



COMMITTEE OF ADJUSTMENT AGENDA

Location: COUNCIL CHAMBER

Hearing: JULY 2, 2015 AT 1:30 P.M.

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

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

A-283/15	ROHAN & PAULA PAIS	5161 DOUBLETREE DR	10	Approved
A-284/15	GWEN D'SILVA & LEW D'SOUZA	1059 OLD DERRY RD	11	Approved
A-285/15	JOANNE PLUT	1306 LAKEBREEZE DR	1	Aug. 6
A-286/15	JAFINE DEVELOPMENT COMPANY LIMITED	2200 DUNDAS ST E	1	Approved
A-287/15	STAN ZUPANCIC	1610 TROTWOOD AVE	1	Refused
A-288/15	FRANJO & CHRISTINA SRES SARCEVIC	651 MONTBECK CRES	1	Approved
A-289/15	IMRAN HABIB	928 FOCAL RD	6	Refused
A-290/15	ERIN MILLS CHURCH CAMPUS	3535 SOUTH COMMON CRT	8	Approved
A-291/15	AMINA UDDIN & AMPRO AFZAL	5355 FALLINGBROOK DR	6	Approved
A-292/15	HAJUNA INVESTMENTS LIMITED	3663 MAVIS RD	7	Approved 5 Years

DEFERRED APPLICATIONS - (MINOR VARIANCE)

A-126/15	PEEL CONDOMINIUM CORPORATION NO. 436	6731 COLUMBUS RD	5	Sep. 17 Peremptory
A-200/15	KHALID ABU ZAED	6985 SECOND LINE WEST	11	Approved
A-243/15	FRANCISCO PEIXOTO	1491 TROTWOOD AVE	1	Approved
A-251/15	CARLRO HOLDINGS	6915 DIXIE RD	5	Approved
A-252/15	UPANSHUMAN & PRAMILA PANDEY	3257 MONICA DR	5	Approved
A-255/15	BRIAN SOUSA	1261 HAIG BLVD	1	Approved
A-256/15				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

ROHAN & PAULA PAIS

on Thursday, July 2, 2015

Rohan & Paula Pais are the owners of Lot 121, Plan M-1664, located and known as 5161 Doubletree Drive, zoned R6-1 - Residential. The applicants request the Committee to authorize a minor variance to permit the existing electrical generator to be located within the side yard of the subject property proposing a side yard of 0.33 m (1.08 ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 0.61 m (2.00 ft.) in this instance.

Mr. J. Groe, an accessibility consultant and representative of the property owner, attended and presented the subject application to permit the existing electrical generator to remain within the side yard of the subject property. Mr. Groe advised the Committee that one of the co-owners of the property had been injured in a motor vehicle accident and the dwelling had undergone several modifications to improve its accessibility for his client. He explained that the electrical generator was required to provide electricity during power outages to the elevators that serviced the dwelling. He indicated that the generator was installed within the same side yard as the existing air conditioning unit.

Mr. Groe explained that a secondary exit from the dwelling was required for emergency purposes and that the rear yard and opposite side yard remained unencumbered by mechanical structures in order to provide the necessary egress. He advised that there were no other appropriate locations that were practical or financially viable to place the electrical generator.

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

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

"1.0 Recommendation"

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

2.0 Background

Mississauga Official Plan

Character Area: Churchill Meadows Neighbourhood

Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: "R6-1", Residential

3.0 Other Applications

N/A

4.0 Comments

The Planning and Building Department note that the westerly side yard meets the requirements of the zoning by-law and provides adequate access to the rear yard. We also note that the existing electrical generator is relatively small in size, completely shielded by fencing, and necessary for the operation of an accessibility lift in the rear yard.

Considering the previous information, the Planning and Building Department have no objection to the requested variance."

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

"This department has no objections to the applicant's request to permit the existing electrical generator to be located in the side yard of the subject property. From our site inspection of this property we observed no evident drainage related concerns with the location of the existing generator."

A letter was received from R. Amaria, a resident of 5126 Ancient Stone Avenue, expressing an interest in the application.

A letter was received from J. Perruccio, a resident of 5163 Doubletree Drive, expressing support for the application.

A letter was received from D. and T. Policelli, residents of 5157 Doubletree Drive, expressing their objection to the application.

A letter was received from I. Kovar, a resident of 5166 Doubletree Drive, expressing concerns with respect to noise, esthetics and fumes. He requested that the Committee investigate why the generator could not being installed in the rear yard.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Groe and having reviewed the plans, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee indicated that an existing air conditioning unit was installed in the same side yard as the generator and would contribute to more noise than the generator would. They noted that the generator will only operate in emergency situations as a secondary power source.

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" 283/15
WARD 10

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

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

Application Approved.

Dated at the City of Mississauga on July 9, 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 JULY 29, 2015.

Date of mailing is July 13, 2015.

S. PATRIZIO

D. GEORGE (CHAIR)

ABSENT

J. ROBINSON

ABSENT

D. KENNEDY

J. PAGE

D. REYNOLDS

DISSENTED

P. QUINN

I certify this to be a true copy of the Committee's decision given on July 9, 2015.

BRIAN BONNER
ACTING 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

GWEN D'SILVA & LEW D'SOUZA

on Thursday, July 2, 2015

Gwen D'Silva & Lew D'Souza are the owners of part of Lots 36 & 37, Registered Plan TOR-5, located and known as 1059 Old Derry Road, zoned R1-32 - Residential. The applicants request the Committee to authorize a minor variance to permit the construction of a second storey addition and a new front porch to the existing dwelling on the subject property proposing:

1. a front yard of 6.24 m (20.47 ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 9.00 m (29.52 ft.) in this instance;
2. an easterly side yard of 3.91 m (12.82 ft.); whereas By-law 0225-2007, as amended, requires a minimum easterly side yard of 4.20 m (13.77 ft.) in this instance;
3. a westerly side yard of 1.47 m (4.82 ft.); whereas By-law 0225-2007, as amended, requires a minimum westerly side yard of 1.80 m (5.90 ft.) in this instance;
4. a dwelling height of 7.95 m (26.08 ft.); whereas By-law 0225-2007, as amended, permits a maximum height of 7.50 m (24.60 ft.) for the altered dwelling in this instance;
5. a front porch projection of 5.28 m (17.32 ft.) beyond the front wall of the dwelling; whereas By-law 0225-2007, as amended, permits a maximum porch projection of 1.60 m (5.24 ft.) beyond the front wall of the dwelling in this instance;
6. a Gross Floor Area (GFA) - Infill Residential of 207.35 m² (2,231.96 sq. ft.); whereas By-law 0225-2007, as amended, permits a maximum Gross Floor Area (GFA) - Infill Residential of 204.82 m² (2,204.73 sq. ft.) in this instance; and,
7. a lot coverage of 39.30% (175.92 m² / 1,893.64 sq. ft.) of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25.00% (112.06 m² / 1,206.24 sq. ft.) of the lot area in this instance.

Mr. C. Wallace, the authorized agent, attended and presented the application to permit the construction of a second storey addition and porch addition on the subject property. Mr. Wallace presented plans for the Committee's review and consideration and advised that a second storey addition would be constructed overtop of the existing dwelling and that no increase in the building footprint would occur from this addition. He indicated that a front porch addition would also be constructed. Mr. Wallace explained that variances would be required for the side yards as the existing dwelling and proposed addition would not comply with the Zoning By-law. Mr. Wallace noted that there was a public utility building to the west of the subject property and a hotel to the east of the subject property. He presented a rendering that depicted the streetscape and advised that the altered dwelling would be compatible with the scale and character of the surrounding area.

Mr. Wallace advised that the existing house exceeded the maximum permitted lot coverage and the inclusion of the small porch addition would require further relief from the Zoning By-law. He advised that the proposed overage in gross floor area was the result of the additional floor area constructed within the second storey addition. It was Mr. Wallace's opinion that the proposed overage in height was compatible with the other buildings along the street.

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

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

"1.0 Recommendation

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

2.0 Background

Mississauga Official Plan

Character Area: Meadowvale Village Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: "R1-32", Residential

3.0 Other Applications

☒ *Site Plan* File: SP 14-160

4.0 Comments

The Planning and Building Department is currently processing a Site Plan Approval application for the proposed property. Based on the review of the Site Plan Approval application we advise that variance #5 should be amended as follows:

"5) a front porch encroachment of 5.28m into the required front yard; whereas By-law 0225-2007, as amended, permits a maximum encroachment of 1.6m in this instance."

We also note that the subject property is designated under the *Ontario Heritage Act* as it forms part of the Meadowvale Village Heritage Conservation District; as a result a heritage study was required. City of Mississauga Heritage Planning Staff have reviewed the provided study, issued a heritage permit and express no concerns with the proposed variances.

The variances are requested for the purpose of adding a second storey addition onto the existing dwelling. This second storey would be constructed on the existing building footprint and would not decrease setbacks from lot lines or increase lot coverage.

With regards to variances #1, 2, 3, and 7; these are existing conditions which are not increased through the variance proposal. The requested side yard variances are, in the opinion of Planning Staff, minor in nature currently exist on site. The proposed variance does not seek to further increase the existing deficiency. Similarly the lot coverage request has been existing on site with no issues as far as we are aware; although the addition of a second storey has the potential to increase negative massing effects when lot coverage exceeds the maximum, in this instance the Planning and Building Department are of the opinion that the increase in size will be minor in nature and appropriate given the character of the surrounding area. Additionally the proposed dwelling has been designed with some care taken to reduce

negative massing effects. With regards to the front yard setback, Planning Staff would note that the existing condition should not have any impact on streetscape as the adjacent property has a dwelling located on it that is significantly closer to the front lot line and larger in size.

With regards to variance #4, the height increase proposed is 0.45m (1.48 ft.) as measured to the top of the peak of the roof. The dormer features on the front of the house comply with the Zoning By-law regulations and in the opinion of Planning Staff the additional increase for the peak of the roof should not create significant negative impacts to the surrounding neighbourhood.

With regards to variance #5, the front porch projection is primarily caused by the existing deficiency in front yard setback of the dwelling. The porch is starting from a position of additional encroachment due to the front of the dwelling being 2.76m further than permitted into the front yard. In the opinion of Planning Staff the additional encroachment for the porch construction should not have a significant negative impact on the streetscape; adjacent properties are closer to the street line and have more significant massing impacts near the street.

Variance #6 requests an additional 2.53m² (27.2 square feet) beyond the permitted 204.82m² GFA. This requirement arises as a result of the second floor being built over top of the existing first storey. It is the opinion of Planning Staff that this increase is minor in nature and the design justifies the small increase.

As a result of the previous information, the Planning and Building department have no objection to the proposed variances, as amended."

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

"We note for the Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 14/160. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process."

The City of Mississauga Community Services Department, Culture Division, commented as follows (June 25, 2015):

"The subject property is designated under the *Ontario Heritage Act* as it forms part of the Meadowvale Village Heritage Conservation District.

A heritage permit has been issued for this proposal. As such, Heritage Planning supports the variances."

No other persons expressed any interest in the application.

Mr. Wallace, upon hearing the comments of 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. Wallace and having reviewed the plans, is satisfied that the amended request is desirable for the appropriate further development of the subject property. The Committee indicated that the proposed alterations reflected the character of the houses in the neighbourhood.

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.



File: "A" 284/15
WARD 11

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

Accordingly, the Committee resolves to authorize and grant the amended request to permit the construction of a second storey addition and a new front porch to the existing dwelling on the subject property proposing:

1. a front yard of 6.24 m (20.47 ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 9.00 m (29.52 ft.) in this instance;
2. an easterly side yard of 3.91 m (12.82 ft.); whereas By-law 0225-2007, as amended, requires a minimum easterly side yard of 4.20 m (13.77 ft.) in this instance;
3. a westerly side yard of 1.47 m (4.82 ft.); whereas By-law 0225-2007, as amended, requires a minimum westerly side yard of 1.80 m (5.90 ft.) in this instance;
4. a dwelling height of 7.95 m (26.08 ft.); whereas By-law 0225-2007, as amended, permits a maximum height of 7.50 m (24.60 ft.) for the altered dwelling in this instance;
5. a front porch encroachment of 5.28 m (17.32 ft.) into the required front yard; whereas By-law 0225-2007, as amended, permits a maximum encroachment of 1.60 m (5.24 ft.) in this instance;
6. a Gross Floor Area (GFA) - Infill Residential of 207.35 m² (2,231.96 sq. ft.); whereas By-law 0225-2007, as amended, permits a maximum Gross Floor Area (GFA) - Infill Residential of 204.82 m² (2,204.73 sq. ft.) in this instance; and,
7. a lot coverage of 39.30% (175.92 m² / 1,893.64 sq. ft.) of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25.00% (112.06 m² / 1,206.24 sq. ft.) of the lot area in this instance.

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

Application Approved, as amended.

Dated at the City of Mississauga on July 9, 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 JULY 29, 2015.

Date of mailing is July 13, 2015.



S. PATRIZIO



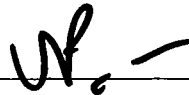
D. GEORGE (CHAIR)

ABSENT

J. ROBINSON

ABSENT

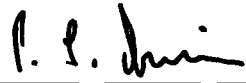
D. KENNEDY



J. PAGE



D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on July 9, 2015.



BRIAN BONNER
ACTING 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

JAFINE DEVELOPMENT COMPANY LIMITED

on Thursday, July 2, 2015

Jafine Development Company Limited is the owner of part of Lot A, Concession 1, SDS, located and known as 2200 Dundas Street East, zoned C3-4 - Commercial & G1 - Greenbelt. The applicant requests the Committee to authorize a minor variance to permit the operation of a new Medical Office and pharmacy within the existing development on the subject property proposing:

1. a total of 146 parking spaces, including 5 parking spaces for persons with disabilities, for all uses on-site; whereas By-law 0225-2007, as amended, requires a minimum of 214 parking spaces, including 6 parking spaces for persons with disabilities, for all uses on-site in this instance;
2. five (5) parking spaces for persons with disabilities to remain on the subject property proposing a width of 4.90 m (16.07 ft.) and a length of 5.20 m (17.06 ft.) and providing no access aisles between spaces; whereas By-law 0225-2007, as amended, requires a minimum three (3) Type A parking spaces with a minimum width of 3.40 m (11.15 ft.) and a minimum length of 5.20 m (17.06 ft.); a minimum of three (3) Type B parking spaces with a minimum width of 2.40 m (7.87 ft.) and a minimum length of 5.20 m (17.06 ft.); and, access isles with a minimum width of 1.50 m (4.92 ft.) between spaces in this instance;
3. a drive aisle width of 4.80 m (15.74 ft.) for the six (6) parallel parking spaces located on the west side of the building; whereas By-law 0225-2007, as amended, requires a minimum aisle width of 7.00 m (22.96 ft.) in this instance; and,
4. a drive aisle width of 6.00 m (19.68 ft.) for the ten (10) parallel parking spaces located on the east side of the building; whereas By-law 0225-2007, as amended, requires a minimum aisle width of 7.00 m (22.96 ft.) in this instance.

Mr. B. Morrison, authorized agent, attended and presented the application to permit the operation of a medical office and dispensary within a portion of the existing building. Mr. Morrison advised that the medical use would occupy approximately 325.15 m² (3,500.00 sq.ft.) of floor area. He indicated that the parking requirement for a medical use is 6.50 parking spaces per 100.00 m² (1,076.42 sq.ft.) gross floor area. Mr. Morrison noted that parking had been provided at a rate of 5.40 parking spaces per 100.00 m² (1,076.42 sq.ft.) gross floor area pursuant to a previously approved Minor Variance application which allowed a total of 146 parking spaces to be provided on site; whereas 210 parking spaces were required. He explained that the new medical office use would increase the parking requirement to 214 parking spaces for all uses on the subject property.



MISSISSAUGA

File: "A" 286/15
WARD 11

Mr. Morrison advised that a parking utilization study was completed in 2010 that identified that the peak parking demand for all uses on the property was 87 parking spaces. He explained that a new parking study had been completed that confirmed a peak parking demand of 135 parking spaces for all uses on the subject property including the proposed medical use. Mr. Morrison indicated that the general parking demand for all uses on the subject property was approximately 100 parking spaces and that weekly increases occurred during the Sunday patronage of a popular restaurant on the property. Mr. Morrison indicated that the parking study supports the requested reduction in parking.

Mr. Morrison indicated that a total of seven employees, including two doctors, would work at the medical office and that walk-in clinic services would be provided.

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

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

1.0 Recommendation

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

2.0 Background

Mississauga Official Plan

Character Area: Dixie Employment Area

Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: "C3-4", General Commercial

3.0 Other Applications

☒ *Certificate of Occupancy/ Building Permit* File: ZONBLD 14-4148

4.0 Comments

Based on a review of the Certificate of Occupancy/Building Permit application for the proposed Medical Office and Pharmacy, we advise that more information is required to verify the accuracy of the requested variances and to determine whether additional variances will be required.

We note that the Committee previously approved a similar minor variance application under 'A' 39/11 to permit 146 parking spaces, including 5 parking spaces for persons with disabilities, whereas 210 parking spaces including 7 parking spaces for persons with disabilities was required. Further, variances were approved to permit reduced aisle widths, identical to variances #3 and #4 in the current application. At the time, this Department stated that we had no objection to the requests, subject to conditions limiting restaurant uses to 545 m² (5866 sq. ft.) and requiring that all other permitted uses requiring parking at a rate greater than 5.4 spaces per 100 m² (1076 sq. ft.) GFA-non-residential is provided in accordance with the By-law requirements.

In regards to variance #1, we advise that a Parking Utilization Study prepared by BA Consulting and dated May 22, 2015 satisfactorily justifies the requested reduction in parking. We have no objection to the request, subject to the following conditions:

1. Maximum gross floor area (GFA) – restaurant use of 545 m² (5866 sq. ft.);
2. All other permitted uses that require parking at a rate greater than 5.4 spaces per 100 m² (1076sq. ft.) GFA-non-residential shall provide parking in accordance with the applicable regulations contained in Table 3.1.2.2 of By-law 0225-2007.



MISSISSAUGA

File: "A" 286/15
WARD 11

In regards to variance #2, we note that accessible parking space dimensions have been amended by By-law 0190-2014 to require two different sizes for parking spaces and a 1.5 m (4.92 ft.) wide access aisle. In this regard, we note that the plaza and the accessible parking spaces currently exist, and the accessible spaces would exceed the dimensions required by the current By-law, as well as the previous standards that applied. Therefore, we have no objection to the request.

In regards to variances #3 and #4, given the existing conditions and previous Committee approval, we have no objection to the requests."

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

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

The City of Mississauga Community Services Department, Park Planning Section, commented as follows (June 26, 2015):

"The Park Planning Section of the Community Services Department has reviewed the above noted Minor Variance application and provide the following comments:

1. We have no objection to the approval of the application.
2. We note that a portion of the applicants lands appear to be zoned G1 – Greenbelt. In addition, these same lands are located within the Etobicoke Creek (ETO7) section of the City's Natural Area System. This Department is mandated under Future Directions to acquire lands that support and bolster the City's Natural Area System. Should the applicant be willing to dedicate all or a portion of these lands to the City, please contact the undersigned for further information."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (June 29, 2015):

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

"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 Toronto and Region Conservation commented as follows (June 30, 2015):

"This letter will acknowledge receipt of the above noted application (received on June 10, 2015). Toronto and Region Conservation Authority (TRCA) staff have reviewed the above noted application, and as per the "Living City Policies for Planning and Development within the Watersheds of the TRCA" (LCP), provides the following comments as part of TRCA's commenting role under the *Planning Act*, the Authority's delegated responsibility of representing the provincial interest on natural hazards encompassed by Section 3.1 of the *Provincial Policy Statement* (PPS, 2014); TRCA's Regulatory Authority under Ontario Regulation 166/06, *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*; and our Memoranda of Understanding (MOU) with the Region of Peel and City of Mississauga, wherein we provide technical environmental advice.

Purpose of the Application

It is our understanding that the purpose of this Minor Variance Application is to permit the operation of a new medical office and pharmacy within the existing retail and office commercial plaza on the subject property proposing:

1. A total of 146 parking spaces, including 5 parking spaces for persons with disabilities, for all uses on-site; whereas By-law 0225-2007, as amended, requires a minimum of 214 parking spaces, including 6 parking spaces for persons with disabilities, for all uses on-site in this instance;
2. Five (5) parking spaces for persons with disabilities to remain on the subject property proposing a width of 4.9 m (16.07 ft.) and a length of 5.2 m (17.06 ft.) and providing no access aisles between spaces; whereas By-law 0225-2007, as amended, requires a minimum three (3) Type A parking spaces with a minimum width of 3.4 m (11.15 ft.) and a minimum length of 5.2 m (17.06 ft.); a minimum of three (3) Type B parking spaces with a minimum width of 2.4 m (7.87 ft.) and a minimum length of 5.2 m (17.06 ft.); and, access isles with a minimum width of 1.5 m (4.92 ft.) between spaces in this instance;
3. A drive aisle width of 4.8 m (15.74 ft.) for the six (6) parallel spaces located on the west side of the building; whereas By-law 0225-2007, as amended, requires a minimum aisle width of 7.00 m (22.96 ft.) in this instance; and,
4. A drive aisle width of 6 m (19.68 ft.) for the ten (10) parallel parking spaces located on the east side of the building; whereas By-law 0225-2007, as amended, requires a minimum aisle width of 7 m (22.96 ft.) in this instance.

Applicable TRCA Policies and Regulations

The subject lands are located entirely within the Regulatory Floodplain of the Little Etobicoke Creek Tributary and are therefore regulated by the TRCA under Ontario Regulation 166/06, and subject to the policies within TRCA's LCP. TRCA regulates development (including a change of use) within the Regulatory Floodplain. As such, a permit from the TRCA pursuant to Ontario Regulation 166/06 will be required prior to any interior alterations of the building in order to convert it into a medical office and pharmacy.

Comments

The subject property is located within the Etobicoke Creek Special Policy Area (SPA) which is within the broader Etobicoke Creek Watershed. The SPA designation recognizes areas within a community which have historically existed in the floodplain and where strict adherence to Province wide policies concerning new development would result in social and economic hardships for the community. Under the SPA criteria certain development may be allowed within the flood plain provided the proposal does not contemplate new land uses and/or intensified development and TRCA and Provincial technical requirements to address and reduce risks associated with flood hazards have been met.



MISSISSAUGA

File: "A" 286/15
WARD 11

It appears that the subject property is currently designated "Mixed Use" and "Greenbelt" in Dixie Employment Area within the City of Mississauga Official Plan and zoned "General Commercial" (C3-4) and "Greenbelt" (G-1) in the implementing Zoning By-law 0225-2007. As noted above, the effect of the application will be to allow for a new medical office and pharmacy to occur within the existing office and retail commercial plaza located on the subject lands. It is the opinion of TRCA staff that this particular development does not constitute "new" and/or "intensified development", because the proposed uses are permitted within the SPA through the implementing zoning by-law.

Recommendation

TRCA staff supports conditional approval of the current application as submitted subject to the following condition:

1. The applicant obtain all necessary permits under Ontario Regulation 166/06 from this office."

Mr. J. Lee, Planner for the Planning and Building Department, attended and advised that a limit on the medical office uses within the development was not required as any use requiring parking at a rate greater than 5.40 parking spaces per 100.00 m² would require additional relief to the Zoning By-law through a Minor Variance application.

No other persons expressed any interest in the application.

The Committee, after considering the submission put forward by Mr. Morrison and noting the nature of the operation, is satisfied that the request is desirable for the appropriate development of the subject property. The Committee indicated that they were satisfied with the conclusions of the parking utilization study that there would be sufficient parking for the functional demands of all uses on the property. The Committee indicated that the conditions requested by the Planning and Building Department were appropriate.

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 request is minor in nature in this instance.



MISSISSAUGA

File: "A" 286/15
WARD 11

Accordingly, the Committee resolves to authorize and grant the request subject to the following conditions:

1. Maximum gross floor area (GFA) – restaurant use of 545 m² (5866 sq. ft.);
2. All other permitted uses that require parking at a rate greater than 5.4 spaces per 100 m² (1076sq. ft.) GFA-non-residential shall provide parking in accordance with the applicable regulations contained in Table 3.1.2.2 of By-law 0225-2007.

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

Application Approved, on conditions as stated.

Dated at the City of Mississauga on July 9, 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 JULY 29, 2015.

Date of mailing is July 13, 2015.



S. PATRIZIO



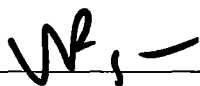
D. GEORGE (CHAIR)

ABSENT


J. ROBINSON

ABSENT

D. KENNEDY



J. PAGE

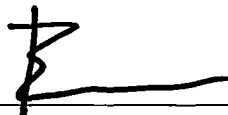


P. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on July 9, 2015.



BRIAN BONNER, ACTING 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

STAN ZUPANCIC

on Thursday July 2, 2015

Stan Zupancic is the owner of part of Lot 302, Registered Plan F-20, located and known as 1610 Trotwood Avenue, zoned R3-1 - Residential. The applicant requests the Committee to authorize a minor variance to permit the existing circular driveway to remain within the front yard of the subject property proposing:

1. a driveway width of 7.20 m (23.62 ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00 m (19.68 ft.) in this instance; and,
2. a combined width of the two points of access of a circular driveway of 7.70 m (25.26 ft.); whereas By-law 0225-2007, as amended, permits a maximum combined width of the two points of access of a circular driveway of 6.00 m (19.68 ft.) in this instance.

Mr. S. Zupancic, property owner, attended and presented the application to permit the existing driveway to remain on the subject property. Mr. Zupancic advised that he had deviated from the approved driveway configuration pursuant to an approve Site Plan Approval application. He indicated that his wife was ill and the additional paved area provided additional room to aid her maneuverability and access.

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

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

1.0 Recommendation

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

2.0 Background

Mississauga Official Plan

Character Area: Mineola Neighbourhood

Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: "R3-1", Residential

3.0 Other Applications

No other applications currently in process.

4.0 Comments

Based on a review of the information provided with the Minor Variance application, we advise that additional information is required to verify the accuracy of the requested variances.

The applicant may wish to apply for a pre-zoning review application and submit working drawings in order that a detailed zoning review may be completed. A minimum of four (4) 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.

It appears that additional variances may be required for insufficient landscaped soft areas as well as excessive coverage of the front yard by the proposed circular driveway.

We advise that the subject property was granted Site Plan Approval for the new residential dwelling under SPI 08-148 which was approved in June of 2009. The approved Site Plan indicates that there would only be one access to the property and no circular driveway. It appears that the as-built conditions do not reflect the approved Site Plan.

This Department has concerns with the requested variances as they would result in a lot with an excessive amount of hard surface. A large portion of the southerly side yard, as well as the area in front of the detached garage has been paved and would allow for a turn-around for vehicles. The addition of a circular driveway adds unnecessary hard surface to a lot that already has a turn-around for vehicles.

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

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

"Attached for Committee's easy reference are some photos which depict the existing circular driveway which has been constructed on this property. We are also noting that we have reviewed a copy of Site Plan Application SP 08/148 which we understand was approved by the Planning and Building Department on June 22, 2009 and that Site Plan depicted the southerly access to Trotwood Avenue, however it was also indicated that the existing access (prior to development) was to be removed. In this regard we question if the Site Plan Application originally approved for this property should be revised to reflect the as constructed access. It should also be noted that the approved Site Plan also depicted a barrier curb across the southerly limits of the driveway, from our site inspection we note that the barrier curb has not been constructed in accordance with the approved Site Plan."

Mr. J. Lee, a Planner for the Planning and Building Department, attended and presented a copy of the approved site plan. He advised that the existing driveway as constructed contained too much hard surface area within the front yard and confirmed that Planning staff would not have supported the driveway in its current form had it been included in the associated Site Plan Approval application. Mr. Lee indicated that there were no correspondence from the applicant to amend the previous Site Plan Approval application or to submit a new Site Plan Approval application.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Zupancic and having reviewed the plans and comments received, is not satisfied that the request is desirable for the appropriate further development of the subject property. The Committee indicated that the existing driveway represented an excessive amount of hard surface within the front yard. They noted that the garage is located at the rear of the property and a paved turning area had been constructed that would be sufficient for manoeuvring vehicles.

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

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



MISSISSAUGA

File: "A" 287/15
WARD 1

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

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

Application Refused.

Dated at the City of Mississauga on July 9, 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 JULY 29, 2015.

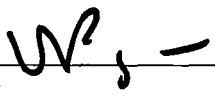
Date of mailing is July 13, 2015.


S. PATRIZIO


D. GEORGE (CHAIR)

ABSENT
J. ROBINSON

ABSENT
D. KENNEDY


J. PAGE


D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on July 9, 2015.


BRIAN BONNER
ACTING 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

FRANJO & CHRISTINA SRES SARCEVIC

on Thursday July 2, 2015

Franjo & Christina Sres Sarcevic are the owners of part of Lot 36, Registered Plan A-26, located and known as 651 Montbeck Crescent, zoned R3 - Residential. The applicants request the Committee to authorize a minor variance to permit the construction of a new dwelling on the subject property proposing:

1. an existing frontage of 12.18 m (39.96 ft.); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00 m (49.21 ft.) in this instance;
2. a front yard of 6.04 m (19.81 ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50 m (24.60 ft.) in this instance;
3. an interior side yard measured to the second storey of the dwelling of 1.26 m (4.13 ft.) on one side and 1.20 m (3.93 ft.) on the other side; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81 m (5.93 ft.) measured to the second storey of both sides of the dwelling in this instance; and,
4. a lot coverage of 39.26% (155.21 m² / 1,670.72 sq. ft.) of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% (138.33 m² / 1,489.02 sq. ft.) of the lot area in this instance.

Mr. J. Wallace, authorized agent, attended and presented the application to permit the construction of a new dwelling on the subject property. Mr. Wallace presented plans for the Committee's review and consideration. He advised the Committee that the existing lot frontage did not comply with the Zoning By-law and that this frontage had been a historical site condition. Mr. Wallace indicated that the proposed increase in lot coverage included a pool house within the rear yard. He noted that the side yard widths would be deficient when measured to the second storey as the walls would be constructed flush with the side walls of the first storey. Mr. Wallace confirmed that the proposed front yard depth was appropriate as many of the houses on Montbeck Crescent did not comply with the minimum front yard setback.

Ms. C. Sres Sarcevic, a co-owner of the property, attended and advised the architectural plans had been presented to the neighbours and that they had expressed their support for the application to her including the neighbours that would be most affected by the proposal. Ms. Sres Sarcevic indicated that the proposed dwelling was carefully designed to have a lakefront cottage appearance and she suggested that the dwelling would enhance the character of the neighbourhood.

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



MISSISSAUGA

File: "A" 288/15
WARD 1

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

"1.0 Recommendation

The Planning and Building Department recommends that the application be deferred for the applicant to redesign the proposal and to submit the required Building Permit application.

2.0 Background

Mississauga Official Plan

Character Area: Lakeview Neighbourhood

Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: "R3", Residential

Discussion:

The intent of the Zoning By-law restrictions with regard to side yard and lot coverage is to ensure that new dwellings are designed in a manner that respects the size of the lot and to ensure that development of the property does not result in an overdevelopment condition. We are of the opinion that there are opportunities to redesign the proposal to more appropriately meet the intent of the Zoning By-law.

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 variances, 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 four (4) 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 variance #1, we note that the frontage is an existing condition and therefore, we have no objection to the request.

In regards to variance #2, we note that the dwellings on Montbeck Crescent have historically been constructed with varying front yard setbacks and many of the existing dwellings are significantly deficient. In this instance, based on the site plan drawing provided with the Minor Variance application, the proposed dwelling appears to be sited with a front yard setback that is consistent with the adjacent dwellings to the east and west. Therefore, we have no objection to the request.

In regards to variances #3 and #4, we note that the applicant is proposing a new dwelling on a lot that can accommodate a reasonably sized dwelling. It is our opinion that the dwelling can be redesigned to more appropriately meet the intent of the Zoning By-law.

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



File: "A" 288/15
WARD 1

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

"We note for Committee's information that any Transportation and Works Department concerns/requirements for this property will be addressed through the Building Permit Process."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (June 29, 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.

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."

Letters were received from the property owners at 641, 647, 655, 659, 664, 706 and 712 Montbeck Crescent, 880, 909 and 913 Aviation Road, and 852, 860, 880, 881, and 914 Goodwin Road expressing support for the application.

Mr. P. Farrell, a resident of 608 Montbeck Crescent, attended and expressed his concerns with respect to massing and reductions in side yard widths. He noted that side yards needed to be sufficient in width for maintenance and access purposes. Mr. Farrell suggested that the proposed dwelling would result in inappropriate overlook conditions.

No other persons expressed any interest in the application.

The Committee noted that there would be floor area and dormer window projections within the attic. The Committee expressed concerns with the dormer projections and second storey side walls encroaching into the required side yards and suggested that modifications to the design of the dwelling could lessen the impact of the variances. They indicated that they were satisfied that the applicant was not proposing a flat roof.

Mr. Wallace indicated that the additional floor area did not contribute to any additional lot coverage. He indicated that there are many three storey flat roof homes in the area and that the proposed dwelling would allow for the utilization of the space within the roofline without having the appearance of a three storey dwelling or a flat roof.

Mr. F. Sarcevic, a co-owner of the property, attended and indicated that he did not wish to change the design of the dwelling and requested that the Committee consider the request as presented.

The Committee, after considering the submissions put forward by Mr. Wallace, Ms. Sres Sarcevic and Mr. Sarcevic and having reviewed the plans, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee indicated that the design of the dwelling would enhance the character of the area and that the additional floor area within the roofline of the dwelling did not result in any inappropriate amount of massing or lot coverage.

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" 288/15
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. Page CARRIED

Application Approved, on condition as stated.

Dated at the City of Mississauga on July 9, 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 JULY 29, 2015.


Date of mailing is July 13, 2015.


S. PATRIZIO



D. GEORGE (CHAIR)

ABSENT
J. ROBINSON

ABSENT
D. KENNEDY


J. PAGE


D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on July 9, 2015.


BRIAN BONNER, ACTING 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

IMRAN HABIB

on Thursday, July 2, 2015

Imran Habib is the owner of Lot 95, Registered Plan M-975, located and known as 928 Focal Road, zoned R4 – Residential. The applicant requests the Committee to authorize a minor variance to permit the existing driveway on the subject property proposing:

1. a driveway width of 12.23m (40.12ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (19.69ft.) in this instance;
2. a setback of 0.00m (0.00ft.) from the driveway to both side lot lines; whereas By-law 0225-2007, as amended, requires a minimum setback of 0.61m (2.00ft.) from the driveway to both side lot lines in this instance; and,
3. a landscaped soft area of 0.00% in the front yard area; whereas By-law 0225-2007, as amended, requires a minimum landscaped soft area of 40.00% of the front yard area in this instance.

Mr. I. Habib, the property owner, attended and presented the application to permit the existing oversized driveway to remain on the subject property. Mr. Habib indicated that the driveway expansion was constructed by the previous owner of the property and that he had made additional modifications that included concrete at the sides of driveway to allow safe access to vehicles parked in the driveway. Mr. Habib confirmed that 12 people were living in the dwelling and that they required parking for 4 personal vehicles and one commercial vehicle. He noted that the wider driveway was easier to maintain in the winter and that artificial grass could be installed along the edges of the driveway to enhance its appearance.

Mr. Habib indicated that the garage was fully utilized for the storage of tools and equipment related to his profession and that there was insufficient room to park a motor vehicle inside.

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

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

"1.0 Recommendation"

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

2.0 Background

Mississauga Official Plan

Character Area: Neighbourhood

Designation: Designation

Zoning By-law 0225-2007

Zoning: "", General Zoning Provision

3.0 Other Applications

N/A

4.0 Comments

The Planning and Building Department note that driveway width provisions and landscape provisions in the by-law are intended to improve streetscapes and ensure that front yards are not completely dominated by hard surfaced area and vehicular parking. In this case the applicant is proposing 100% of the front yard to be hard surfaced area which would provide opportunity for an excessive number of vehicles to be parked across the front yard. The driveway increase would represent an increase of over 100% of the permitted value and in the opinion of the department is not minor, not desirable, and does not meet the intention of the zoning by-law.

It is the opinion of the Planning and Building Department that all aspects of the requested variances are overly excessive in nature and well beyond a reasonable increase of what the Zoning By-law permits. As a result, the Planning and Building Department recommend that the application be refused."

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

"This department cannot support the applicant's request as submitted to permit a 12.23m driveway width on the subject property whereas a maximum driveway width of 6.0m is permitted in this instance. From the enclosed photos it is clearly evident that the driveway as widened is excessive. We are also concerned with the concrete area which has been installed within the municipal boulevard area (area between the sidewalk and curb) on both sides of the driveway and would request that this concrete be removed and the area be re-instated with topsoil and sod."

A letter was received from A. Minaudo, a resident of 917 Focal Road, expressing opposition to the application and requesting that more lawns and green spaces be added in the neighbourhood and not paved parking lots.

A letter was received from J. Selazek, a resident of 912 Focal Road, expressing opposition to the application and expressing concerns with respect to the driveway widening.

A letter was received from R. Li, a resident of 929 Focal Road, expressing his support for the application.

A letter was received from D. Laguerre, a resident of 916 Focal Road, expressing opposition to the application and noting concerns.

A letter was received from H. Hobain, a resident of 920 Focal Road, expressing opposition to the application and noting concerns.

No other persons expressed any interest in the application.



File: "A" 289/15
WARD 6

The Committee, after considering the submissions put forward by Mr. Habib and having reviewed the plans and comments received, is not satisfied that the request is desirable for the appropriate further development of the subject property. The Committee indicated that the oversized driveway was unattractive and undesirable as it left no room within the front yard for soft landscaping. They noted that a portion of the municipal boulevard had been inappropriately altered and should be reinstated with sod. The Committee likened the appearance of the front yard to a parking lot which was undesirable and inappropriate for a residential property. They noted that an inappropriate amount of vehicles were parked on the property which included vehicles encroaching onto the front steps leading up to the dwelling and on the sidewalk and municipal boulevard.

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

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



MISSISSAUGA

File: "A" 289/15
WARD 6

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

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

Application Refused.

Dated at the City of Mississauga on July 9, 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 JULY 29, 2015.

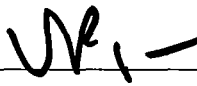
Date of mailing is July 13, 2015.


S. PATRIZIO



D. GEORGE (CHAIR)

ABSENT
J. ROBINSON

ABSENT
D. KENNEDY


J. PAGE


D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on July 9, 2015.


BRIAN BONNER, ACTING 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

ERIN MILLS CHURCH CAMPUS

on Thursday July 2, 2015

Erin Mills Church Campus is the owner of Lot A, Registered Plan M-160, located and known as 3535 South Common Court, zoned RM4-58 – Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a community garden on the subject property; whereas By-law 0225-2007, as amended does not permit a community garden use on the subject property in this instance.

Mr. J. Sterns, authorized agent, attended and presented the application to permit the construction of community gardens on the subject property. Mr. Sterns advised the Committee that there was a shortcoming in the Zoning By-law that allowed for community garden uses within the base RM4 – Residential zoning classification but not in the RM4-58 – Residential exception zone. He suggested community garden uses were appropriate on the subject property.

Ms. A. Wong, a representative of Ecosource, attended and advised the Committee that the proposed community garden was to be constructed by a non-profit organization. She explained that the application fee was cost prohibitive for her organization and requested for the application fee be refunded.

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

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

1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

Character Area: South Common Community Node
Designation: Residential Medium Density

Zoning By-law 0225-2007

Zoning: "RM4-58", Residential

3.0 OTHER APPLICATIONS

No other applications currently in process.

4.0 COMMENTS

We advise that a community garden use is permitted in the base RM4 zone. However, the RM4-58 Exception zone that applies to the property only permits a place of religious assembly and a day care. Therefore, a community garden use is not permitted in the RM4-58 zone.

Further, we advise that Section 11.2.1 of Mississauga Official Plan states that a community gardening use is permitted in all designations except Greenbelt, unless specifically allowed.

Based on the preceding information and the nature of the request, we have no objection to the requested variance."

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

"This department has no objections to the applicants request to permit the community garden on the subject property."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (June 29, 2015):

"The subject lands are traversed by an existing Region of Peel water and sanitary sewer easement, to the north of the proposed community gardens. The terms of the easement allow for the use of the lands for lawn, farm operation, garden, flowerbed.....none of which shall include buildings, structures, obstructions, hard concrete surface materials and the addition or removal of fill. The Region is in support of community driven initiatives such as this, but must ensure that the existing infrastructure is accessible and protected for the purpose of access, maintenance, repair and replacement. We also note that the application advised that additional community gardens may be added in the future without identifying the potential location. Accordingly, if the Committee sees merit in the application as proposed, we recommend inclusion of the following condition: "That no buildings, structures, obstructions and hard concrete surface materials be utilized and that no fill be added to or removed from the portion of the lands subject to the Regional Water and Sanitary Sewer Easement

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

That no buildings, structures, obstructions and hard concrete surface materials be utilized and that no fill be added to or removed from the portion of the lands subject to the Regional Water and Sanitary Sewer Easement."

A memorandum was received from Ward Councillor Mahoney expressing his support for the subject application.

Mr. J. Lee, a Planner for the Planning and Building Department, attended and confirmed that the RM4-58 – Residential zone only permitted church and daycare uses. He noted that the general RM4 – Residential zone would allow for community gardens.

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Mr. Sterns and Ms. Wong 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 a refund of the application fee was appropriate in this circumstance. They noted that a shortcoming of the Zoning By-law inhibited an appropriate use of the property for non-profit purposes.

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

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

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


MOVED BY: S. Patrizio SECONDED BY: P. Quinn CARRIED

Application Approved.

Dated at the City of Mississauga on July 9, 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 JULY 29, 2015.

Date of mailing is July 13, 2015.



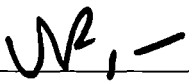
S. PATRIZIO



D. GEORGE (CHAIR)

ABSENT
J. ROBINSON


ABSENT
D. KENNEDY



J. PAGE



D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on July 9, 2015.



BRIAN BONNER
ACTING 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.



File: "A" 291/15
WARD 6

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

AMINA UDDIN & AMRO AFZAL

on Thursday July 2, 2015

Amina Uddin & Amro Afzal are the owners of Lot 29, Registered Plan M-1022, located and known as 5355 Fallingbrook Drive, zoned R4 – Residential. The applicants request the Committee authorize a minor variance to permit the existing driveway to remain on the subject property proposing a width of 7.92m (24.98ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (19.69ft.) in this instance.

Ms. A. Uddin, a co-owner of the property, attended and presented the application to permit the existing oversized driveway to remain within the front yard of the subject property. Ms. Uddin advised the Committee that the driveway had been constructed by a previous owner of the property. She explained that the additional driveway width allowed for the safe access into the side yard to access a secondary entrance into the dwelling. Ms. Uddin noted that the driveway was similar to other oversized driveways within the neighbourhood.

Ms. Uddin confirmed that no alterations would be made to the driveway.

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

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

"1.0 RECOMMENDATION"

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

2.0 BACKGROUND

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: "R4", Residential

3.0 OTHER APPLICATIONS

N/A

4.0 COMMENTS

The Planning and Building Department note that limited driveway width provision is intended to provide more opportunity for landscaping in the front yard and limit hard surface coverage and excessive vehicular parking. In this case, the increase in width requested would provide adequate width to park 3 vehicles side by side along the front of the property. The Planning and Building Department are of the opinion that this creates a situation of excessive parking in the front yard. Considering the existing 2 car garage on the property, it is our opinion that the widened driveway is not necessary or a desirable development for the property.

The Planning and Building Department are of the opinion that the requested variance does not meet the intent of the driveway width provisions of the Zoning By-law and as a result recommend that the application be refused."

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

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

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (June 29, 2015):

"This property is within the vicinity of the Britannia Sanitary Landfill Site. This site was closed on June 29, 2002. An environmental monitoring program is in place at the site and consists of routine groundwater, surface water and landfill gas monitoring. A landfill gas collection system has been installed at the site. The collection system collects the landfill gases generated and converts them to energy. The site is also home to a 27-hole golf course complete with a clubhouse and maintenance buildings. The site is located in a residential area. It is catalogued by the Ministry of Environment and Climate Change (M.O.E.C.C.) as A220112."

Two representatives of 5359 Fallingbrook Drive, attended and expressed their concerns with the subject application. They noted various traffic congestion and safety concerns.

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Ms. Uddin 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" 291/15
WARD 6

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

MOVED BY: P. Quinn SECONDED BY: S. Patrizio CARRIED

Application Approved.

Dated at the City of Mississauga on July 9, 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 JULY 29, 2015.

Date of mailing is July 13, 2015.

S. PATRIZIO

D. GEORGE (CHAIR)

ABSENT

J. ROBINSON

ABSENT

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on July 9, 2015.

BRIAN BONNER
ACTING 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.



File: "A" 292/15
WARD 7

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

HAJUNA INVESTMENTS LIMITED

on Thursday July 2, 2015

Hajuna Investments Limited is the owner of Part of Lot 20, Concession 1, NDS located and known as 3663 Mavis Road, zoned D-10 Development. The applicant requests the Committee to authorize a minor variance to permit a warehouse use within Unit #16 of the development on the subject property; whereas By-law 0225-2007, as amended, does not permit any use that did not legally exist on the subject property prior to the establishment of the D-10 Development zone on the subject property in this instance.

Mr. C. Lee, authorized agent, attended and presented the application to permit the operation of a warehouse use within Unit #16 of the development on the subject property. Mr. Lee advised the Committee that the facility would be for shipping and storage purposes only.

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

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

1.0 RECOMMENDATION

The Planning and Building Department has no objection to the requested variance, subject to a temporary period of five (5) years. However, the applicant may wish to defer the application to submit a Certificate of Occupancy application to ensure that all required variances have been accurately identified.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Fairview Neighbourhood
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: "D-10", Development

3.0 OTHER APPLICATIONS

☐ *Certificate of Occupancy* File: Required - No application received

4.0 COMMENTS

We note that a Certificate of Occupancy is required and in the absence of a Certificate of Occupancy application, we are unable to verify the accuracy of the requested variance or determine whether additional variances will be required. We recommend that the applicant



File: "A" 292/15
WARD 7

submit a Certificate of Occupancy application in order to ensure that all required variances have been accurately identified.

We advise that the subject property is designated Mixed Use within Mississauga Official Plan and is subject to the Fairview Neighbourhood Special Site 1 policies. The intention of the Mixed Use designation and special site policies is to allow for a range of uses including residential, office and commercial, among other uses. Furthermore, the intent of the D-10 zoning for the subject property is to ensure that future redevelopment proceeds by way of a Rezoning application, aligning with the vision of the Official Plan.

Further, we note that the Committee has previously approved similar minor variance applications for warehousing uses under 'A' 400/13 and 'A' 101/14. For the most recent application, this Department had no objection, subject to a temporary five (5) year approval.

Given the intent of the Official Plan policies and Zoning By-law regulations, we have no objection to the requested variance, subject to a temporary five (5) year approval, so as not to inhibit the intended future redevelopment of the subject property."

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

"This Department has no objections, comments or requirements with respect to C.A. 'A' 292/15."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (June 29, 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."

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Mr. Lee and having reviewed the plans and comments received, is satisfied that the request is desirable for the appropriate temporary use 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" 292/15
WARD 7

Accordingly, the Committee resolves to authorize and grant the request for a temporary period of five (5) years and is to expire and terminate on or before July 31, 2020 and is subject to the following condition:

1. The applicant shall obtain a Certificate of Occupancy for the proposed warehouse.

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

Application Approved on condition as stated.

Dated at the City of Mississauga on July 9, 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 JULY 29, 2015.

Date of mailing is July 13, 2015.



S. PATRIZIO



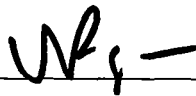
D. GEORGE (CHAIR)

ABSENT

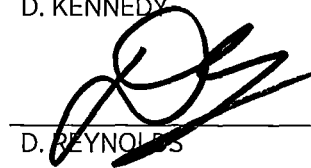
J. ROBINSON

ABSENT

D. KENNEDY



J. PAGE

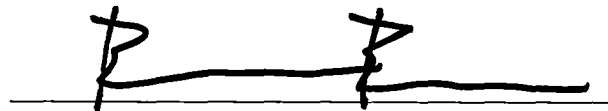


D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on July 9, 2015.



BRIAN BONNER
ACTING 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

KHALID ABU ZAED

on Thursday July 2, 2015

Khalid Abu Zaed is the owner of part of Block A, Registered Plan M-462, located and known as 6985 Second Line West, zoned R1-32 - Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new dwelling, detached three (3) car garage, and cabana (accessory structure and gazebo) on the subject proposing:

1. a combined width of side yards of 6.77 m (22.21 ft.), measured to the eaves; whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 7.97 m (26.14 ft.) in this instance;
2. a dwelling height of 7.91 m (25.95 ft.) measured to the highest ridge of the roof; whereas By-law 0225-2007, as amended, permits a maximum dwelling height of 7.50 m (24.60 ft.) in this instance;
3. a dwelling with a flat roof; whereas By-law 0225-2007, as amended, does not permit a dwelling with a flat roof in this instance;
4. a floor area of 72.61 m² (781.59 sq. ft.) for the proposed detached garage; whereas By-law 0225-2007, as amended, permits a maximum floor area of 50.00 m² (538.21 sq. ft.) for a detached garage in this instance;
5. a garage projection of 4.06 m (13.32 ft.) beyond any point of the front wall of the proposed dwelling; whereas By-law 0225-2007, as amended, permits a projection of 0.00 m (0.00 ft.) beyond any point of the front wall of the dwelling in this instance;
6. a driveway width of 9.53 m (31.27 ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 3.00 m (9.84 ft.) in this instance; and,
7. a floor area of 10.43 m² (112.27 sq. ft.) for the proposed gazebo; whereas By-law 0225-2007, as amended permits a maximum floor area of 10.00 m² (107.64 sq. ft.) for a gazebo in this instance.

On April 23, 2015, Mr. M. Vieira, the authorized agent, attended and requested a deferral of the application to allow him to address the concerns raised by Planning staff.

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

"1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Meadowvale Village Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: "R1-32", Residential

3.0 OTHER APPLICATIONS

☒ *Site Plan* File: SPI 14-178 W11 – Not Satisfactory

4.0 COMMENTS

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

"The applicant requests the Committee to authorize a minor variance to permit the construction of a new dwelling, detached THREE (3) car garage, and cabana (accessory structure and gazebo) on the subject proposing:

1. insufficient combined width of side yards of 6.01 m (19.72 ft.) (measured to the dwelling on one side and the detached garage on the other); whereas By-law 0225-2007, as amended, requires a minimum combined width of the side yards of 7.97 m (26.14 ft.) in this instance;
2. Excessive height - highest ridge of the dwelling of 7.91 m (25.95 ft.); whereas By-law 0225-2007, as amended, permits a maximum dwelling height of 7.50 m (24.60 ft.) in this instance;
3. Insufficient side yard setback of an eave of 1.19 m (3.90 ft.); whereas By-law 0225-2007, as amended requires a minimum 1.35 m (4.43 ft.) in this instance;
4. a detached garage floor area of 80.85 m² (870.29 sq. ft.); whereas By-law 0225-2007, as amended, permits a maximum floor area of 50.00 m² (538.21 sq. ft.) for a detached garage in this instance;
5. a garage projection of 4.06 m (13.32 ft.) beyond any point of the front wall of the proposed dwelling; whereas By-law 0225-2007, as amended, permits a projection of 0.00 m (0.00 ft.) beyond any point of the front wall of the dwelling in this instance;
6. a driveway width of 10.93 m (35.85 ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 3.00 m (9.84 ft.) in this instance;

Further, we note that the following additional variances will be required:

7. A flat roof; whereas By-law 0225-2007, as amended, states that a flat roof shall not be permitted in this instance;
8. a "light well" in the interior side yard; whereas By-law 0225-2007, as amended states that all required yards shall be unobstructed except for the allowable encroachments;
9. Excessive area occupied by a gazebo of 10.43 m² (112.27 sq. ft.); whereas By-law 0225-2007, as amended permits a maximum area occupied of 10 m² (107.64 sq. ft.) in this instance; and
10. Insufficient combined width of side yards of 4.79 m (15.72 ft.) (measured to the eaves); whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 7.97 m (26.14 ft.) in this instance.

Further, we note that the subject property is directly adjacent to the Meadowvale Village Heritage Conservation District. Section 7.4.1.12 of Mississauga Official Plan states that,

7.4.1.12 The proponent of any construction, development, or property alteration that might adversely affect a listed or designated cultural heritage resource or which is proposed



File: "A" 200/15
WARD 11

adjacent to a cultural heritage resource will be required to submit a Heritage Impact Statement, prepared to the satisfaction of the City and other appropriate authorities having jurisdiction.

Based on discussions with Heritage staff in the Community Services Department, a Heritage Impact Statement has not been submitted.

Further, we note that this Department does not support the requested driveway width. Section 16.17.2.12 of Mississauga Official Plan states that,

16.17.2.12 The rural village character of the Heritage Conservation District must be maintained; for example, the small houses with complex massing, the generous front, rear and side setbacks, the many mature trees and the irregular topography. These provisions should also guide new development in close proximity to the Heritage Conservation District.

It is our opinion that the configuration of the driveway results in an excessive amount of hard surface in the front yard, which is not consistent with the rural character of the area. We recommend that the applicant redesign the driveway to address this concern.

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

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

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 14/178. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process."

The City of Mississauga Community Services Department, Culture Division commented as follows (April 21, 2015):

"The subject property is adjacent to the Meadowvale Village Heritage Conservation District. As such, a Heritage Impact Assessment is required for the proposed development. The minor variance application should be deferred until all information is submitted."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (April 20, 2015):

Regional Planning staff note that the subject land is located within the Airport Operating Area (AOA) 30 to 35 Noise Exposure Forecast (NEF) Contour. Policy 5.9.6.2.4 of the Region of Peel Official Plan (ROP) prohibits development, redevelopment and infill for new residential and sensitive land uses, specifically hospitals, nursing homes, day care facilities and public and private schools in the Lester B. Pearson International Airport Operating Area. The ROP provides an exemption to this general provision under Policy 5.9.6.2.6 that recognizes approved land uses and other considerations, and this application falls within this exemption.

Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. Please note that site servicing approvals will be required prior to building permit."

A letter was received from the Peel District School Board expressing an interest in the application.

A letter was received from J. P. Holmes, Chairman of the Meadowvale Village Community Association, expressing the group's opposition to the subject application. He noted that the variances would encourage incompatible and unsympathetic development abutting the adjacent heritage properties in the Meadowvale Village Heritage Conservation District.

A letter was received from G. Young, a resident at 1020 Old Derry Road, suggesting that the proposed dwelling did not respect the character of the abutting heritage district.



MISSISSAUGA

File: "A" 200/15
WARD 11

A letter was received from G. & K. MacKinnon, a resident of 6995 Second Line West, expressing an objection to the subject application.

A letter was received from T. Wilson, a resident of 7091 Pond Street, expressing an objection to the subject application, stating that the proposal is unsuitable for the surrounding neighbourhood and the heritage conservation district. The resident requested the Committee to refuse the subject application.

No other persons expressed any interest in the application.

The Committee consented to the request and deferred the application to the June 18, 2015 hearing.

On June 18, 2015, Mr. M. Vieira, the authorized agent, attended and presented the revised proposal to construct a new dwelling on the subject property. He indicated that the property was located within an area that had significant heritage value and that additional materials had been presented to Heritage staff to address such matters.

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

The City of Mississauga Planning and Building Department commented as follows (June 12, 2015):

"1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Meadowvale Village Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: "R1-32", Residential

3.0 OTHER APPLICATIONS

☒ *Site Plan* File: SP 14/178

4.0 COMMENTS

The Planning and Building Department note that we are not in receipt of a completed heritage impact study, and as a result recommend that the application be deferred.

Additional comments from the April 23rd, 2015 agenda still apply."

The City of Mississauga Transportation and Works Department commented as follows (June 10, 2015):

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

The City of Mississauga Community Services Department, Culture Division commented as follows (June 15, 2015):

"Please use same comment as last time."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (June 16, 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."

Mr. G. Kirton, a Planner for the Planning and Building Department, attended and indicated that Planning staff was not prepared to comment on the application until a heritage report was made available to them.

Mr. H. Lynch, a Planner for the Planning and Building Department, attended and indicated that Planning staff reviews the application based on the "4 tests" as prescribed by the Planning Act. He noted that one of these tests related to the Mississauga Official Plan which stated that heritage matters need to be considered. Mr. Lynch suggested that it would be appropriate for Heritage staff to provide comments on these matters to assist Planning staff in their review of the application.

No other persons expressed any interest in the application.

The Committee indicated that insufficient review had been performed by Planning and Heritage staff and deferred the application to allow for Mr. Vieira to engage staff to ensure sufficient materials have been provided for review. The Committee deferred the application to the July 2, 2015 hearing.

On July 2, 2015, Mr. M. Vieira, attended and presented the application to construct a new dwelling and attached three car garage on the subject property. Mr. Vieira advised the Committee that the proposed driveway would have additional paved area to allow for a vehicle to turn around and egress the property in a forward motion. He explained that this turn-around pad was important as the driveway would traverse the front yard in an angular manner in efforts to preserve a series of mature trees. He confirmed that a heritage permit had been issued for the proposed dwelling.

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

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

"1.0 RECOMMENDATION"

The Planning and Building Department has no objection to requested variances #1 – 5, and #7, as proposed by the applicant. Additionally, we recommend that variance #6 be refused. However, the applicant may wish to defer in order to ensure all variances have been accurately identified and that no additional variances are required.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Meadowvale Village Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: "R1-32", Residential

3.0 OTHER APPLICATIONS

☒ *Site Plan* File: SP 14/178

4.0 COMMENTS

The Planning and Building Department note that the the subject property is adjacent to the Meadowvale Village Heritage Conservation District and as a result the applicant has been required to satisfy heritage requirements with the City. Heritage Planning Staff have reviewed the information provided by the applicant and have deemed the heritage requirements fulfilled and as a result have no objections to the requested variances.

We also note that the Planning and Building Department has not received a formal Site Plan resubmission, however through conversation with the applicant we understand that they have made amendments to their design to remove and lessen some of their requested variances. As no Site Plan has been submitted, we are unable to verify the accuracy of any of the variances to be requested, however we understand that the applicant will be seeking to amend the application to request the following variances:

1. "a combined width of side yards of 6.77 m (22.21 ft.), measured to the eaves; whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 7.97 m (26.14 ft.) in this instance;
2. a dwelling height of 7.91 m (25.95 ft.) measured to the highest ridge of the roof; whereas By-law 0225-2007, as amended, permits a maximum dwelling height of 7.50 m (24.60 ft.) in this instance;
3. a dwelling with a flat roof; whereas By-law 0225-2007, as amended, does not permit a dwelling with a flat roof in this instance;
4. a floor area of 72.61 m² (781.59 sq. ft.) for the proposed detached garage; whereas By-law 0225-2007, as amended, permits a maximum floor area of 50.00 m (538.21 sq. ft.) for a detached garage in this instance;
5. a garage projection of 4.06 m (13.32 ft.) beyond any point of the front wall of the proposed dwelling; whereas Bylaw 0225-2007, as amended, permits a projection of 0.00 m (0.00 ft.) beyond any point of the front wall of the dwelling in this instance;
6. a driveway width of 9.53 m (31.27 ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 3.00 m (9.84 ft.) in this instance; and,
7. a floor area of 10.43 m² (112.27 sq. ft) for the proposed gazebo; whereas By-law 0225-2007, as amended permits a maximum floor area of 10.00 m² (107.64 sq. ft.) for a gazebo in this instance."

With regards to proposed variance #1, the Planning and Building department note that there are varying setbacks along each side yard depending on which portion of the dwelling and garage is measured. The required setback is measured from the 2 areas between the proposed dwelling and garage that produce the largest deficiency and is not present along the entire length of the dwelling and garage in both side yards. As a result, it is the opinion of Planning Staff that this helps to minimize the impact of the reduced side yards widths and would be minor in nature.

Variance #2, similarly to variance #1, is not present along the majority of the roof line; the height increase is only necessary for a short stretch near the middle of the dwelling. Planning Staff are of the opinion that the design, featuring gradual changes in the roof height and only a small portion of the whole roof requiring the variance, help minimize any excessive massing due to the height increase.

Variance #3 is required as a result of a small portion of the roof along the rear of the building being flat. This portion of the roof is shielded on either side by traditional roof design features and should not be visible from any adjacent properties, and therefore not impact the general character of the neighbourhood. Planning Staff are of the opinion that the size and location of the requested flat roof are minor in nature.

Variance #4 is due to the increase in garage depth to permit a third vehicle to be located within the garage. In this instance the width of the garage is limited to a 2 car appearance and based on the design the Planning and Building Department are of the opinion that the additional garage space should not impact streetscape or general character of the neighbourhood and is minor in nature.

Variance #5 is required because a small portion of the front wall of the main building is recessed in the dwelling design. Although the variance is measured from this point the garage does not project into the front yard past the majority of the front wall of the dwelling. As a result, Planning and Building Staff are of the opinion that the general intent of the By-law is met and the variance is minor in nature.

Regarding variance #6, although the applicant has reduced the driveway width from their initial proposal, Planning Staff are still unable to support the request. The width and location of the hammerhead portion of the driveway could provide opportunity for excessive additional vehicular parking in the front yard. The variance results in excessive hard surfaced front yard area and in the opinion of Planning Staff is not minor in nature and should be refused.

Variance #7 is requesting a minimal increase in size of 0.43m² (4.63 sq. ft.) and in the opinion of Planning Staff is minor in nature and we provide no objection to this variance.

Considering the previous information, the Planning and Building Department have no objections to requested variances #1 - 5, and #7, as proposed by the applicant. We recommend that variance #6 be refused. Additionally, we note that with the changes the applicant has made to their design they may wish to defer in order to resubmit a site plan for circulation and comment to verify the accuracy of their variances and ensure that no additional variances are required."

The City of Mississauga Community Services Department, Culture Division commented as follows (June 25, 2015):

"The subject property is adjacent to the Meadowvale Village Heritage Conservation District. The heritage requirements are complete. Heritage Planning has no concerns with the requested variances."

No other persons expressed any interest in the application.

Mr. Vieira confirmed the accuracy of the subject application and requested to proceed with the Committee adjudicating the merits of the proposal.

The Committee after considering the submissions put forward by Mr. Vieira 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 of the opinion that the proposed dwelling was compatible with the surrounding neighbourhood.

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" 200/15
WARD 11

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 site plan presented to the Committee.

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

Application Approved on condition as stated.

Dated at the City of Mississauga on July 9, 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 JULY 29, 2015.

Date of mailing is July 13, 2015.

S. PATRIZIO

D. GEORGE (CHAIR)

ABSENT

J. ROBINSON

J. PAGE

ABSENT

D. KENNEDY

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on July 9, 2015.

BRIAN BONNER
ACTING 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

FRANCISCO PEIXOTO

on Thursday July 2, 2015

Francisco Peixoto is the owner of Part of Lot 267, Registered Plan F-20, located and known as 1491 Trotwood Avenue, zoned R3-1 - Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a two storey dwelling on the subject property proposing a gross floor area (GFA) – infill residential, of 438.93m² (4,724.60 sq.ft.); whereas By-law 0225-2007, as amended permits a maximum gross floor area (GFA) – infill residential, of 371.38m² (3,997.50 sq.ft.) in this instance.

On May 31, 2015, Mr. R. Mateljan, the authorized agent, attended and requested a deferral of the subject application. Mr. Mateljan advised the Committee that he had reviewed the comments provided by the Planning and Building Department and required additional time to resolve the concerns identified.

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

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

"1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density II

Discussion:

The Mineola Neighbourhood is a stable and established residential area that has evolved into a unique area characterized by low density housing on large, spacious and often heavily treed lots. Specific Infill Housing Policies exist for the Mineola Neighbourhood under Section 16.18.1 of Mississauga Official Plan, which state that for the development of all detached dwellings on lands identified in the Site Plan Control By-law, the following provisions, among others, will apply:

c. encourage new housing to fit the scale and character of the surrounding area, and take advantage of the features of a particular site, i.e. topography, contours, mature vegetation;

e. ensure that new development has minimal impact on its adjacent neighbours with respect to overshadowing and overlook;

j. house designs which fit the scale and character of the local area, and take advantage of the particular site are encouraged. The use of standard, repeat designs is strongly discouraged; and

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

In this instance, the current proposal has not been designed to fit the scale and character of the surrounding area. The proposal is for a new two storey dwelling, and the applicant has not provided sufficient justification for the request for excessive gross floor area (GFA) and why it is not possible to comply with the requirements of the Zoning By-law. As requested, the proposed GFA would create a negative massing impact on the streetscape and adjacent neighbours. Therefore, the requested variances do not maintain the general intent and purpose of the Official Plan.

Zoning By-law 0225-2007

Zoning: "R3-1", Residential

Discussion:

The intent of the Zoning By-law regarding restrictions on GFA is to ensure that any new development does not have a negative impact to the streetscape and adjacent neighbours. In this instance, the proposed dwelling is too large for the lot, which can accommodate a reasonably sized dwelling. Therefore, the requested variances do not maintain the general intent and purpose of the Zoning By-law.

3.0 OTHER APPLICATIONS

☒ *Site Plan* File: SPI 15-29 W1

4.0 COMMENTS

Based on a review of the Site Plan application for the proposed two storey dwelling, we advise that the following additional variances are required:

"2. a combined width of side yards of 5.34 m (17.52 ft.) measured to the eave of the two storey dwelling; whereas By-law 0225-2007, as amended, requires a minimum of 6.15 m (20.18 ft.) in this instance;

3. an eaves encroachment of 0.56 m (1.84 ft.) into the southerly side yard; whereas By-law 0225-2007, as amended, permits a maximum eave encroachment of 0.45 m (1.48 ft.) in this instance."

Further, we note that additional information is required to verify the accuracy of the requested variance.

In regards to the request for excessive GFA, we advise that within the immediate vicinity of the subject property, four dwellings have been constructed with approved variances for GFA. The requests were for excessive GFA of 30.87 m² (332.28 sq. ft.) at 1499 Trotwood Avenue, 30.2 m² (325.07 sq. ft.) at 1473 Trotwood Avenue, 25.2 m² (271.25 sq. ft.) at 1500 Kenmuir Avenue and 25.06 m² (269.74 sq. ft.) at 1504 Kenmuir Avenue. For the former two applications, this Department raised concerns regarding the GFA and recommended that the applicants redesign the proposals. For the latter two applications, this Department had no objection to one, and recommended a deferral for more information for the other. Under the subject application, the current request is for 67.55 m² (727.10 sq. ft.).

This Department has concerns with the requested GFA as it creates a negative massing impact to the streetscape and adjacent neighbours. Further, based on a review of the floor plans submitted with the minor variance application, we note that there is an area indicated as 'open to below', which would understate the GFA as defined by the Zoning By-law, but would create additional massing impact.



File: "A" 243/15
WARD 1

In regards to the requests for combined width of side yards and eaves encroachment, we note that a reduction in the building footprint may allow for the elimination of the variances.

Based on the preceding information, the requested variances as amended do not maintain the general intent and purpose of the Official Plan or the Zoning By-law. They are not minor in nature and are not desirable for the appropriate development of the property."

The City of Mississauga Transportation and Works Department commented as follows (May 14, 2015):

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 15/029. 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 (May 19, 2015):

"Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. Please note that site servicing approvals will be required prior to building permit."

A letter was received from J. McKinnon, Director of the Credit Reserve Association, stating his objection to the requested variances. He expressed concerns with respect to the proposal being too large in mass and scale, and that the proposal was not appropriate for the surrounding neighbourhood.

No other persons expressed any interest in the application.

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

On July 2, 2015, Mr. R. Mateljan, the authorized agent, attended and presented a revised proposal to construct a new two storey dwelling on the subject property. Mr. Mateljan advised the Committee that the revised proposal sought a reduced gross floor area of 390.90 m² (4,207.75 sq. ft.) and indicated that there was an error in the initial calculation of the gross floor area with respect to the inclusion of the floor area within the garage being accounted for twice. He noted that the dwelling had been further modified to allow for the balance of the dwelling to comply 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 (June 26, 2015):

1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: "R3-1", Residential

3.0 OTHER APPLICATIONS

☒ *Site Plan* File: SPI 15-29 W1

4.0 COMMENTS

Based on a review of the Site Plan application for the proposed two storey dwelling, we advise that the following additional variance is required:

2. an eave encroachment of 0.56 m (1.84ft) on the south side of the dwelling; whereas By-law 0225-2007, as amended, permits eaves to encroach a maximum of 0.45 m (1.48ft) in this instance."

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

When this application was previously heard by the Committee on May 21, 2015, this Department stated that we had concerns with the requested gross floor area (GFA) variance request. Since that time, the applicant has submitted additional information but has not submitted the necessary information to allow Zoning staff to confirm the accuracy of the GFA request. Without the benefit of this information, with the exception of the above amendment, our comments dated May 15, 2015 remain applicable."

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

"Please refer to our comments submitted for the May 21, 2015 hearing of this application as those comments are still applicable."

No other persons expressed any interest in the application.

Mr. Mateljan requested for the application to be amended to allow a gross floor area of 390.90 m² (4,207.75 sq. ft.) and confirmed that the balance of the dwelling would comply with the Zoning By-law.

The Committee indicated their concern with the delayed submission of the revised proposal. They noted that the proposed gross floor area was less than what was notified and that they were satisfied to proceed with evaluating the application in this instance. The Committee consented to the request and, after considering the submissions put forward by Mr. Mateljan and having reviewed the plans and comments received, is satisfied that the amended request is desirable for the appropriate further development of the subject property.

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

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



File: "A" 243/15
WARD 1

Accordingly, the Committee resolves to authorize and grant the amended request to permit the construction of a two storey dwelling on the subject property proposing a gross floor area (GFA) – infill residential of 390.90 m² (4,207.75 sq. ft.); whereas By-law 0225-2007, as amended permits a maximum gross floor area (GFA) – infill residential of 371.38m² (3,997.50 sq.ft.) in this instance.

This decision is subject to the following condition:

1. The applicant shall submit the outstanding \$200 deferral fee to the Committee of Adjustment office.


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

Application Approved, as amended, on condition as stated.

Dated at the City of Mississauga on July 9, 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 JULY 29, 2015.

Date of mailing is July 13, 2015.


S. PATRIZIO

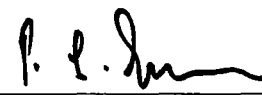

D. GEORGE (CHAIR)

ABSENT
J. ROBINSON

ABSENT
D. KENNEDY


J. PAGE


D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on July 9, 2015.


BRIAN BONNER
ACTING 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

CARLRO HOLDINGS

on Thursday July 2, 2015

Carlro Holdings is the owner of Part of Lot 10, Concession 4, EHS, located and known as 6915 Dixie Road, zoned E2 – Industrial. The applicant requests the Committee to authorize a minor variance to permit the operation of a Place of Religious Assembly within Units #5-11 of the development on the subject property proposing to provide 177 parking spaces, including 2 spaces for persons with disabilities, for all uses on the subject property; whereas By-law 0225-2007, as amended, requires a minimum of 533 parking spaces for all uses on the subject property in this instance.

On June 4, 2015, Mr. N. Dell, a representative of the authorized agent, attended and requested for a deferral of the application to allow for staff to review the associated parking utilization study.

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 in order to allow the applicant to submit a satisfactory Parking Utilization Study.

2.0 BACKGROUND

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: "E2", Employment
"G1", Greenbelt

3.0 OTHER APPLICATIONS

☒ Certificate of Occupancy File: C 14/3810

4.0 COMMENTS

The Planning and Building Department is currently processing a Certificate of Occupancy application for the proposed Place of Religious Assembly. Based on the 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 Place of Religious Assembly within Units #5-11 of the building on the subject property proposing to provide 177 parking spaces including 2 accessible parking spaces for all uses; whereas By-law 0225-2007, as amended, requires a minimum of 533 parking spaces including 13 accessible parking spaces for all uses on the subject property in this instance."

The requirement for the amendment to the variance is because the initial request did not include the 13 required accessible parking spaces. The Planning and Building Department would like to note that additional clarification is required on the use in unit's #12-16 in order to confirm the overall accuracy of the requested variance.

Additionally, we would note that in the absence of a suitable parking study that justifies the reduction in parking requirement, we are unable to comment on the appropriateness of the requested variances and recommend deferral."

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

"This Department has no objections, comments or requirements with respect to C.A. 'A' 251/15."

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

"The subject land is located within area The Regional Official Plan (ROP) designates as a Core Area of the Greenlands System in Peel, under Policy 2.3.2.2. Within this designation, ROP policies seek to protect environmental resources. The Region relies on the environmental expertise of the Toronto & Region Conservation Authority (TRCA) staff for the review of development applications located within or adjacent to Core Areas of the Greenlands Systems in Peel and their potential impacts on the natural environment. Regional Planning staff therefore, request that City staff consider comments from the TRCA and incorporate their conditions of approval appropriately."

No other persons expressed any interest in the application.

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

On July 2, 2015, Mr. H. Dell, a representative of the authorized agent, attended and presented the subject application to permit the operation of a place of religious assembly proposing a deficiency in parking. He explained that a place of religious assembly currently operated within the multiunit development and that the proposal would seek to expand the operation into the adjacent vacant units.

Mr. Dell indicated that he wished to amend the application to provide 174 parking spaces including 6 spaces for persons with disabilities. He confirmed that a parking utilization study had been prepared that concluded that the proposed amended request would sufficient satisfy the anticipated parking demands of the uses within the development.

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



File: "A" 251/15
WARD 5

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

"1.0 RECOMMENDATION"

The Planning and Building Department have no objection to the proposed variances, as amended, however the applicant may wish to defer to ensure all variances are correct and that no additional variances are required.

2.0 BACKGROUND

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: "E2", Employment
"G1", Greenbelt

3.0 OTHER APPLICATIONS

☒ *Certificate of Occupancy* File: C 14/3810

4.0 COMMENTS

The Planning and Building Department is currently processing a Certificate of Occupancy application for the proposed Place of Religious Assembly. Through conversations with the applicant following the zoning review of the Certificate of Occupancy application, there have been some changes to the proposal.

With regards to the accessible parking space requirement, we recommended that the applicant provide 6 accessible spaces instead of 2. This value would be the requirement under the Zoning By-law for the requested 177 total parking spaces. Through correspondence with the applicant we understand that they plan to request an amendment to their application to reflect this recommendation. We also understand that as a result of the applicant amending the Site Plan the number of total parking spaces provided will be reduced from 177 to 174.

A parking utilization study, dated April 17, 2015, was prepared by Beacon Planning Services in support of the reduction in parking requested in the application. The study has been reviewed by Policy Planning Staff who have indicated that they can support the parking variance based on the results, subject to the following condition:

1. "That the maximum gross floor area – non-residential for the place of religious assembly shall not exceed 1,610 sq. m."

Policy Planning Staff have also indicated that the additional reduction of total parking from 177 to 174 can still be supported based on the Parking Utilization Study which was provided.

However, the applicant has not provided a site plan in support of this change and as a result Zoning is unable to determine the accuracy of the variance in regards to the change in accessible and total parking layout. Furthermore, clarification of the use in Units #12-16 is required in order to confirm the required parking calculation for the site. Until this information has been provided we are unable to confirm the accuracy of the requested variance.

Based on the previous information the Planning and Building Department has no objection to the proposed variances, as amended and subject to the conditions recommended. However,



MISSISSAUGA

File: "A" 251/15
WARD 5

the applicant may wish to defer to ensure that all variances are accurately identified and that no additional variances are required."

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

"This Department has no objections, comments or requirements with respect to C.A. 'A' 251/15."

No other persons expressed any interest in the application.

The Committee consented to the request to amend the parking to provide 174 parking spaces including 6 spaces for persons with disabilities and, after considering the submissions put forward by Mr. Dell and having reviewed the plans and comments received, is satisfied that the amended request is desirable for the appropriate further development of the subject property.

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

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



MISSISSAUGA

File: "A" 251/15
WARD 5

Accordingly, the Committee resolves to authorize and grant the amended request to permit the operation of a Place of Religious Assembly within Units #5-11 of the building on the subject property proposing to provide 174 parking spaces including 6 spaces for persons with disabilities for all uses on the subject property; whereas By-law 0225-2007, as amended, requires a minimum of 533 parking spaces including 13 accessible parking spaces for all uses on the subject property in this instance.

This decision is subject to the following condition:

1. The maximum gross floor area – non-residential for the place of religious assembly shall not exceed 1,610.00 m² (17,330.46 sq. ft.).

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

Application Approved, as amended, on condition as stated.

Dated at the City of Mississauga on July 9, 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 JULY 29, 2015.

Date of mailing is July 13, 2015.

S. PATRIZIO

D. GEORGE (CHAIR)

ABSENT

J. ROBINSON

ABSENT

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on July 9, 2015.

BRIAN BONNER
ACTING 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

UPANSHUMAN & PRAMILA PANDEY

on Thursday July 2, 2015

Upanshuman & Pramila Pandey are the owners of Lot 19, Registered Plan M-7, located and known as 3257 Monica Drive, zoned R4 - Residential. The applicants request the Committee to authorize a minor variance to permit the construction of a second storey addition to the existing dwelling on the subject property and existing accessory structure to remain in the rear yard proposing:

1. a southerly side yard of 0.94 m (3.08 ft.); whereas By-law 0225-2007, as amended, requires a minimum southerly side yard of 1.20 m (3.93 ft.) in this instance,
2. a setback of 26.39 m (86.58 ft.) from a dwellings to a railway right-of-way; whereas By-law 0225-2007, as amended, requires a minimum setback of 30.00 m (98.42 ft.) from a dwelling to a railway right-of-way in this instance; and,
3. the existing accessory structure to remain having a side yard of 0.40m (1.31ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (3.93ft.) in this instance.

On June 4, 2015, Mr. K. Khadra, the authorized agent, attended and requested a deferral of the subject application to allow for additional time for him to resolve the concerns identified in the staff reports that had been submitted to the Committee.

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

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

"1.0 RECOMMENDATION

The Planning and Building Department recommend that the application be deferred in order to verify the accuracy of the requested variances as well as determine whether additional variances will be required.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: "R4", Residential

3.0 OTHER APPLICATIONS

☒ *Building Permit* File: BP 15/5084

4.0 COMMENTS

The Planning and Building Department is currently processing a building permit application for the proposed 2nd floor addition. Based on the review of the building permit application we advise that more information is required to determine what additional variances will be required. Variances #1 & 2 are correct, however at least one additional variance is required.

We advise that the following additional variance is required:

1. To provide a side yard setback of 0.4m to the existing shed whereas 1.2m is required.

Additionally, it appears that the driveway does not meet the minimum 0.6m setback to the property line. The proposed setback dimension is not indicated on the drawings provided with the Building Permit application and therefore cannot be confirmed.

We advise that more information is also required to verify the proposed height, front balcony projection and ensure that no other variances are required.

Lastly, the drawings submitted to the Committee of Adjustment do not correspond to those submitted with the Building Permit Application.

In consideration of the above-noted information we recommend that the application be deferred to allow the applicant an opportunity to submit updated drawings to the Zoning Department and verify all required variances."

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

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

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

"Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. Please note that site servicing approvals will be required prior to building permit."

A letter was received from W. Langford, a Municipal Law Enforcement Officer, indicating that a site inspection had revealed that a number of unlicensed vehicles were located on the subject property.

No other persons expressed any interest in the application.

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

On July 2, 2015, Mr. K. Khadra, the authorized agent, attended and presented the revised application to construct a second storey addition on the existing dwelling on the subject property. Mr. Khaled advised the Committee that the proposed deficient side yard width was the result of the angular side lot line that tapered towards the dwelling. He noted that the



File: "A" 252/15
WARD 5

reduced setback to the adjacent railway right-of-way was a historical site condition and could not be accommodated. He displayed a photograph depicting the surrounding properties having the same deficient setback to the railway.

Mr. Khaled noted that the existing shed within the side yard would be maintained. He confirmed that the shed was constructed by a previous owner and had been in existence for over five (5) years.

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

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

"1.0 RECOMMENDATION"

The Planning and Building Department has no objection to the requested variance, although the applicant may wish to defer in order to verify that no additional variances are required.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: "R4", Residential

3.0 OTHER APPLICATIONS

☒ *Building Permit* File: BP 15-5084

4.0 COMMENTS

The Planning and Building Department note that the variances, as requested, are correct.

However, we note that this dwelling is located on lands subject to a greenbelt overlay. Therefore, TRCA confirmation is required that all new bedrooms, windows, doors, and other openings are not located below the Regulatory Flood Level in order to confirm that no additional variances are required.

Additional uncertainties between the building permit and variance application drawings from the June 4th, 2015 Committee meeting have been verified and resolved.

With regards to variance #1 Planning Staff note that the requested side yard reduction is a result of a pinch point on the lot and does not extend the length of the entire side yard; additionally the opposite side yard meets the requirements of the by-law and provides adequate access to the rear yard.

With regards to variance #2 Planning Staff is of the opinion that a reduction of 3.61m in the distance from the railway right-of-way should not have a significant negative impact and is minor in nature. The setback distance has not been increased from what currently exists on site and is similar to adjacent properties all along Monica Drive.

Variance #3 is requested in order to permit an accessory structure to remain in the side yard having a deficient setback. We note that the accessory structure complies with height and size restrictions in the Zoning By-law and as far as we are aware has not been an issue to neighbouring properties. We are of the opinion that it is minor in nature.

Considering the previous information the Planning and Building Department have no objection to the requested variances; however, the applicant may wish to defer in order to ensure that additional variances are not required as a result of meeting the by-law in regards to TRCA Regulatory Flood Level Regulations."

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

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

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (June 29, 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."

A letter was received from the residents of 3241, 3249, 3253, 3265, 3270 & 3274 Monica Drive expressing support for the subject application.

No other persons expressed any interest in the application.

Mr. Khadra advised the Committee that a conservation permit had been applied for and would be obtained.

The Committee advised Mr. Khadra that a portion of the existing dwelling would need to be maintained in order for the proposal to be considered an addition and not a new dwelling.

Mr. Khadra confirmed that a sufficient amount of the existing dwelling would be maintained for the proposal to be considered an addition and not a new dwelling.

The Committee after considering the submissions put forward by Mr. Khadra 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" 252/15
WARD 5

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

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

Application Approved.

Dated at the City of Mississauga on July 9, 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 JULY 29, 2015.

Date of mailing is July 13, 2015.

S. PATRIZIO

D. GEORGE (CHAIR)

ABSENT

J. ROBINSON

ABSENT

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on July 9, 2015.

BRIAN BONNER
ACTING 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

BRIAN SOUSA

on Thursday July 2, 2015

Brian Sousa is the owner of part of Lot 2, Registered Plan M-382, located and known as 1261 Haig Boulevard, zoned R3 - Residential. The applicant requests the Committee to authorize a minor variance to permit the creation of a lot being the retained land of Consent applications "B"63/14 for the construction of a new two storey dwelling proposing:

1. a lot coverage of 40% of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35% of the lot area in this instance; and,
2. an interior side yards of 1.20 m (3.93 ft.) on each side of the proposed dwelling measured to the second storey; whereas By-law 0225-2007, as amended, requires minimum interior side yards of 1.81 m (5.93 ft.) on each side of the proposed dwelling measured to the second storey in this instance.

On June 4, 2015, Mr. S. Keeper, the authorized agent, attended and presented the application to construct a two storey dwelling on the subject property requiring relief for an overage in lot coverage and a reduction in the side yard widths. Mr. Keeper advised the Committee that the subject property would be divided into two undersized lots pursuant to a previously approved Consent application. Mr. Keeper presented a conceptual elevation depicting the proposed dwelling and noted each side yard would be reduced in width to accommodate a two car garage. He indicated that the size and features of the dwelling would be compatible with prestigious housing stock along Haig Boulevard.

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 applications 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

☐ *Building Permit*

File: Required - No application received

4.0 COMMENTS

For both applications, we note that Building Permits are required and in the absence of Building Permit applications, we are unable to verify the accuracy of the requested variances, or determine whether additional variances will be required. In order to confirm the accuracy of the requested variance, the applicant may apply for Pre-Zoning Review applications and submit working drawings in order that a detailed zoning review may be completed. A minimum of four (4) weeks will be required to process a Pre-Zoning Review application depending on the complexity of the proposal and the detail of the information submitted.

We advise that the Committee approved Consent and Minor Variance applications for the subject property under 'B' 63/14, 'A' 434/14 and 'A' 435/14 to facilitate a severance for a new residential lot. The variances were to permit the creation of undersized lots with lot areas of 479.50 m² (5161.30 sq. ft.) and frontages of 12.30 m (40.35 ft.). At the time, this Department had no objection to the requests as we noted that Haig Boulevard contains a mix of lot frontages and sizes, with smaller frontages and lot areas located to the south of the property.

In addition, the applicant advised the Committee that the resultant lots are sufficient to accommodate the design of the detached dwellings.

In regards to the requested variances for lot coverage and interior side yards on both sides of the proposed dwellings, we are not satisfied that sufficient justification has been provided for the requests. The current requests indicate that the proposed dwellings are too large for the lots, which have already been granted relief in 2014 to be undersized and with deficient frontages.

The requests for interior side yard are not for pinch points, but apply to the entire sides of the dwellings. The intent of the By-law regarding side yard setbacks is to ensure that adequate separation distance between dwellings has been provided in a manner that is characteristic of this neighbourhood. In this regard, the requested variances for side yard setbacks would have a negative massing effect on neighbouring properties and the streetscape. Further, we note that within the immediate vicinity of the subject property on Haig Boulevard, none of the existing dwellings have been constructed with variances for deficient side yards on both sides of the dwelling.

We further note for Committee's consideration that there are relevant infill policies within the Lakeview Local Area Plan (draft - adopted in principle). Section 2.2.1 of the Lakeview Built Form Standards states that:

2.2.1 New detached dwellings, semi-detached, duplex and triplex dwellings within Lakeview will maintain the existing character of the area. The following criteria will apply:

- b. New development will preserve and enhance the generous front, rear and side yard setbacks;
- i. New house designs which fit with the scale and character of the local area, and take advantage of the particular site features are encouraged;
- k. The building mass, side yards and rear yards will respect and relate to those of adjacent lots.

Later this year, an implementing Official Plan amendment for the Draft Lakeview Local Area Plan is expected.

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



File: "A" 255/15
WARD 1

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

"We are noting for information purposes that any Transportation and Works Department concerns/requirements for this property will be addressed through both Consent Application 'B' 36/14 and also through the Building Permit process."

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

"Please note that severing the lands may adversely affect the existing location of the water and sanitary sewer services. The result of this may require the applicant to install new water / sanitary servicing connections to either the severed or retained lands in compliance with the Ontario Building Code. An upgrade of your existing service may be required. Please note that site servicing approvals will be required prior to building permit."

A letter was received from J. Gojcevic, a resident of 1262 Haig Boulevard, stating objection to the requested variances.

Mr. R. Fouracre, the property owner of 1255 Haig Boulevard, attended and expressed his interest in the subject application.

No other persons expressed any interest in the application.

The Committee indicated that the previous Consent approval of the creation of two undersized lot was granted with an understanding that the proposed new dwellings would be designed in compliance with the Zoning By-law.

Mr. Keeper indicated he wished to amend his application to reconfigure the amount of relief required to the size yards. He noted that the proposed dwellings and driveway locations had not been finalized and that only preliminary discussions with staff had been engaged with respect to the proposal.

The Committee was of the opinion that the subject applications were premature and suggested to Mr. Keeper to defer the application to allow for a finalized proposed to be submitted to the Committee of Adjustment office for staff and the Committee to review.

Mr. Keeper requested a deferral of the application to prepare a finalized proposal for review.

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

On July 2, 2015, Mr. S. Keeper, the authorized agent, attended and presented the subject application to construct a new dwelling on the subject property. Mr. Keeper advised the Committee that he wished to amend the application to provide the necessary side yard width adjacent to 1265 Haig Boulevard and to permit a southerly side yard of 1.20 m (3.93 ft.) to the adjacent property that was created pursuant to Consent application B063/14. He noted that the driveway for the proposed dwelling would be located on the southerly portion of the property in efforts to minimize any imposition on the neighbours at 1265 Haig Boulevard.

Mr. Keeper indicated he wished to amend the lot coverage to 38% of the lot area.

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



File: "A" 255/15
WARD 1

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

"1.0 RECOMMENDATION

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

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

☐ *Building Permit* File: Required - No application received

4.0 COMMENTS

For both 'A' 255/15 and 'A' 256/15, we note that Building Permits are required and in the absence of Building Permit applications, we are unable to verify the accuracy of the requested variances, or determine whether additional variances will be required. In order to confirm the accuracy of the requested variances, 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 four (4) 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.

Based on correspondence received from the applicant on June 24, 2015, it is our understanding that the applicant will request an amendment to the application to reduce the requested lot coverage from 40% to 38%, and to eliminate one of the side yard requests, whereas previously, side yard variances were being requested on both sides of the dwellings. The proposed dwellings would comply with the By-law requirement of 1.81 m (5.93 ft.) side yards on the sides adjacent to the existing dwellings at 1255 and 1265 Haig Boulevard.

In regards to the requests for lot coverage, as amended, although this Department does not typically support lot coverage requests for new dwellings, it is our opinion that the requests are minor in this instance.

In regards to the requests for side yard setback, as amended, we note that the reduced side yards would be adjacent to the proposed new dwellings, not to the existing adjacent dwellings.

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 (June 19, 2015):

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

A letter was received from J. Gojcevic, a resident of 1262 Haig Boulevard, stating an objection to the requested variances.



MISSISSAUGA

File: "A" 255/15
WARD 1

A letter was received from K. Fouracre, a resident of 1255 Haig Boulevard, stating his objection to the requested variances.

No other persons expressed any interest in the application.

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

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

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



MISSISSAUGA

File: "A" 255/15
WARD 1

Accordingly, the Committee resolves to authorize and grant the amended request to permit the creation of a lot being the retained land of Consent applications "B"63/14 for the construction of a new two storey dwelling proposing:

1. a lot coverage of 38% of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35% of the lot area in this instance; and,
2. a southerly side yard of 1.20 m (3.93 ft.) measured to the second storey; whereas By-law 0225-2007, as amended, requires minimum southerly side yard of 1.81 m (5.93 ft.) measured to the second storey in this instance.

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

Application Approved, as amended.

Dated at the City of Mississauga on July 9, 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 JULY 29, 2015.

Date of mailing is July 13, 2015.

S. PATRIZIO

D. GEORGE (CHAIR)

ABSENT

J. ROBINSON

ABSENT

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on July 9, 2015.

BRIAN BONNER
ACTING 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

BRIAN SOUSA

on Thursday July 2, 2015

Brian Sousa is the owner of part of Lot 2, Registered Plan M-382, located and known as 1261 Haig Boulevard, zoned R3 - Residential. The applicant requests the Committee to authorize a minor variance to permit the creation of a lot being the conveyed land of Consent applications "B"63/14 for the construction of a new two storey dwelling proposing:

1. a lot coverage of 40% of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35% of the lot area in this instance; and,
2. an interior side yards of 1.20 m (3.93 ft.) on each side of the proposed dwelling measured to the second storey; whereas By-law 0225-2007, as amended, requires minimum interior side yards of 1.81 m (5.93 ft.) on each side of the proposed dwelling measured to the second storey in this instance.

On June 4, 2015, Mr. S. Keeper, the authorized agent, attended and presented the application to construct a two storey dwelling on the subject property requiring relief for an overage in lot coverage and a reduction in the side yard widths. Mr. Keeper advised the Committee that the subject property would be divided into two undersized lots pursuant to a previously approved Consent application. Mr. Keeper presented a conceptual elevation depicting the proposed dwelling and noted each side yard would be reduced in width to accommodate a two car garage. He indicated that the size and features of the dwelling would be compatible with prestigious housing stock along Haig Boulevard.

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 applications 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

☐ *Building Permit* File: Required - No application received

4.0 COMMENTS

For both applications, we note that Building Permits are required and in the absence of Building Permit applications, we are unable to verify the accuracy of the requested variances, or determine whether additional variances will be required. In order to confirm the accuracy of the requested variance, the applicant may apply for Pre-Zoning Review applications and submit working drawings in order that a detailed zoning review may be completed. A minimum of four (4) weeks will be required to process a Pre-Zoning Review application depending on the complexity of the proposal and the detail of the information submitted.

We advise that the Committee approved Consent and Minor Variance applications for the subject property under 'B' 63/14, 'A' 434/14 and 'A' 435/14 to facilitate a severance for a new residential lot. The variances were to permit the creation of undersized lots with lot areas of 479.50 m² (5161.30 sq. ft.) and frontages of 12.30 m (40.35 ft.). At the time, this Department had no objection to the requests as we noted that Haig Boulevard contains a mix of lot frontages and sizes, with smaller frontages and lot areas located to the south of the property.

In addition, the applicant advised the Committee that the resultant lots are sufficient to accommodate the design of the detached dwellings.

In regards to the requested variances for lot coverage and interior side yards on both sides of the proposed dwellings, we are not satisfied that sufficient justification has been provided for the requests. The current requests indicate that the proposed dwellings are too large for the lots, which have already been granted relief in 2014 to be undersized and with deficient frontages.

The requests for interior side yard are not for pinch points, but apply to the entire sides of the dwellings. The intent of the By-law regarding side yard setbacks is to ensure that adequate separation distance between dwellings has been provided in a manner that is characteristic of this neighbourhood. In this regard, the requested variances for side yard setbacks would have a negative massing effect on neighbouring properties and the streetscape. Further, we note that within the immediate vicinity of the subject property on Haig Boulevard, none of the existing dwellings have been constructed with variances for deficient side yards on both sides of the dwelling.

We further note for Committee's consideration that there are relevant infill policies within the Lakeview Local Area Plan (draft - adopted in principle). Section 2.2.1 of the Lakeview Built Form Standards states that:

2.2.1 New detached dwellings, semi-detached, duplex and triplex dwellings within Lakeview will maintain the existing character of the area. The following criteria will apply:

- b. New development will preserve and enhance the generous front, rear and side yard setbacks;
- i. New house designs which fit with the scale and character of the local area, and take advantage of the particular site features are encouraged;
- k. The building mass, side yards and rear yards will respect and relate to those of adjacent lots.

Later this year, an implementing Official Plan amendment for the Draft Lakeview Local Area Plan is expected.

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



File: "A" 256/15
WARD 1

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

"We are noting for information purposes that any Transportation and Works Department concerns/requirements for this property will be addressed through both Consent Application 'B' 36/14 and also through the Building Permit process."

A letter was received from J. Gojcevic, a resident of 1262 Haig Boulevard, stating objection to the requested variances.

Mr. R. Fouracre, the property owner of 1255 Haig Boulevard, attended and expressed his interest in the subject application.

No other persons expressed any interest in the application.

The Committee indicated that the previous Consent approval of the creation of two undersized lot was granted with an understanding that the proposed new dwellings would be designed in compliance with the Zoning By-law.

Mr. Keeper indicated he wished to amend his application to reconfigure the amount of relief required to the size yards. He noted that the proposed dwellings and driveway locations had not been finalized and that only preliminary discussions with staff had been engaged with respect to the proposal.

The Committee was of the opinion that the subject applications were premature and suggested to Mr. Keeper to defer the application to allow for a finalized proposed to be submitted to the Committee of Adjustment office for staff and the Committee to review.

Mr. Keeper requested a deferral of the application to prepare a finalized proposal for review.

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

On July 2, 2015, Mr. S. Keeper, the authorized agent, attended and presented the subject application to construct a new dwelling on the subject property. Mr. Keeper advised the Committee that he wished to amend the application to provide the necessary side yard width adjacent to 1255 Haig Boulevard and to permit a northerly side yard of 1.20 m (3.93 ft.) to the adjacent property that was created pursuant to Consent application B063/14. He noted that the driveway for the proposed dwelling would be located on the northerly portion of the property in efforts to minimize any imposition on the neighbours at 1255 Haig Boulevard.

Mr. Keeper indicated he wished to amend the lot coverage to 38% of the lot area.

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

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

"1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: "R3", Residential

3.0 OTHER APPLICATIONS

☐ *Building Permit* File: Required - No application received

4.0 COMMENTS

For both 'A' 255/15 and 'A' 256/15, we note that Building Permits are required and in the absence of Building Permit applications, we are unable to verify the accuracy of the requested variances, or determine whether additional variances will be required. In order to confirm the accuracy of the requested variances, 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 four (4) 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.

Based on correspondence received from the applicant on June 24, 2015, it is our understanding that the applicant will request an amendment to the application to reduce the requested lot coverage from 40% to 38%, and to eliminate one of the side yard requests, whereas previously, side yard variances were being requested on both sides of the dwellings. The proposed dwellings would comply with the By-law requirement of 1.81 m (5.93 ft.) side yards on the sides adjacent to the existing dwellings at 1255 and 1265 Haig Boulevard.

In regards to the requests for lot coverage, as amended, although this Department does not typically support lot coverage requests for new dwellings, it is our opinion that the requests are minor in this instance.

In regards to the requests for side yard setback, as amended, we note that the reduced side yards would be adjacent to the proposed new dwellings, not to the existing adjacent dwellings.

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 (June 19, 2015):

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

A letter was received from J. Gojcevic, a resident of 1262 Haig Boulevard, stating an objection to the requested variances.

A letter was received from K. Fouracre, a resident of 1255 Haig Boulevard, stating his objection to the requested variances.

No other persons expressed any interest in the application.

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

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

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

Accordingly, the Committee resolves to authorize and grant the amended request to permit the creation of a lot being the retained land of Consent applications "B"63/14 for the construction of a new two storey dwelling proposing:

1. a lot coverage of 38% of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35% of the lot area in this instance; and,
2. a northerly side yard of 1.20 m (3.93 ft.) measured to the second storey; whereas By-law 0225-2007, as amended, requires minimum northerly side yard of 1.81 m (5.93 ft.) measured to the second storey in this instance.

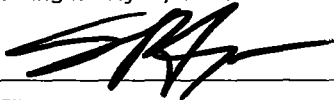
MOVED BY: S. Patrizio SECONDED BY: J. Page CARRIED

Application Approved, as amended.

Dated at the City of Mississauga on July 9, 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 JULY 29, 2015.

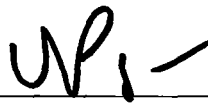
Date of mailing is July 13, 2015.


S. PATRIZIO

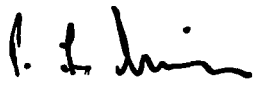

D. GEORGE (CHAIR)

ABSENT
J. ROBINSON

ABSENT
D. KENNEDY


J. PAGE


D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on July 9, 2015.


BRIAN BONNER
ACTING 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.