use.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Streetsville Community Node

Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: "C4", Mainstreet Commercial

3.0 OTHER APPLICATIONS

Certificate of Occupancy File: C 14-4016

4.0 COMMENTS

Based on a review of the Certificate of Occupancy application, the variance as requested is correct.

We note that the Committee has approved several similar requests for the subject property, the most recent being 'A' 89/11. The application was approved, but made personal to the existing restaurant. At the time, this Department stated that we had no objection to the requested variance.

However, we note for the Committee's information that By-law Enforcement staff have visited the site, and have noted that the current business, "Sphinx Lounge" serves alcohol and plays music, but there is no serving or preparation of food. Under the Zoning By-law, it appears that the business is more appropriately defined as a Night Club. Should it be defined as a Night Club, there may be additional variances required, including to permit the use whereas the use is not permitted in a C4 zone, and to be located within 800 m (2624.67 ft.) of a Residential zone. This Department would have concerns with such requests.

Based on the preceding information, we recommend that the application be deferred for the applicant to clarify the proposed use."

The City of Mississauga Transportation and Works Department commented as follows (March 12, 2015):

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

The City of Mississauga Community Services Department, Culture Division commented as follows (March 5, 2015):

"The subject property is listed on the City's Heritage Register. Heritage Planning support this application as it will contribute to the continued use of this heritage resource."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (March 9, 2015):

"This property is within the vicinity of DHI, which is a private landfill site. It is an inactive landfill located south of Britannia, west of Queen. No further information is available.

This property is within the vicinity of the Streetsville Landfill Site. The site was used for the disposal of waste and was closed in 1957. There has been no evidence to indicate the presence of methane gas or leachate. It is catalogued by the M.O.E as #7074."

A letter was received from T. Ladner, owner of 228 Queen Street South, stating his objection to the requested variance. He expressed his concerns with respect to the deteriorating parking conditions on site being further exacerbated by the proposed parking deficiency. He requested the Committee to refuse the subject application.

A letter was received from K. Dietrich, business operator at Unit 4, 228 Queen Street South, stating her objection to the requested variance. She requested the Committee to refuse the subject application.

A letter was received from J. & L. Viola, business operator at 228 Queen Street South, stating their objection to the requested variance. They requested the Committee to refuse the subject application.

A letter was received from K. Dietrich, business operator at 232 Queen Street South, stating her objection to the requested variance. She requested the Committee to refuse the subject application.

Mr. J. Rocca, a representative of the owner of the property, attended and confirmed that a restaurant by the name of "Sphinx Lounge" previously operated at the subject location. He noted that the tenant had been replaced following a number of complaints from neighbours with respect to noise and illegal activity at the location. He noted that the proposed use was for a new restaurant at the location. Mr. Rocca explained that there had been a history of a parking shortfall at the subject location.

Ms. S. Asta, a business operator at 232 Queen Street South, attended and stated her objection to the subject application. Ms. Asta expressed concerns with respect to a significant parking shortfall on the subject site and the adverse impact of these parking conditions on the surrounding properties. She explained that her parking lot was accessed by patrons from the neighboring restaurants, including the subject site. She noted that there was a deficiency in parking throughout the day as well as concerns with respect to illegal activity occurring in the parking lot later in the evening. She requested the Committee to refuse the subject application.

Mr. J. Lee, Planner for the City of Mississauga, attended and provided historical background to the parking shortfall at the subject location. He advised the Committee that the use on the first floor had been operating prior to the adoption of the current Zoning by-law. He noted that the operation on site originally had no requirement for provision of on-site parking and was therefore considered a non-conforming use.

No other persons expressed any interest in the application.

Mr. A. Kodous advised the Committee that the proposed restaurant shared the parking lot with eight other businesses. He noted that due to the parking conditions on-site, his patrons utilized alternative transportation modes to visit the restaurant and that a bike rack was provided on site.

The Committee indicated concerns with respect to the accuracy of the staff comments for the subject application as they pertained to the previous use at the subject location. The Committee indicated a preference for comprehensive comments from staff regarding the historical parking shortfall and the existing parking conditions on the subject site prior to proceeding with the subject minor variance application. The Committee also noted that more information was required to confirm the accuracy of the proposed use at the subject location.

Mr. Asta, upon hearing the comments made by Committee, requested a deferral of the subject application.

The Committee consented to the request and deferred the application to the April 2, 2015 hearing.

On April 2, 2015, Mr. A. Kodous, the authorized agent, attended and confirmed that By-law Enforcement staff had attended the site and confirmed that the business was not operating as a bar or nightclub pursuant to the Committee's request.

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

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

"1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Streetsville Community Node

Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: "C4", Mainstreet Commercial

3.0 OTHER APPLICATIONS

Certificate of Occupancy File: C 14-4016

4.0 COMMENTS

Based on a review of the Certificate of Occupancy 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 operation of a restaurant located on the second floor of the subject building providing no parking spaces; whereas By-law 0225-2007, as amended, requires a minimum of 8 parking spaces in this instance."

When this application was previously heard by the Committee on March 12, 2015, this Department requested clarification on the proposed use for the second floor. Since that time, By-law Enforcement staff have visited the property and have noted that at the time of their inspection, snacks and non-alcoholic beverages were being consumed. Zoning staff have reviewed the By-law Enforcement comments and have concluded that the business can be considered as a restaurant use. In addition, the applicant has applied for a Certificate of Occupancy for a restaurant use. Therefore, our comments are based on a proposed restaurant use on the second floor.

Further, we note that the Committee previously approved similar minor variance requests for the subject property under 'A' 89/11, 'A' 235/05, 'A' 300/99, 'A'210/98 and 'A' 227/95. For the applications in 1995 and 1998, this Department recommended that approval should be granted conditionally upon approval of a payment-in-lieu of parking application. The variances were approved temporarily, and made personal to the business owner but this Department's recommended condition was not imposed.

In 1999, 2005 and 2011, similar requests were made to the Committee under different applicants/tenants and the Committee approved them temporarily and/or personally. For those applications, this Department stated that we had no objection as the requested parking variance was a continuation of previous approvals.

Since the approval of 'A' 89/11, we note that the City passed By-law 0308-2011 which included a reduction to the parking requirements for restaurants in C4 zones. As the City has recently analyzed and revised its parking standards for C4 zones, it is our opinion that a requested reduction in parking should be justified. As the subject property is located within the City's Payment-in-lieu (PIL) of parking program, the applicant has the following options:

1. Apply for a PIL application for City Council's consideration of the entire parking deficiency. Through the PIL application process, the proponent contribution will be calculated for the requested parking deficiency; or

2. Provide a satisfactory Parking Utilization Study potentially justifying a reduced number of spaces to be paid through PIL. Given this option potentially requires both a variance and a PIL application (in the event that the study justifies a reduction) the application should be deferred to allow for the submission of an appropriate Parking Utilization Study.

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



File: "A" 153/15
WARD 11

The City of Mississauga Transportation and Works Department commented as follows (March 26, 2015):

"Please refer to our comments submitted for the March 12, 2014 hearing of this application as those comments are still applicable."

The City of Mississauga Transportation and Works Department, Compliance and Licensing Enforcement commented as follows (April 2, 2015):

"Further to the request for comment regarding the Committee of Adjustment application in regards to the current status of the property, please be advise of the following:

On March 20 2015, Compliance and Licensing Enforcement inspected the subject property and business The Municipal Law Enforcement Officer observed the following equipment within the subject business:

- 1 - T-Fal fryer.
- 1 - ice machine.
- 2 - fridges under the counter area that contained, pop, juice, milk, coffee, and water.
- 1-2 burner hot plates.
- 1 - medium sized chest fridge not being utilized and containing a variety of coffees and teas.
- Numerous amount of Hookah's and non-tobacco molasses.
- 2 televisions.

No alcohol was observed during the inspection. On site staff advised that the menu was on order.

On March 27 2015, the applicant attended the Business Licensing Office and amended their business license application to reflect the new operating name of Karnak Café."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (March 30, 2015):

This property is within the vicinity of DHI, which is a private landfill site. It is an inactive landfill located south of Britannia, west of Queen. No further information is available.

This property is within the vicinity of the Streetsville Landfill Site. The site was used for the disposal of waste and was closed in 1957. There has been no evidence to indicate the presence of methane gas or leachate. It is catalogued by the M.O.E (Ministry of Environment) as #7074.

This property is within the vicinity of DHI, which is a private landfill site. It is an inactive landfill located south of Britannia, west of Queen. No further information is available.

This property is within the vicinity of the Streetsville Landfill Site. The site was used for the disposal of waste and was closed in 1957. There has been no evidence to indicate the presence of methane gas or leachate. It is catalogued by the M.O.E (Ministry of Environment) as #7074.

A memorandum was received from Ward Councillor Carlson, expressing concerns with the existing parking supply within the surrounding area.

A letter was received from T. Ladner, a property owner of 228 Queen Street South, expressing concerns with the existing parking supply within the surrounding area.

A letter was received from K. Dietrich, a resident of 4-228 Queen Street South, stating her objection to the subject application.



File: "A" 153/15
WARD 11

Mr. J. Lee, a Planner for the Planning and Building Department, attended and confirmed that there was a parking deficiency on the subject property. He noted that additional information as required to confirm the dimensions of the existing parking spaces and drive aisle at the rear of the property in order to determine the number of legal parking spaces that were provided on the subject property. He noted that the property benefitted from legal Non-confirming Status for a parking deficiency for a portion of the residential use on the property but noted that the current Zoning By-law regulations would apply to the proposed restaurant. Mr. Lee suggested that a parking utilization study and a Payment-in-Lieu of Parking application may be required for the parking deficiency.

No other persons expressed any interest in the application.

The Committee was not satisfied with the quality of the site plan that was presented. They noted that the sketch did not accurately identify the features of the property including the dimensions of the parking spaces and drive aisle at the rear of the property. They instructed Mr. Kodous to prepare an accurate site plan that included the dimensions of the parking spaces and drive aisle and explained that this plan was required to allow for the calculation of how many legal parking spaces were available. They explained this would allow for an accurate request for relief to the Zoning By-law to be identified and for the accurate execution of a parking utilization study.

Mr. Kodous requested a deferral of the application to allow him the necessary time to prepare an accurate site plan and parking utilization study.

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

On June 4, 2015, Mr. M. Flynn, the authorized agent, attended and requested a deferral of the subject application. Mr. Flynn advised the Committee that he had been recently retained by his client to assist in presenting the subject application and that he required additional time to prepare a parking utilization study and to confirm if the parking configuration at the rear of the property required 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 recommends that the application be deferred.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Streetsville Community Node
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: "C4", Mainstreet Commercial

3.0 OTHER APPLICATIONS

Certificate of Occupancy File: C 14-4016

4.0 COMMENTS

Based on a review of the Certificate of Occupancy application, we advise that the variance request should be amended as follows:



MISSISSAUGA

File: "A" 153/15
WARD 11

"The applicant requests the Committee to authorize a minor variance to permit the operation of a restaurant located on the second floor of the subject building providing no parking spaces; whereas By-law 0225-2007, as amended, requires a minimum of 8 parking spaces in this instance."

When this application was previously heard by the Committee on March 12, 2015, this Department requested clarification on the proposed use for the second floor. Since that time, By-law Enforcement staff have visited the property and have noted that at the time of their inspection, snacks and non-alcoholic beverages were being consumed. Zoning staff have reviewed the By-law Enforcement comments and have concluded that the business can be considered as a restaurant use. In addition, the applicant has applied for a Certificate of Occupancy for a restaurant use. Therefore, our comments are based on a proposed restaurant use on the second floor.

Further, we note that the Committee previously approved similar minor variance requests for the subject property under 'A' 89/11, 'A' 235/05, 'A' 300/99, 'A'210/98 and 'A' 227/95. For the applications in 1995 and 1998, this Department recommended that approval should be granted conditionally upon approval of a payment-in-lieu of parking application. The variances were approved temporarily, and made personal to the business owner but this Department's recommended condition was not imposed.

In 1999, 2005 and 2011, similar requests were made to the Committee under different applicants/tenants and the Committee approved them temporarily and/or personally. For those applications, this Department stated that we had no objection as the requested parking variance was a continuation of previous approvals.

Since the approval of 'A' 89/11, we note that the City passed By-law 0308-2011 which included a reduction to the parking requirements for restaurants in C4 zones. As the City has recently analyzed and revised its parking standards for C4 zones, it is our opinion that a requested reduction in parking should be justified. As the subject property is located within the City's Payment-in-lieu (PIL) of parking program, the applicant has the following options:

1. Apply for a PIL application for City Council's consideration of the entire parking deficiency. Through the PIL application process, the proponent contribution will be calculated for the requested parking deficiency; or
2. Provide a satisfactory Parking Utilization Study potentially justifying a reduced number of spaces to be paid through PIL. Given this option potentially requires both a variance and a PIL application (in the event that the study justifies a reduction) the application should be deferred to allow for the submission of an appropriate Parking Utilization Study.

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

The City of Mississauga Transportation and Works Department commented as follows (May 28, 2015):

"Please refer to our comments submitted for the March 12, 2015 hearing of this application as those comments are still applicable."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (June 1, 2015):

"This property is within the vicinity of the Streetsville Landfill Site. The site was used for the disposal of waste and was closed in 1957. There has been no evidence to indicate the presence of methane gas or leachate. It is catalogued by the M.O.E as #7074."

No other persons expressed any interest in the application.

The Committee consented to the request and deferred the application to the August 20, 2015 hearing.



MISSISSAUGA

File: "A" 153/15
WARD 11

On August 20, 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 14, 2015):

1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Streetsville Community Node
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: "C4", Mainstreet Commercial

3.0 OTHER APPLICATIONS

Certificate of Occupancy File: C14-4016

4.0 COMMENTS

As no new information has been provided, our previous comments dated May 29, 2015 remain applicable."

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

"Please refer to our comments submitted for the March 12, 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.

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. The Committee indicated that it was inappropriate for the proposed restaurant to operate without providing any parking on site. They noted that no further information has been provided to staff or committee to justify the reduced parking for the restaurant use. The Committee noted that the very limited parking on the property does not support expansion of a restaurant use on site 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 requested variance for significant parking relief is not minor in nature in this instance.



MISSISSAUGA

File: "A" 153/15
WARD 11

Accordingly, the Committee resolves to deny the application.

MOVED BY: S. Patrizio SECONDED BY: D. Reynolds CARRIED

Application Refused.

Dated at the City of Mississauga on August 27, 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 16, 2015.

Date of mailing is August 31, 2015.

S. PATRIZIO

D. GEORGE (CHAIR)

J. ROBINSON

D. KENNEDY

ABSENT

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on August 27, 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

SSRA HOLDINGS INC

on Thursday August 20, 2015

SSRA Holdings Inc is the owner of part of Lot 14, Registered Plan E-20, located and known as 2107 Parker Drive, zoned R1-6 - 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 3.00 m (9.84 ft.); whereas By-law 0225-2007, as amended, requires a minimum southerly side yard of 4.20 m (13.77 ft.) in this instance.

One June 4, 2015, The Secretary-Treasurer advised the Committee that he was in receipt of a letter from the authorized agent indicating that he was unable to attend the hearing and requested a deferral of the application. He noted that there remained outstanding concerns that he would to address with the surrounding residents.

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

The City of Mississauga Planning and Building Department commented as follows (June 3, 2015):

1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Cooksville Neighbourhood
Designation: Residential Low Density I - Special Site 4

Discussion:

We advise that Section 16.6.5.4.2 of Mississauga Official Plan states that,

16.6.5.4.2 Notwithstanding the policies of this Plan, the following additional policies will apply:

a. the generous front, rear and side yard setbacks will be preserved;

d. new housing will be encouraged to fit the scale and character of the surrounding development, and take advantage of the features of a particular site, e.g. topography, contours, mature vegetation;

k. building mass, side yards and rear yards should respect and relate to those of adjacent lots.

Zoning By-law 0225-2007



MISSISSAUGA

File: "A" 261/15
WARD 7

Zoning: "R1-6", Residential

Discussion:

We advise that the intent of the Zoning By-law regarding side yard setbacks is to ensure that an adequate separation distance is provided between dwellings that is in keeping with the character of the area.

3.0 OTHER APPLICATIONS

Site Plan File: SP 15-30 W7 - Not Satisfactory

4.0 COMMENTS

Based on a review of the Site Plan application for the proposed two storey dwelling, we advise that more information is required to verify the accuracy of the requested variance or to determine whether additional variances will be required.

We note that the applicant is proposing a new 557.40 m² (6000 sq. ft.) two storey dwelling on the subject property, which has a lot frontage of 23.47 m (77.00 ft.) and a lot area of 1652.62 m² (17,788.7 sq. ft.). We are not satisfied that sufficient justification has been provided for the requested variance. The lot can accommodate a reasonably sized dwelling.

Further, we note that none of the dwellings on Parker Drive in the immediate vicinity of the subject property have been constructed with side yard variances. It is our opinion that the requested variance is not in keeping with the character of the area and does not adequately respect and relate to the adjacent lots.

Based on the preceding information, the requested variance does not maintain the general intent and purpose of the Official Plan or Zoning By-law. It is not minor in nature, nor is it desirable for the appropriate development of the property."

The City of Mississauga Transportation and Works Department commented as follows (May 28, 2015):

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 15/30. Transportation and Works Department concerns/requirements for this Plan property will be addressed through the Site Plan Process."

The City of Mississauga Community Services Department, Culture Division 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.

The site does not front municipal sanitary sewers. Existing municipal sanitary sewers are located approximately 50 metres from site."

No other persons expressed any interest in the application.

Mr. P. Chronis, a Planning consultant for the property owners of 2099 Parker Drive, attended and expressed his clients interest in the subject application.

The Committee consented to the request and deferred the application to the July 23, 2015 hearing.

On July 23, 2015, Mr. W. Oughtred, authorized agent, attended and requested a deferral of the subject application. Mr. Oughtred advised the Committee that revised plans had recently been produced and that additional time was required to review these plans with the southerly property owner. He noted that additional refinements may be required to the side yard widths in efforts to preserve the mature trees 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 (July 17, 2015):

"1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Cooksville Neighbourhood
Designation: Residential Low Density I - Special Site 4

Zoning By-law 0225-2007

Zoning: "R1-6", Residential

3.0 OTHER APPLICATIONS

Site Plan File: SP 15-30 W7 - Not Satisfactory

4.0 COMMENTS

As no new information has been submitted, our comments dated June 3, 2015 remain applicable."

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

"Please refer to our comments submitted for the June 4, 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 20, 2015 hearing.

On August 20, 2015, Mr. W. Oughtred, the authorized agent, attended and presented the subject application to permit the construction of a new dwelling on the property. Mr. Oughtred advised the Committee that the dwelling had been modified to position the dwelling with enhanced side yard widths in order for the retention of the mature trees straddling the northerly property line. He noted that the second storey side wall would be recessed to help minimize any inappropriate amounts of massing into the side yards of the property. Mr. Oughtred noted that the southerly side yard had been increased to provide additional separation distance to the neighbour to the south.

Mr. Oughtred confirmed that there would be no removal of any mature trees 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 14, 2015):

"1.0 RECOMMENDATION

The Planning and Building Department has no objection to the requested variance. However, the applicant may wish to defer the application to resubmit for the Site Plan application to ensure that all required variances have been accurately identified.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Cooksville Neighbourhood
Designation: Residential Low Density I - Special Site 4

Zoning By-law 0225-2007

Zoning: "R1-6", Residential

3.0 OTHER APPLICATIONS

Site Plan File: SPI 15-30 W7

4.0 COMMENTS

When this application was previously before the Committee on July 23, 2015, the applicant requested a deferral to revise the plans. Since that time, we have received revised drawings and an amended notice indicating that the southerly side yard has been increased to 3.00 m (9.84 ft.) whereas the By-law requires 4.20 m (13.77 ft.). However, this revised information has not been submitted to the Site Plan application. Therefore, we are unable to verify the accuracy of the requested variance or determine whether additional variances will be required.

In regards to the amended variance, we note that for interior lots, the 'R1-6' zone requires a 1.8 m (5.91 ft.) side yard on one side of the lot and 4.2 m (13.78 ft.) on the other side, for a total of 6.0 m (19.69 ft.). In this instance, the proposed dwelling will provide a southerly side yard of 3.0 m (9.84 ft.) and a northerly side yard of 2.45 m (8.04 ft.) for a total of 5.45 m (17.88 ft.). Rather than a larger side yard on one side, the dwelling has been centred on the property to assist in preserving trees on both sides.

Based on the preceding information, we are satisfied that the requested variance is minor and maintains the intent of the By-law. Therefore, we have no objection to the request."

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

"Please refer to our comments submitted for the June 4, 2015 hearing of this application as those comments are still applicable."

Mr. P. Chronis, a Planning consultant for the property owners of 2099 Parker Drive, attended and expressed his acceptance of the revised proposal. He suggested that the proposal be approved conditionally on the plans presented.

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Mr. Oughtred 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.



File: "A" 261/15
WARD 7

Accordingly, the Committee resolves to authorize and grant the request as presented subject to the following condition:

1. The applicant shall proceed in accordance with the plans reviewed by the Committee.

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

Application Approved on condition as stated.

Dated at the City of Mississauga on August 27, 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 16, 2015.

Date of mailing is August 31, 2015.

S. PATRIZIO

D. GEORGE (CHAIR)

J. ROBINSON

D. KENNEDY

ABSENT

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on August 27, 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

FERAS SALAMEH

on Thursday August 20, 2015

Feras Salameh is the owner of 2260 Doulton Drive being Part of Lot 2, Registered Plan 331, zoned R1-5 – Residential. The applicant requests the Committee authorize a minor variance to permit the construction of a new two storey dwelling on the subject property proposing:

1. a front porch to encroach 3.73 m (12.23 ft.) into the required front yard; whereas By-law 0225-2007, as amended, permits a maximum encroachment of 1.60 m (5.30 ft.) into the required front yard in this instance;
2. a garage area of 97.00 m² (1,044.10 sq. ft.); whereas By-law 0225-2007, as amended, permits a maximum garage area of 75.00 m² (807.29 sq. ft.) in this instance;
3. a driveway width of 16.45 m (53.96 ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50 m (27.88 ft.) in this instance;
4. an accessory structure having a floor area of 50.46 m² (543.16 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,
5. an accessory structure having a height of 4.50 m (14.76 ft.); whereas By-law 0225-2007, as amended permits a maximum height of 3.00 m (9.84 ft.) in this instance.

Mr. A. Ibrahim, authorized agent, attended and presented the subject application to permit the construction of a new two storey dwelling on the subject property. Mr. Ibrahim advised the Committee that the proposed front porch would have two columns that would project into the front yard further than what was permitted by the Zoning By-law. He explained that the columns enabled a two storey architectural feature for the front porch and entrance. Mr. Ibrahim confirmed that the significant front yard depth would help mitigate the visual impact of the proposed front porch encroachment.

Mr. Ibrahim advised the Committee that the increase floor area for the garage would allow for the accommodation of four vehicles. He noted that the garage was side loaded and would be imperceptible from view from the street.

Mr. Ibrahim noted that the lot coverage was significantly below what was permitted by the Zoning By-law and that sufficient separation distances would be provided from the proposed dwelling and the dwelling on the easterly adjacent property.

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



MISSISSAUGA

File: "A" 319/15
WARD 8

The City of Mississauga Planning and Building Department commented as follows (July 21, 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: Sheridan Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: "R1-5", Residential

3.0 OTHER APPLICATIONS

Site Plan File: SPI 14-102 W8 - Satisfactory

4.0 COMMENTS

Based on a review of the Site Plan application for the proposed detached dwelling, we advise that the variance request should be amended as follows:

"1. A front porch to encroach 3.73 m (12.24 ft.) into the required front yard; whereas By-law 0225-2007, as amended, permits a maximum encroachment of 1.60 m (5.30 ft.) into the required front yard in this instance;"

Further, we advise that the following additional variances are required:

"3. A driveway width of 15.74 m (51.64 ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50 m (27.89 ft.) in this instance;

4. an accessory structure floor area of 64.00 m² (688.89 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;

5. an accessory structure height of 4.5 m (14.76 ft.); whereas By-law 0225-2007, as amended, permits a maximum height of 3.00 m (9.84 ft.) in this instance."

In regards to variance #1, we note that the subject property is zoned 'R1-5', and the Exception zone provisions state that the required front yard is the distance equal to the front yard of the existing dwelling on an adjacent lot. In this instance, the property at 2230 Doulton Drive contains an existing dwelling with a significant front yard setback to the dwelling. Therefore, the front yard setback of the adjacent dwelling applies as the required front yard setback to the proposed dwelling. In this instance, the front porch is sufficiently set back from Doulton Drive, and therefore, we are of the opinion that the request is minor.

In regards to variance #2, we note that the garage will be side-loaded, mitigating visual impacts to the streetscape. Further, the lot is large enough to accommodate an increased garage area without negatively impacting adjacent neighbours.

In regards to variance #3, as amended, we note that the majority of the driveway appears to comply with the requirements of the By-law, except for the area directly in front of the dwelling. The extended portion of the driveway is sufficiently set back from the street and neighbouring properties.

In regards to variances #4 and #5, as amended, based on the site plan provided with the application, we note that the proposed cabana would have adjacent trees to provide screening. Further, due to the size of the lot and the proposed dwelling, the prominence of the cabana would be mitigated.



File: "A" 319/15
WARD 8

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 16, 2015):

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 14/102. 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 (July 20, 2015):

"This property is within the vicinity of Albert Crookes Memorial Park. This former waste disposal site is inactive and is currently being used as a park. It is catalogued by the Ministry of Environment and Climate Change (M.O.E.C.C.) as #7068."

A letter was received from E. O'Neil & D. Linehan, residents of 2265 Otami Trail, expressing an objection to the subject application.

A letter was received from J. Deighton, a resident of 2230 Doulton Drive, expressing an objection to the subject application.

A letter was received from H. R. R. Bain, a resident of 1735 Blythe Road, expressing an objection to the subject application.

No other persons expressed any interest in the application.

Committee noted that the subject application did not accurately identify all the required variances for the dwelling proposed. The Committee instructed the applicant to engage the help of Zoning staff to accurately identify all variances required for the proposal.

Mr. Ibrahim requested a deferral of the application to allow him additional time to accurately identify all variances required for the application.

The Committee consented to the request and deferred the application to the August 20, 2015 hearing.

On August 20, 2015, Mr. S. Saltaji, an authorized agent, attended and presented the subject application to construct a new dwelling on the subject property together with an oversized driveway and accessory structure within the rear yard. Mr. Saltaji advised the Committee that an ornate and oversized front porch would project into the required front yard. He explained that the proposed dwelling would comply with the front yard setback requirements of the Zoning By-law and that the porch did not span the entire width of the dwelling.

Mr. Saltaji confirmed that the oversized garage would allow for the parking of four motor vehicles. He noted that this was appropriate for the size and scale of the dwelling and that the adjacent neighbour had expressed their acceptance of the garage. Mr. Saltaji indicated that a portion of the driveway would be oversized to allow for a courtyard style turnaround for motor vehicles. He noted that the balance of the driveway would comply with the Zoning By-law.

Mr. Saltaji advised the Committee that the proposed accessory structure would be oversized and located within the rear yard. He noted that the rear yard was very large and contained significant vegetation. He suggested that the proposed accessory structure was appropriate for the size of the property and would be sufficiently screened from the view of the neighbours.

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



File: "A" 319/15
WARD 8

The City of Mississauga Planning and Building Department commented as follows (August 18, 2015):

1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Sheridan Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: "R1-5", Residential

3.0 OTHER APPLICATIONS

Site Plan File: SPI 14-102 W8 - Satisfactory

4.0 COMMENTS

Based on a review of the Site Plan application for the proposed detached dwelling, we advise that the variances as requested are correct.

In regards to variance #1, we note that the subject property is zoned 'R1-5', and the Exception zone provisions state that the required front yard is the distance equal to the front yard of the existing dwelling on an adjacent lot. In this instance, the property at 2230 Doulton Drive contains an existing dwelling with a significant front yard setback to the dwelling. Therefore, the front yard setback of the adjacent dwelling applies as the required front yard setback to the proposed dwelling. In this instance, the front porch is sufficiently set back from Doulton Drive, and therefore, we are of the opinion that the request is minor.

In regards to variance #2, we note that the garage will be side-loaded, mitigating visual impacts to the streetscape. Further, the lot is large enough to accommodate an increased garage area without negatively impacting adjacent neighbours.

In regards to variance #3, as amended, we note that the majority of the driveway appears to comply with the requirements of the By-law, except for the area directly in front of the dwelling. The extended portion of the driveway is sufficiently set back from the street and neighbouring properties.

In regards to variances #4 and #5, as amended, based on the site plan provided with the application, we note that the proposed cabana would have adjacent trees to provide screening. Further, due to the size of the lot and the proposed dwelling, the prominence of the cabana would be mitigated.

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

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

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

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (August 17, 2015):

"Please disregard our previous comments dated July 20th, 2015. This property is within the vicinity of the Newman Landfill Site. The southern part of the site was used for 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



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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 MOECC as #7071."

A letter was received from J. Deighton, a resident of 2230 Doulton Drive, expressing her objection to the subject application.

A letter was received from H. R. R. Bain, a resident of 1735 Blythe Road, expressing her objection to the subject application.

A letter was received from E. O'Neil & D. Linehan, residents of 2265 Otami Trail, expressing their objection to the subject application.

Ms. J. Deighton, a resident of 2230 Doulton Drive, attended and expressed her concerns with the proposal. She noted that the accessory structure was a pool cabana and would be excessive in size and not be sufficiently screened by the mature trees within the rear yard. She indicated her interest for additional landscaping to be planted to further screen the cabana. Ms. Deighton noted additional concerns with the front porch encroachment into the front yard of the subject property and suggested that the proposed encroachment did not reflect the character of the surrounding area. Ms. Deighton indicated that the subject property was substantial in size and could reasonably accommodate a dwelling that did not require an encroachment into the front yard.

Mr. J. Lee, a Planner for the Planning and Building Department, attended and presented an aerial photograph that depicted the locations of dwellings on other properties along Doulton Drive. He noted that the front yard depth was measured to the front wall of the dwelling and complied with the Zoning By-law. He confirmed that the variance was the result of the encroachment of just the porch and not the entire dwelling.

No other persons expressed any interest in the application.

Mr. Saltaji indicated that the dwelling was positioned to maximize the rear yard area to preserve the mature trees within the rear yard. He noted that the front yard was also heavily treed and would help screen the porch encroachment.

The Committee after considering the submissions put forward by Mr. Saltaji 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 was satisfied that the front yard contained sufficient vegetation to adequately screen the proposed driveway and porch encroachment from the streetscape. They noted that the size of the proposed pool cabana was appropriate for the size of the subject property and would be sufficiently screened by the mature vegetation within the rear yard.

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.



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

MOVED BY: J. Robinson SECONDED BY: S. Patrizio CARRIED

Application Approved.

Dated at the City of Mississauga on August 27, 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 16, 2015.

Date of mailing is August 31, 2015.

S. PATRIZIO

D. GEORGE (CHAIR)

J. ROBINSON

D. KENNEDY

ABSENT

J. PAGE

D. REYNOLDS

DISSENTED

P. QUINN

I certify this to be a true copy of the Committee's decision given on August 27, 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.