



COMMITTEE OF ADJUSTMENT AGENDA

Location: COUNCIL CHAMBER
Hearing: August 27, 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-364/15	MELKI INVESTMENT INC	2495 HAINES RD	1	Refused
A-365/15	1818656 ONTARIO INC	1325 BURNHAMTHORPE RD E	3	Approved
A-366/15	RAY ELEID	520 GLADWYNE CRT	2	Approved
A-367/15	2374919 ONTARIO INC	2, 4 & 6 QUEEN ST W	1	Approved
A-368/15	SCHLEGEL VILLAGES INC.	2930 ERIN CENTRE BLVD	9	Approved
A-369/15	MARTIN BOEYKENS	7005 POND ST	11	Sep. 17
<u>DEFERRED APPLICATIONS - (MINOR VARIANCE)</u>				
A-214/15	ABBAS CHAUDRY	885 CENTRAL PKY W	6	Oct. 1



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

MELKI INVESTMENT INC

on Thursday August 27, 2015

Melki Investment Inc is the owner of 2495 Haines Road being Part of Lots 34 and 35, Plan G-14, zoned E2-19, Employment. The applicant requests the Committee to authorize a minor variance to permit a private school use on the subject property; whereas By-law 0225-2007, as amended, does not permit a private school use in this instance.

Mr. S. Qadri, the authorized agent, attended and presented the subject application to operate a religious school on the subject property. Mr. Qadri advised the Committee that commercial and college schools were permitted uses on the property but a private school was not. He noted that he had spoken to the operators of the adjacent properties and that they had expressed no concerns with the proposal as the operation of school would be during hours that would be compatible with the existing employment uses within the area. Mr. Qadri noted that sufficient parking would be provided on the property.

Mr. Qadri indicated he was aware that additional development approvals would be required and that he would be prepared to satisfy these requirements.

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

The City of Mississauga Planning and Building Department commented as follows (August 21, 2015):

"1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Dixie Employment Area

Designation: Business Employment

Zoning By-law 0225-2007

Zoning: "E2-19", Employment

Discussion:

The intent of the Zoning By-law regarding permitted uses in Employment zones is to ensure that sensitive land uses are not established which could impact the operation of permitted employment uses.

3.0 OTHER APPLICATIONS

Certificate of Occupancy File: C15-6171

4.0 COMMENTS

Based on a review of the Certificate of Occupancy application, we advise that the variance as requested is correct. However, additional information is required to verify whether additional variances are required.

We note that the subject property is zoned 'E2-19 – Employment' which also permits 'E3 – Industrial' uses except for a power generating facility. The establishment of the proposed private school may inhibit the operation of existing and future employment uses in the area. In this instance, this Department has serious concerns as the subject property is surrounded by permitted employment and industrial uses which would be incompatible with a proposed private school. For example, the adjacent land uses include a truck terminal, motor vehicle repair facility – commercial, manufacturing, storage yard and a waste processing facility. Furthermore, the By-law permits 'E3 – Industrial' uses such as propane tank storage, vehicle pound facility, contractor's yard, as well as other incompatible uses which may potentially be established on adjacent lands.

There are many areas in the City in which a private school is permitted, including residential, commercial, open space and institutional zones. We recommend that the applicant consider relocating the private school to a permitted zone.

Based on the preceding information, the requested variance does not maintain the general intent and purpose of the 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 (August 18, 2015):

"Information submitted with this application indicates that the applicant is requesting a minor variance to permit the operation of a private school on the subject property. Acknowledging that the proposed land use is changing from a less sensitive (warehouse) to a more sensitive use (school), in accordance with Ontario Regulation 153/04 as amended, the applicant is required to submit a complete Record of Site Condition (RSC; revised December 2009), including all supporting documents to the Transportation and Works Department. The RSC must also be posted to the Environmental Site Registry.

As a Record of Site Condition is required to be filed for this site in accordance with Ontario Regulation 153/04 as amended, the applicant is required to submit a Phase I Environmental Site Assessment (ESA) to the Transportation and Works Department. The Phase I ESA Report must include a clause, or be accompanied by a letter signed by the author of the report or a Principal of the Consulting Firm, which allows the City of Mississauga to make reliance on the findings and conclusions presented in the report. The report must be sealed, signed and dated by a Qualified Person as defined by Ontario Regulation 153/04 as amended.

In view of the above, and should Committee see merit in the applicant's request we would request that condition of approval be that a letter be received from the Transportation and Works Department indicating that satisfactory arrangements have been made with our Environmental Engineering Section with regards to our requirements pertaining to providing a complete Record of Site Condition (RSC) and also a Phase I Environmental Site Assessment (ESA)."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (August 24, 2015):

"Regional staff have reviewed the application and understand that the variance is to permit a private school use within the existing one-storey building. The subject lands are designated as Business Employment (Dixie Employment Area) within the City of Mississauga Official Plan (MOP) and as Urban System within the Region of Peel Official Plan (ROP).



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WARD 1

The ROP seeks to protect and support employment areas to ensure the long-term viability of these areas. Regional staff have concerns that the introduction of a sensitive land use such as a private school may have an adverse effect on the employment area. In particular, staff are concerned that the proposed private school could preclude neighbouring properties from operating certain types of employment uses.

The siting of a private school at this location will result in negative impacts on the anticipated users of this property. Regional records indicate that Environmental Compliance Approvals (ECAs) have been issued in this area. A private waste transfer station is located directly across the road from the subject lands at 2520 Haines Road and approved through application A 165/14. This site received approval from the Ministry of Environment and Climate Change (MOECC) for an ECA to process a maximum of 1,000 tonnes of construction waste per day. In addition, another property south of the subject lands (2380 Haines Road) has recently applied for an ECA no. 7457-9LKJML for changes to the existing waste transfer station to allow for the intake of up to 500 tonnes of waste, including 10 tonnes of biomedical waste. As such, Regional staff are of the opinion that the proposed private school is incompatible with the adjacent land uses and does not meet the general intent of the Official Plan – in particular policy 6.4.2.28.

Based on the above, Regional staff request that the Committee refuse the minor variance application.”

A letter was received from J. Miller, a representative of the operators of 2476 & 2482 Haines Road, stating an objection to the requested variances.

Mr. S. Armstrong, a representative of the operators of 2485 Haines Road, attended and suggested that a private school use was not an appropriate use for the property. He noted that 2485 Haines Road contained various manufacturing uses that required several tractor trailers to attend the site causing safety concerns.

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Mr. Qadri and 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 several waste transfer stations and transportation facilities were located within the immediate area and suggested that a sensitive land use such as a private school was not compatible with these industrial uses.

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

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



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WARD 1

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

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

Application Refused.

Dated at the City of Mississauga on September 3, 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 23, 2015.

Date of mailing is September 4, 2015.

S. PATRIZIO

D. GEORGE

J. ROBINSON (CHAIR)

D. KENNEDY

ABSENT

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on September 3, 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.



MISSISSAUGA

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WARD 3

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

1818656 ONTARIO INC

on Thursday August 27, 2015

1818656 Ontario Inc is the owner of 1325 Burnhamthorpe Road East being Part of Lot 6, Concession 2, N.D.S., zoned O, Office. The applicant requests the Committee to authorize a minor variance to permit the construction of a four storey office building proposing:

1. an easterly side yard of 1.50 m (4.92 ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 7.50 m (24.60 ft.) in this instance;
2. an easterly landscape buffer width of 1.20 m (3.93 ft.) and a westerly landscape buffer width of 1.50 m (4.92 ft.); whereas By-law 0225-2007, as amended, requires minimum landscape buffer widths of 4.50 m (14.76 ft.) in this instance, and,
3. a total of 27 parking spaces on site; whereas By-law 0225-2007, as amended, requires a minimum of 30 parking spaces on site in this instance.

Mr. M. Baytman, the authorized agent, attended and presented the subject application to construct a new four storey office building on the subject property. Mr. Baytman advised the Committee that the office would contain a veterinary clinic on the ground floor in addition to other office uses on the upper floors. He noted that the inclusion of the veterinary clinic slightly increased the parking requirement pursuant to the Zoning By-law. Mr. Baytman suggested that the parking supply would be sufficient for the anticipated demand.

Mr. Baytman indicated that the subject property was very small for a commercial property and noted that the reduced side yards were required in order to provide a building with a functional floor plan. He confirmed that the property also could not accommodate a full sized landscaping buffer. Mr. Baytman suggested that the proposed office building and uses were compatible with the existing uses within the surrounding area.

Mr. Baytman noted that there would not be a loading space provided for the building but sufficient space was available if one became required.

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

The City of Mississauga Planning and Building Department commented as follows (August 21, 2015):

"1.0 RECOMMENDATION

The Planning and Building Department recommend that the application be deferred to allow the applicant time to submit the requested information through the Site Plan application to ensure that all variances are accurately identified, as well as address the parking concerns.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Rathwood Neighbourhood

Designation: Office

Zoning By-law 0225-2007

Zoning: "O", Office

3.0 OTHER APPLICATIONS

Site Plan File: SP 14-150

4.0 COMMENTS

The Planning and Building Department is currently processing a Site Plan application for the proposed Veterinary Clinic and Office. Based on the review of the Site Plan application we advise that additional information is required in order to verify the accuracy of the requested variances, and determine whether any additional variances are required.

We note that clarification has been requested on the Site Plan and that additional variances may be required related to loading spaces, aisle width, and centreline setbacks.

Additionally, staff has requested that the applicant submit a letter that satisfactorily justifies the requested reduction in parking. Alternatively, they may apply for PIL to address the parking deficiency.

Based on the preceding information, we advise that it is premature to address this variance application and recommend that it be deferred to allow the applicant time to submit the requested information through the Site Plan process as well as address the parking concerns."

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

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 14/150. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (August 24, 2015):

"Regional staff have reviewed this application through Site Plan application SP 14-150. The proposed variances reflect the latest drawings available at this office. As such, Regional staff have no objections to the minor variance application."

No other persons expressed any interest in the application.

The Committee noted that the Planning and Building Department report requested for additional information to be submitted to the concurrent Site Plan Approval application to confirm the accuracy of the Minor Variance application. It was the Committee's opinion that the subject application was premature and strongly suggested for the applicant to request a deferral of the application.

Mr. Baytman disagreed that the application was premature and confirmed the accuracy of the application. He requested for the Committee to proceed with evaluating the merits of the application.



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

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: D. Reynolds CARRIED

Application Approved on condition as stated.

Dated at the City of Mississauga on September 3, 2015.

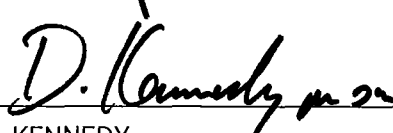
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE SEPTEMBER 23, 2015.

Date of mailing is September 4, 2015.


S. PATRIZIO


D. GEORGE


J. ROBINSON (CHAIR)

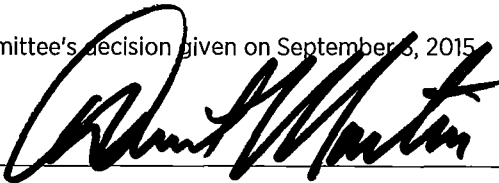

D. KENNEDY

ABSENT
J. PAGE


D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on September 3, 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

RAY ELEID

on Thursday August 27, 2015

Ray Eleid is the owner of 520 Gladwyne Court being Lot 103, Registered Plan M-1468, zoned R2-30, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of an accessory structure (an outdoor fireplace within the covered porch) having a height of 4.95 m (16.24 ft.); whereas By-law 0225-2007, as amended, permits a maximum height of 3.00 m (9.84 ft.) for an accessory structure in this instance.

Mr. D. Sanger-Smith, the authorized agent, attended and presented the subject application to construct an outdoor fire place and covered porch. Mr. Smith advised the Committee that the fireplace was required to be taller than the abutting flat roofed porch to comply with the Ontario Building Code requirements.

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

The City of Mississauga Planning and Building Department commented as follows (August 21, 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 submit the requested information for the Pre-Zoning Review application in order to ensure that all required variances have been accurately identified.

2.0 BACKGROUND

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: "R2-30", Residential

3.0 OTHER APPLICATIONS

Pre-Zoning Review File: PZONE 15-6034

4.0 COMMENTS

Based on a review of the Pre-Zoning Review application for the proposed rear covered porch and wood burning fireplace, we advise that more information is required to verify the



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accuracy of the requested variance or to determine whether additional variances will be required.

In regards to the requested variance, we note that the fireplace is not attached to the dwelling and therefore, it is interpreted as an accessory structure. In review of the drawings, we are satisfied that given the technical nature of the variance, there are no adverse impacts created on the neighbouring properties.

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 18, 2015):

"This department has no objections to the applicant's request to permit the construction of an accessory structure (outdoor fireplace) within the covered porch."

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Mr. Sanger-Smith 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.



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File: "A" 366/15
WARD 2

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

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

Application Approved.

Dated at the City of Mississauga on September 3, 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 23, 2015.

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S. PATRIZIO

D. GEORGE

J. ROBINSON (CHAIR)

D. KENNEDY

ABSENT

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on September 3, 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

2374919 ONTARIO INC

on Thursday August 27, 2015

2374919 Ontario Inc is the owner of 2, 4 and 6 Queen Street West being Lots 55-59, Registered Plan I-13, zoned E2-58, Employment. The applicant requests the Committee to authorize a minor variance to permit a total of 14 parking spaces to be provided on site, including three (3) parking spaces with an on-site aisle width of 2.15 m (7.05 ft.); whereas By-law 0225-2007, as amended, requires a minimum of 15 parking spaces to be provided on site and requires all aisles to be provided wholly on site with a minimum aisle width of 7.00 m (22.96 ft.) in this instance.

Mr. C. McKenzie, the authorized agent, attended and presented the subject application. Mr. McKenzie advised the Committee that the proposal had been previously approved by the Committee and that there was an error in the accuracy of the previous application. He noted that a portion of the parking that was provided abutted the front lot line and did not provide the necessary aisle width and that this parking configuration was a historical site condition. Mr. McKenzie noted that additional parking was provided at the rear of the building.

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

The City of Mississauga Planning and Building Department commented as follows (August 25, 2015):

1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Port Credit Neighbourhood
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: "E2-58", Employment

3.0 OTHER APPLICATIONS

Site Plan File: SPM 14-28 W1 - Satisfactory

4.0 COMMENTS

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

"...to permit three (3) parking spaces with an on-site aisle width of 2.15 m (7.05 ft.); whereas By-law 0225-2007, as amended, requires all aisles to be provided wholly on site with a minimum of 7.00 m (22.96 ft.) in this instance."

Further, we advise that the requested parking variance is not required.

In regards to the requested variance, as amended, we note that the deficient aisle width is located between the parking spaces in front of the existing building at 6 Queen Street West and the municipal right-of-way. It is our opinion that the deficient aisle width would not cause circulation issues on the property.

For the purposes of evaluating the subject application, the Site Plan application has reached a satisfactory stage.

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

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

"We are noting for information purposes that the City is currently processing a Site Plan Application for this property, Reference SP 14/28. Any Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (August 24, 2015):

"This property is within the vicinity of Port Credit Memorial Park/Library. The site is located on a closed landfill site. The site was used for the disposal of flyash and waste. Methane gas and leachate have been detected at the site. An environmental monitoring program is in place and consists of groundwater, surface water and landfill gas monitoring on a routine basis. The site is currently a park complete with library facilities. It is catalogued by the MOECC as #7069.

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

Mr. R. Nopper, a resident of 10 Queen Street West, attended and presented his concern with the proposal. He noted that there had been a historical problem with the parking of motor vehicles in an inappropriate fashion along the front of the property and on the street.

Mr. J. Lee, a Planner for the Planning and Building Department, attended and indicated that the application had been reviewed together with a concurrent Site Plan Approval application and that the Zoning amendment noted in his report was at the request of Zoning staff.

No other persons expressed any interest in the application.

Mr. McKenzie upon hearing the comments of the Committee and the Planning and Building Department, requested that the application be amended in accordance with their recommendations. He indicated that a small marketing business also operated on the subject property.

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



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amended request is desirable for the appropriate further development of the subject property. The Committee indicated that the requested variance represented a historical deficient drive aisle width few only a few spaces at the front of the property. They noted that the parking concerns raised by Mr. Nopper were not matters that the Committee had any authority over and suggested that there were other appropriate remedies to address his concerns.

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

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

Accordingly, the Committee resolves to authorize and grant the amended request to permit three (3) parking spaces with an on-site aisle width of 2.15 m (7.05 ft.); whereas By-law 0225-2007, as amended, requires all aisles to be provided wholly on site with a minimum of 7.00 m (22.96 ft.) in this instance.

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


Application Approved, as amended.

Dated at the City of Mississauga on September 3, 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 23, 2015.

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S. PATRIZIO



D. GEORGE


J. ROBINSON (CHAIR)

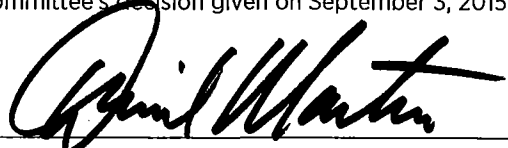

D. KENNEDY

ABSENT
J. PAGE


D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on September 3, 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

SCHLEGEL VILLAGES INC

on Thursday August 27, 2015

Schlegel Villages Inc. is the owner of 2930 Erin Centre Boulevard being Part of Lot 2, R.C.P. 1003, zoned RA2-27, Residential. The applicant requests the Committee to authorize a minor variance to permit:

1. the construction of a total of 203 Retirement Dwelling Units on site; whereas By-law 0225-2007, as amended, permits a maximum of 136 Retirement Dwelling Units in this instance;
2. a 12 storey building at a height of 43.40 m (142.38 ft.) with a 3 storey portion; whereas By-law 0225-2007, as amended, permits a maximum height of 7 storeys in this instance;
3. an exterior side yard of 4.60 m (15.09 ft.); whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 6.00 m (19.68 ft.) in this instance;
4. an encroachment of a balcony above the first storey of 3.00 m (9.84 ft.); whereas By-law 0225-2007, as amended, permits a maximum encroachment of a balcony of 1.00 m (3.28 ft.) in this instance;
5. a setback of parking spaces from a street line of 3.00 m (9.84 ft.); whereas By-law 0225-2007, as amended, requires a minimum setback of parking spaces from a street line of 4.50 m (14.76 ft.) in this instance;
6. a landscaped area of 36.00% of the lot area; whereas By-law 0025-2007, as amended, requires a minimum landscaped area of 40.00% of the lot area in this instance;
7. a landscaped buffer abutting a Residential zone of 1.50 m (4.92 ft.); whereas By-law 0225-2007, as amended, requires a minimum landscape buffer of 4.50 m (14.76 ft.) in this instance; and,
8. a landscaped buffer abutting a street line of 3.00 m (9.84 ft.); whereas By-law 0225-2007, as amended, requires a minimum landscape buffer of 4.50 m (14.76 ft.) in this instance.

Ms. N. Frieday, the authorized agent, attended and presented the subject application to construct additions to the existing long term care facility on the subject property. Ms. Frieday advised the Committee that the proposal would allow for the construction of retirement dwelling units and additional indoor amenity areas. She noted that the proposal had been redesigned several times in consultation with Planning staff to help minimize any impact on the adjacent townhouses by the increased building height.

Ms. Frieday noted that the proposal would require relief to the Zoning By-law to allow for the additional dwelling units and for an increase in the height of the building to accommodate the preferred building design. Ms. Frieday indicated that a small portion of the three storey portion of the development would encroach into the required side yard.

Ms. Frieday noted that a row of parking would be located within the required separation distance to the property and street lines. She further noted that the placement of the proposed development and a retaining wall reduced the available area for landscaping buffers. Ms. Frieday noted that there would be a small deficiency in the amount of outdoor amenity area in favour of providing additional indoor amenity floor area. She suggested that all these reductions were minor in nature and would allow for the property to function appropriately.

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

The City of Mississauga Planning and Building Department commented as follows (August 26, 2015):

"1.0 RECOMMENDATION

The Planning and Building Department has no objection to variances #1-3 and #5-8, as requested. However we recommend that the application be deferred in order for the applicant to redesign to address staff concerns related to variance #4, as well as submit additional information through the Site Plan application process to determine whether any additional variances will be required.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Central Erin Mills Major Node
Designation: Residential High Density

Zoning By-law 0225-2007

Zoning: "RA2-27", Residential

3.0 OTHER APPLICATIONS

Site Plan File: SP 14-65

4.0 COMMENTS

The Planning and Building Department is currently processing a Site Plan application for the proposed development. Based on the review of the Site Plan application we advise that variances #1-8 are correct as requested, however more information is required to determine whether additional variances will be required. Based on the Site Plan it appears that an additional variance is required related to bay window projections; the applicant has noted that the Site Plan will be updated to show that this variance is not required, however we are unable to verify that at this time.

Variance #1 for the unit increase is a result of a redistribution of the different types of units and changes in design related to unit size. The current zoning permits the construction of 100 apartment units and 136 retirement home units for a total of 236 units. The proposal is for 76 apartment units and 203 retirement home units for a total of 279 units. The overall total increase of 43 units is primarily the result of the redistribution of larger apartment units to smaller retirement home units. The proposal has a Floor Space Index (FSI) and Gross Floor



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Area (GFA) which fall within the range permitted under the Zoning By-law. It is our opinion that the requested variance maintains the general intent of the Zoning By-law.

With regards to variance #2, the applicant has completed a shadow study, within the City of Mississauga guidelines, comparing the currently permitted 7 storey design and the proposed 12 storey and 3 storey designs. Staff is of the opinion that the 12 and 3 storey proposal is favourable and that the requested variance is appropriate, in this instance.

Variance #3, the setback deficiency, is a result of a pinch point near the corner of the lot. The majority of the site complies with the side yard setbacks required by the Zoning By-law.

Regarding variance #4, the balcony would project into a 6m (19.7ft) setback adjacent to the residential zone. The balcony would feature large enclosures, the height of the entire storey. It is our opinion that a projection of half of the setback is inappropriate in this instance, as it would create undue overlook effects and imposing massing along the property line. We recommend that the applicant redesign so that the balcony is recessed further into the building to provide the outdoor amenity space.

With regards to variances #5 and #8, the requested reduction in landscape buffer along Erin Centre Boulevard and Winston Churchill Boulevard is required to accommodate the parking configuration on site, including adequate aisle widths. The existing landscape buffer is wider than 3m (9.8ft) at certain points and will contain sod and trees to help create a separation from the roadways. Additionally, the private landscape buffer abuts the City owned landscaping along the boulevards which helps to increase its effectiveness. It is our opinion that the requested variances are appropriate and maintains the general intent of the Zoning By-law, in this instance.

Regarding variance #6, we are of the opinion that the 36% landscaped area would provide an appropriate amount of open space for the enjoyment of the residents. The landscaped area that is proposed is well situated and well-designed which offsets any potential impact of having a deficiency of 4% of the required landscaped area.

With regards to variance #7, the 1.5m (4.9ft) landscape buffer is taken from the proposed walkway to the property line. Additional landscaped area is present on the other side of the 1.5m (4.9ft) walkway as well. If the landscaped buffer included the walkway and the landscaping between the walkway and the building it would be a distance of 6m (19.7ft). A 1.1m tall retaining wall runs along the edge of the property line adjacent to the residential zone which creates additional separation. Additionally, the portion of the residential zone that abuts the area with the landscape buffer is a parking area and driveway that form part of the adjacent townhome development.

Based on the previous information, the Planning and Building Department have no objection to variances #1-3 and #5-8, as requested. However, we recommend that the application be deferred in order for the applicant to redesign to address staff concerns surrounding variance #4. Additionally, more information is required to determine whether any additional variances will be required."

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

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 14/065. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (August 24, 2015):

"Regional staff have reviewed this application through Site Plan application SP 14-65 and understand that the proposed variances are required to permit the revisions in building height



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and configuration. Servicing requirements have been addressed through the Site Plan process and we have no objections to the minor variance application."

Mr. G. Kirton, a Planner for the Planning and Building Department, attended and confirmed that various shadow studies had been reviewed for different building designs and placements. He indicated that it was the preference of Planning staff for the taller portion of the building to be located adjacent to the streets rather than towards the residential area. He confirmed that the design of a 12 storey and 3 storey building areas were preferable to two 7 storey buildings. Mr. Kirton noted that there would be no significant increase in gross floor area to accommodate the additional dwelling units and the proposal would be below the floor space index permitted by the Zoning By-law.

No other persons expressed any interest in the application.

Ms. Frieday requested for the variance with respect to the encroachment of the balconies to be withdrawn.

The Committee consented to the request and, after considering the submissions put forward by Ms. Frieday 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 was of the opinion that the proposed buildings were preferable to two larger buildings that would accommodate the same number of dwelling units.

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

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

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

1. the construction of a total of 203 Retirement Dwelling Units on site; whereas By-law 0225-2007, as amended, permits a maximum of 136 Retirement Dwelling Units in this instance;
2. a 12 storey building at a height of 43.40 m (142.38 ft.) with a 3 storey portion; whereas By-law 0225-2007, as amended, permits a maximum height of 7 storeys in this instance;
3. an exterior side yard of 4.60 m (15.09 ft.); whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 6.00 m (19.68 ft.) in this instance;
4. a setback of parking spaces from a street line of 3.00 m (9.84 ft.); whereas By-law 0225-2007, as amended, requires a minimum setback of parking spaces from a street line of 4.50 m (14.76 ft.) in this instance;
5. a landscaped area of 36.00% of the lot area; whereas By-law 0025-2007, as amended, requires a minimum landscaped area of 40.00% of the lot area in this instance;
6. a landscaped buffer abutting a Residential zone of 1.50 m (4.92 ft.); whereas By-law 0225-2007, as amended, requires a minimum landscape buffer of 4.50 m (14.76 ft.) in this instance; and,
7. a landscaped buffer abutting a street line of 3.00 m (9.84 ft.); whereas By-law 0225-2007, as amended, requires a minimum landscape buffer of 4.50 m (14.76 ft.) in this instance.



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CARRIED

MOVED BY: D. George SECONDED BY: S. Patrizio

Application Approved, as amended.

Dated at the City of Mississauga on September 3, 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 23, 2015.

Date of mailing is September 4, 2015.

S. PATRIZIO

D. GEORGE

J. ROBINSON (CHAIR)

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 September 3, 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.