



COMMITTEE OF ADJUSTMENT AGENDA

Location: COUNCIL CHAMBER

Hearing: JULY 9, 2015 AT 1:30 P.M.

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

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

B-026/15 A-298/15 A-299/15	PATRICIA PERRUZZA	940 THIRD ST	1	Approved
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NEW APPLICATIONS - (MINOR VARIANCE)

A-294/15	215 BROADWAY HOLDINGS INC	215 BROADWAY ST	11	Approved
A-295/15	SITZER GROUP HOLDINGS NO.1 LIMITED & OUTFIELD HOLDINGS LTD	4141 DIXIE RD	3	Approved
A-297/15	SHARITU INC. 1891309	199 RIEL DR	7	Refused
A-300/15	PROFESSIONAL INGREDIENTS INC	330 QUEEN ST S	11	Approved
A-301/15	ROBERTO & ARLENE RAMIREZ	3134 BAYTREE CRT	9	Approved
A-302/15	DIBLASIO CORPORATION	121 BRUNEL RD	5	Aug. 13
A-303/15	KANOFF HOMES COMPASS CREEK INC.	202-204 BURNHAMTHORPE RD E	4	July 23

DEFERRED APPLICATIONS - (MINOR VARIANCE)

A-134/15	JAN & WIESLAWA KAZULA	1326 KENMUIR AVE	1	Aug. 13
A-184/15	2321497 ONTARIO INC	6625 KESTREL RD	5	Approved
A-260/15	SHAMIM AKHTAR	7308 DRIFTON CRES	5	Approved
A-271/15	GRANITE RIDGE DEVELOPMENT INC	1191 EGLINTON AVE E	5	Refused
A-272/15	PANKAJ BHARGAVA	5719 RIVER GROVE AVE	6	Approved
A-276/15	JEDIDA HOLDINGS INC	3392 MAVIS RD	6	Approved 3 Years

COMMITTEE OF ADJUSTMENT

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

PATRICIA PERRUZZA

on Thursday July 9, 2015

Patricia Perruzza is the owner of Lot 24 & Part of Lot 23, Registered Plan B-21, located and known as 940 Third Street, zoned R3 – Residential. The applicant requests the consent of the Committee to the conveyance of a parcel of land having a frontage of approximately 9.14 m (29.99 ft.) and an area of approximately 310.00 m² (3,336.81 ft²). The effect of the application is to create a new lot for residential purposes.

The lands are also subject to Minor Variance files 'A' 298/15 & 'A' 299/15.

Mr. J. Levac, authorized agent, attended and presented the application to divide the subject property into two residential lots for the construction of two detached dwellings. Mr. Levac advised the Committee that the surrounding neighbourhood was characterized with a mixture of lots sizes and dwelling types. Mr. Levac noted that the *Mississauga Official Plan* policies with respect to characterizing the lots within the neighbourhood was deficient in its application.

Mr. Levac presented plans of the dwellings for the Committee's review and advised that the dwellings would be constructed with a contemporary architectural design with flat roofs. He suggested that this proposal was preferable to a pair of semidetached dwellings as it allowed for less building mass to impose on the streetscape.

The Committee reviewed the information submitted with the application.

The Committee received comments and recommendations from the following agencies:

City of Mississauga, Planning and Building Department (July 3, 2015),
City of Mississauga, Transportation and Works Department (July 2, 2015),
City of Mississauga, Community Services Department (July 6, 2015),
Region of Peel, Environment, Transportation & Planning Services (July 6, 2015)

A letter was received from D. and S. Cross, residents at 949 Third Street expressing their comments and requesting that sufficient parking be provided for the new dwellings and expressing opposition to the flat roof design.

A petition was received, signed by the residents at 931, 934, 935, 936, 944; 948 Third Street and 1082 Meredith Avenue indicating they reviewed the designs for the proposal and have no objections to the severance and minor variance applications.

Mr. J. Lee, Planner with the Planning and Building Department, indicated that Planning staff utilize the 120.00 m (393.70 ft.) policy of the *Mississauga Official Plan* which identifies the parameters of lots which should be reviewed. He indicated that recent Ontario Municipal Board decisions have indicated that lots on the opposite side of the street of a property contribute to the character of the area. He noted that the lots across from the subject property were substantially larger than the proposed conveyed and retained lands. It was Mr. Lee's opinion that the proposed lot sizes are deficient and inconsistent with the character of

the neighbourhood. Mr. Lee presented photographs of other houses in the neighbourhood that were deficient in lot area and indicated that these lots and resultant dwellings were undesirable for the Lakeview community.

No other persons expressed any interest in the application.

The Secretary-Treasurer reviewed the recommended conditions for the Committee's consideration should the application be approved.

Mr. Levac consented to the imposition of the proposed conditions.

The Committee,, after considering the submissions put forward by Mr. Levac, the comments received, and the recommended conditions, is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the municipality. The Committee indicated that the policies within the Mississauga Official Plan could not be arbitrarily applied to the subject application and noted that the surrounding neighbourhood contained a mixture of lot frontages, areas and dwelling types. The Committee noted that the subject property was an anomaly as it was one of the largest lots within the surround area. The Committee was of the opinion that the proposed conveyed and retained lands would be of sufficient size fit within the threshold of varying lot sizes within the Lakeview community. They further noted that adequately sized detached dwellings could be constructed on the property that would respect and reinforce the build form within the neighbourhood.

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

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the "severed" land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no services easement(s) and/or right(s)-of-way, are necessary.
3. A letter shall be received from the City of Mississauga, Manager/Supervisor, Zoning Plan Examination, indicating that the "severed" and "retained" lands comply with the provisions of the Zoning By-law with respect to, among other things, minimum lot frontage, minimum lot area, setbacks to existing building(s), or alternatively, any minor variance is approved, final and binding and/or the demolition of any existing building(s). (A 298/15 & A 299/15)
4. A letter shall be received from the City of Mississauga, Transportation and Works Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated July 2, 2015.
5. A letter shall be received from the City of Mississauga, Community Services Department, Park Planning Section indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated July 6, 2015.

MOVED BY: J. Page

SECONDED BY: D. George

CARRIED

Application Approved, on conditions as stated.

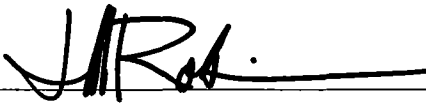
Dated at the City of Mississauga on July 16, 2015.


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 AUGUST 9, 2015.


Date of mailing is July 20, 2015.


S. PATRIZIO (CHAIR)


D. GEORGE


J. ROBINSON


D. KENNEDY


J. PAGE


D. REYNOLDS

DISSENTED
P. QUINN

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


BRIAN BONNER
ACTING SECRETARY-TREASURER

NOTES:

The decision to give provisional consent shall be deemed to be refused if the conditions of provisional consent, have not been fulfilled on or before July 20, 2016.

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

COMMITTEE OF ADJUSTMENT

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

PATRICIA PERRUZZA

on Thursday July 9, 2015

Patricia Perruzza is the owner of Lot 23 & Part of Lot 24, Registered Plan B-21, located and known as 940 Third Street, zoned R3 – Residential. The applicant requests the Committee to authorize a minor variance to permit the creation of a lot (being the "severed" land of Consent application "B" 026/15) proposing:

1. a lot frontage 9.14 m (29.99 ft.); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00 m (49.21 ft.) in this instance;
2. a lot area of 310.00 m² (3,336.81 ft.²); whereas By-law 0225-2007, as amended, requires a minimum lot area of 550.00 m² (5,920.15 ft.²) in this instance; and,
3. a total lot coverage of 40.00% of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% of the lot area in this instance.

Mr. J. Levac, authorized agent, attended and presented the application to divide the subject property into two residential lots for the construction of two detached dwellings. Mr. Levac advised the Committee that the surrounding neighbourhood was characterized with a mixture of lots sizes and dwelling types. Mr. Levac noted that the *Mississauga Official Plan* policies with respect to characterizing the lots within the neighbourhood was deficient in its application.

Mr. Levac presented plans of the dwellings for the Committee's review and advised that the dwellings would be constructed with a contemporary architectural design with flat roofs. He suggested that this proposal was preferable to a pair of semidetached dwellings as it allowed for less building mass to impose on the streetscape.

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

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

1.0 Recommendation

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

2.0 Background

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Discussion:

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

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

Zoning By-law 0225-2007

Zoning: "R3", Residential

Discussion:

It is our understanding that the applicant is proposing to sever the property to construct single detached dwellings on the resultant severed and retained lots. In this regard, we note that the City's Zoning By-law contains zoning standards for detached dwellings under the 'R1' to 'R5' zones. The subject property is zoned 'R3' and the each of the proposed lots would require significant variances for lot frontage and lot area. The requested frontage would not meet any of the standards for frontage from 'R1' to 'R5' as even the 'R5' zone requires a frontage of 9.75 m (31.99 ft.).

3.0 Other Applications

Building Permit File: Required - No application received

4.0 Comments

We advise that the proposed lot frontage is to be calculated in accordance with the following definition:

Lot Frontage - means the horizontal distance between the side lot lines and where these lines are not parallel means the distance between the side lot lines measured on a line parallel to and 7.5 m back from the front lot line.

Further, 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.

This Department has concerns with the proposed severance and minor variances. We acknowledge that the proposed lots would be similar in area and frontage with the adjacent lots to the west at 934 and 936 Third Street. However, it appears that the lots were created historically. As well, the dwellings on the adjacent lots are semi-detached, which are legal non-conforming for the 'R3' zone. Otherwise, there are only two examples of lots with frontage equal or less than the proposed in the vicinity, and those lots were created historically.

In regards to Section 16.1.2.1 of Mississauga Official Plan, the average frontage of lots within 120 m (393.70 ft.) is 13.08 m (42.91 ft.) whereas the frontages of the proposed lots will be 9.14 m (29.99 ft.). The average area of lots within 120 m (393.70 ft.) is 470.62 m² (5065.71 sq. ft.) whereas the area of the proposed lots will be 310 m² (3336.81 sq. ft.).

In regards to the requests for lot frontage and area, the requests are a significant departure from the standards of the 'R3' zone and would not be consistent with the lots in the surrounding area. If approved, the lots would set an undesirable precedent for new lots with detached dwellings in the area.



File: "A" 298/15
WARD 1

In regards to the requested variances for lot coverage, it is our opinion that the necessity of the request indicates that the proposed lots are too small to accommodate a reasonably sized detached dwelling.

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

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

"We are noting for information purposes that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 26/15."

The City of Mississauga Community Services Department, Park Planning Section, commented as follows (July 6, 2015):

"The Park Planning Section of the Community Services Department has reviewed the above noted Consent application. Should the application be approved, this Department wishes to impose the following condition:

1. The applicant shall provide a cash contribution for planting of one (1) street tree on Third Street. This payment is subject to the most recent Fees and Charges By-law. Please contact the undersigned for further information.

In addition, this Department notes the following:

1. Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, c.P. 13, as amended) and in accordance with the City's policies and by-laws."

A letter was received from D. and S. Cross, residents at 949 Third Street expressing their comments and requesting that sufficient parking be provided for the new dwellings and expressing opposition to the flat roof design.

A petition was received, signed by the residents at 931, 934, 935, 936, 944, 948 Third Street and 1082 Meredith Avenue indicating they reviewed the designs for the proposal and have no objections to the severance and minor variance applications.

Mr. J. Lee, Planner with the Planning and Building Department, indicated that Planning staff utilize the 120.00 m (393.70 ft.) policy of the *Mississauga Official Plan* which identifies the parameters of lots which should be reviewed. He indicated that recent Ontario Municipal Board decisions have indicated that lots on the opposite side of the street of a property contribute to the character of the area. He noted that the lots across from the subject property were substantially larger than the proposed conveyed and retained lands. It was Mr. Lee's opinion that the proposed lot sizes are deficient and inconsistent with the character of the neighbourhood. Mr. Lee presented photographs of other houses in the neighbourhood that were deficient in lot area and indicated that these lots and resultant dwellings were undesirable for the Lakeview community.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Levac 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 policies within the Mississauga Official Plan could not be arbitrarily applied to the subject application and noted that the surrounding neighbourhood contained a mixture of lot frontages, areas and dwelling types. The Committee noted that the subject property was an anomaly as it was one of the largest lots within the surround area. The Committee was of the opinion that the proposed conveyed and retained lands would be of sufficient size fit within the threshold of varying lot



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File: "A" 298/15
WARD 1

sizes within the Lakeview community. They further noted that adequately sized detached dwellings could be constructed on the property that would respect and reinforce the build form within 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.

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

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

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

Application Approved.

Dated at the City of Mississauga on July 16, 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 AUGUST 5, 2015.

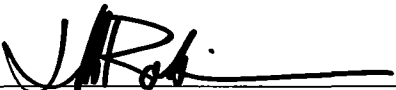
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S. PATRIZIO (CHAIR)



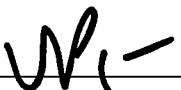
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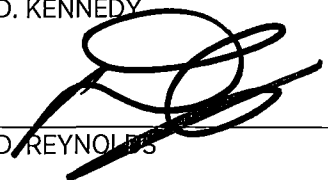
J. ROBINSON



D. KENNEDY



J. PAGE



D. REYNOLDS

DISSENTED
P. QUINN

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



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
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2. a lot area of 310.00 m² (3,336.81 ft.²); whereas By-law 0225-2007, as amended, requires a minimum lot area of 550.00 m² (5,920.15 ft.²) in this instance; and,
3. a total lot coverage of 40.00% of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% of the lot area in this instance.

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

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

"1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Discussion:



MISSISSAUGA

File: "A" 299/15
WARD 1

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

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

Zoning By-law 0225-2007

Zoning: "R3", Residential

Discussion:

It is our understanding that the applicant is proposing to sever the property to construct single detached dwellings on the resultant severed and retained lots. In this regard, we note that the City's Zoning By-law contains zoning standards for detached dwellings under the 'R1' to 'R5' zones. The subject property is zoned 'R3' and the each of the proposed lots would require significant variances for lot frontage and lot area. The requested frontage would not meet any of the standards for frontage from 'R1' to 'R5' as even the 'R5' zone requires a frontage of 9.75 m (31.99 ft.).

3.0 OTHER APPLICATIONS

Building Permit File: Required - No application received

4.0 COMMENTS

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

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

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

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

Application Approved.


Dated at the City of Mississauga on July 16, 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 AUGUST 5, 2015.


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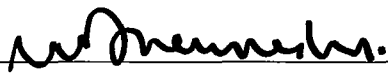
S. PATRIZIO (CHAIR)



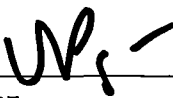
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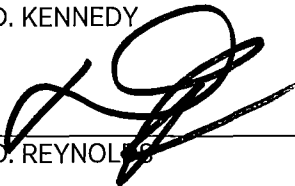
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- and -

IN THE MATTER OF ZONING BY-LAW 0225-2007
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- and -

IN THE MATTER OF AN APPLICATION BY

215 BROADWAY HOLDINGS INC

on Thursday July 9, 2015

215 Broadway Holdings Inc. is the owner of Part of Lot 16, Registered Plan STR-1, located and known as 215 Broadway Street, zoned C4 - Commercial. The applicant requests the Committee to authorize a minor variance to permit the development of a three-storey condominium building with 14 one-bedroom units and 2 two-bedroom units with a 440.00 m² (4,736.12 sq. ft.) non-residential parking component at grade on the subject property proposing:

1. residential parking at the rate of 0.90 spaces per dwelling unit and visitor parking at the rate of 0.15 spaces per dwelling unit on the entire subject property; whereas By-law 0225-2007, as amended, requires residential parking at the rate of 1.25 spaces per one-bedroom dwelling unit, residential parking at the rate of 1.40 spaces per two-bedroom dwelling unit, and visitor parking at a rate of 0.20 spaces per dwelling unit; and,
2. parking for all non-residential uses at a rate of 2.59 spaces per 100.00 m² (1,076.42sq.ft.) non-residential space; whereas By-law 0225-2007, as amended, requires parking for non-residential uses based on individual rates contained in Part 3 of Zoning By-law 0225-2007 in this instance.

Mr. J. Levac, authorized agent, attended and presented the application to permit the construction of a new mixed use condominium building on the subject property proposing a reduction in parking. Mr. Levac advised the Committee that the subject application was similar in nature to a previously approved Minor Variance application. He noted that there were some legal deficiencies with respect to the wording of the relief requested pursuant to the previous approval and that the wording of the current application had been prepared in consultation with Planning staff.

Mr. Levac suggested that a reduction in parking was appropriate as the property was located within a walkable neighbourhood that was located near a public transportation hub. He also noted that sufficient street parking was available in the area for visitors and guests.

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

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

"1.0 Recommendation

The Planning and Building Department have no objection to the requested variances, as amended, and subject to the recommended list of conditions.

2.0 Background

Mississauga Official Plan

Character Area: Streetsville Community Node – Special Site 5
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: "C4", Mainstreet Commercial

3.0 Other Applications

Site Plan File: SP 13/125

4.0 Comments

The Planning and Building Department is currently processing a site plan application for the proposed development. Based on the review of the site plan application we advise that the variance request should be amended as follows;

To permit a three storey condominium apartment dwelling containing 14 - 1 bedroom dwelling units, 2 - 2 bedroom dwelling units and approximately 440m² GFA - non-residential component on the ground floor proposing:

- 1) Parking spaces for residential uses be provided at the rate of 0.9 spaces per dwelling unit for resident parking and 0.15 spaces per dwelling unit for visitor spaces; whereas By-law 225-2007, as amended, requires that resident parking spaces shall be provided at the rate of 1.25 parking spaces per 1 bedroom dwelling unit, 1.4 parking spaces per 2 bedroom dwelling unit and 0.20 visitor parking spaces per dwelling unit; and,
- 2) Parking spaces for non-residential uses be provided at the rate of 2.59 spaces per 100m² GFA - non-residential; whereas By-law 225-2007, as amended requires that parking spaces for non-residential uses shall be provided in accordance with Table 3.1.2.2 of By-law 225-2007, as amended; and,
- 3) A driveway aisle width within the underground parking garage of 6.45m (21.16 ft.); whereas By-law 0225-2007, as amended, requires a minimum driveway aisle width of 7.00m (22.96 ft.) in this instance.

The Planning and Building Department note that the development proposal is the same as the proposal heard and approved by the Committee October 2, 2014 under file 'A' 336/14. The reason for the resubmission is that the wording of the variance needs amendment to allow for the parking spaces to be sold to individual unit owners as per the applicant's proposal.

Policy Planning staff offer the following breakdown and explanation of parking rates for the Committees understanding:

Based on Zoning By-law 0225-2007, as amended, the subject development requires 37 parking spaces. Using the proposed reduced parking rates, the development requires 27 spaces. The resulting parking variance of 10 spaces is supported. Of the required 27 parking spaces, 23 can be provided on-site, with the remaining 4 spaces provided through the Payment-in-Lieu of Off-Street Parking program. The contribution is in lieu of providing 2 residential visitor parking spaces and 2 spaces for non-residential uses. A report regarding the payment-in-lieu contribution for 4 spaces was considered and approved by Planning and Development Committee December 8, 2014.

The parking justification study to support this variance was prepared by NexTrans Engineering, dated December 14, 2013, along with additional supporting information and Payment-in-Lieu of Parking Application forms. Policy Planning Staff have reviewed the study and all supporting documents and are in support of the rationale contained within and have no objection to the requested variances, as amended, provided that they meet a set of conditions; the requested conditions are as follows:

- 1) The applicant shall confirm that the Payment-in-lieu of Off-street Parking Agreement has been executed and payment has been made for 4 parking spaces. The contribution is in lieu of providing 2 residential visitor parking spaces and 2 parking spaces for non-residential uses;
- 2) A maximum GFA - Non-Residential of 440 m² is permitted;
- 3) Retail store, restaurant, take-out restaurant, personal service establishment, commercial school, financial institution, medical office, real estate office, recreational and entertainment establishment, and private club shall not occupy more than 30% of the 440m² GFA - Non-Residential identified in condition two (2);
- 4) Place of Religious Assembly shall provide parking in accordance with Table 3.1.2.2;
- 5) To the satisfaction of the City Legal Department, the condominium documents shall contain a warning clause for residential units indicating that no residential visitor parking will be available on-site;
- 6) To the satisfaction of the City Legal Department, the condominium documents shall contain a declaration that parking units in the condominium may only be sold or transferred to the Condominium Corporation or to an owner of a residential or non-residential Unit in the condominium and that parking units in the condominium may only be leased to an owner of a residential or non-residential unit in the condominium or to a tenant in actual occupation of a residential or non-residential unit in this condominium; and
- 7) To the satisfaction of the City Legal Department and prior to the registration of the condominium, the solicitor for the applicant shall certify that all agreements of purchase and sale for residential units contain an acknowledgment, to be signed by the purchaser of the condominium unit, where the purchaser acknowledges that they were given the option of purchasing the unit with or without a parking space.

Based on the previous information, the Planning and Building Department has no objection to the requested variances, as amended, subject to the conditions outlined above."

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

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 13/125. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (July 6, 2015):

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

No other persons expressed any interest in the application.

Mr. Levac upon hearing the comments of the Committee and the Planning and Building Department, requested that the application be amended in accordance with their recommendations. He indicated his acceptance of the proposed conditions.

The Committee consented to the request and, after considering the submissions put forward by Mr. Levac 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

This decision is subject to the following conditions:

1. The applicant shall confirm that the Payment-in-lieu of Off-street Parking Agreement has been executed and payment has been made for 4 parking spaces. The contribution is in lieu of providing 2 residential visitor parking spaces and 2 parking spaces for non-residential uses.
2. A maximum GFA – Non-Residential of 440.00 m² (4,736.27 sq. ft.) shall be permitted.
3. Retail store, restaurant, take-out restaurant, personal service establishment, commercial school, financial institution, medical office, real estate office, recreational and entertainment establishment, and private club shall not occupy more than 30% of the 440.00 m² (4,736.27 sq. ft.) GFA – Non-Residential identified in condition two (2).
4. Place of Religious Assembly shall provide parking in accordance with Table 3.1.2.2.
5. The condominium documents shall contain a warning clause for residential units indicating that no residential visitor parking will be available on-site to the satisfaction of the City Legal Department.
6. The condominium documents shall contain a declaration that parking units in the condominium may only be sold or transferred to the Condominium Corporation or to an owner of a residential or non-residential Unit in the condominium and that parking units in the condominium may only be leased to an owner of a residential or non-residential unit in the condominium or to a tenant in actual occupation of a residential or non-residential unit in this condominium to the satisfaction of the City Legal Department.
7. The solicitor for the applicant shall certify that all agreements of purchase and sale for residential units contain an acknowledgment, to be signed by the purchaser of the condominium unit, where the purchaser acknowledges that they were given the option of purchasing the unit with or without a parking space prior to the registration of the condominium and to the satisfaction of the City Legal Department.

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

Application Approved, as amended, on conditions as stated.

Dated at the City of Mississauga on July 16, 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 AUGUST 5, 2015.


Date of mailing is July 20, 2015.




S. PATRIZIO (CHAIR)



D. GEORGE



J. ROBINSON



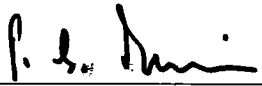
D. KENNEDY



J. PAGE

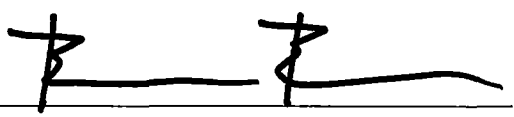


D. REYNOLDS



P. QUINN

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



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

SITZER GROUP HOLDINGS NO.1 LIMITED
& OUTFIELD HOLDINGS LTD a

on Thursday July 9, 2015

Sitzer Group Holdings No.1 Limited & Outfield Holdings Ltd are the owners of Part of Lot 5, Concession 2 NDS, located and known as 4141 Dixie Road, zoned C3-56 – Commercial. The applicants request the Committee to authorize a minor variance to permit the establishment of a garden centre with a temporary tent accessory within the parking lot of the subject commercial development proposing:

1. to permit the temporary tent on the subject property for 92 consecutive days; whereas By-law 0225-2007, as amended, permits a temporary tent accessory to a permitted use for a maximum of 14 consecutive days in this instance; and,
2. a temporary tent on the subject property for a maximum of 92 days within one calendar year; whereas By-law 0225-2007, as amended, permits a temporary tent for a maximum of 28 days within one calendar year on the subject property in this instance.

Mr. R. Roubos, authorized agent, attended and presented the application to permit the continued operation of a garden centre on the subject property. Mr. Roubos advised the Committee that the garden centre had historically operated on the subject property pursuant to previous approvals granted by the Committee. He noted that a tent structure would cover a portion of the garden centre area.

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

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

1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Rathwood-Applewood Community Node
Designation: Mixed Node

Zoning By-law 0225-2007

Zoning: "C3-56", General Commercial

3.0 OTHER APPLICATIONS

Certificate of Occupancy File: C 15-5583

4.0 COMMENTS

The Planning and Building Department is currently processing a Zoning Certificate of Occupancy permit application. Based on the information provided within the Zoning Certificate of Occupancy permit application, the variances, as requested, are correct.

We note that the garden centre has operated over a number of years in the past under the by-law requirements. Although the requested duration of operation is significantly longer than the by-law permits, the Planning and Building Department is of the opinion that in this case the variance is minor in nature. We are not aware of any issues with the operation of the garden centre at this location in the past; it is located at Rockwood Mall where ample space is provided to accommodate the use for a longer term in the parking lot. The parking spaces that would be temporarily lost due to the establishment of this use would not create any parking compliance issues on site.

In the case of a garden centre on a large property such as this, where no additional impact on parking or adjacent properties will be present, we are of the opinion that extending the period of time that the accessory temporary tent may be used is reasonable and we have no objection to requested variance, in this instance."

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

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

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (July 6, 2015):

"Any changes to the underground servicing to accommodate this proposal will require review by the Region of Peel."

Mr. G. Kirton, a Planner for the Planning and Building Department, attended and confirmed that approval for the garden centre pursuant to a previous Minor Variance application had expired.

No other persons expressed any interest in the application.

The Committee indicated the application required to be amended to allow for the garden centre use to be included as part of the relief requested.

Mr. Roubos requested for the application be amended to include the garden centre use.

The Committee consented to the request and, after considering the submissions put forward by Mr. Roubos 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" 295/15
WARD 3

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

1. the establishment of a garden centre with a temporary tent within the parking lot of the subject commercial development; whereas By-law 0225-2007, as amended, does not permit a garden centre use on the subject property in this instance;
2. to permit the temporary tent on the subject property for 92 consecutive days; whereas By-law 0225-2007, as amended, permits a temporary tent accessory to a permitted use for a maximum of 14 consecutive days in this instance; and,
3. a temporary tent on the subject property for a maximum of 92 days within one calendar year; whereas By-law 0225-2007, as amended, permits a temporary tent for a maximum of 28 days within one calendar year on the subject property in this instance.

This decision is subject to the following conditions:

1. The garden centre shall be operated pursuant to the size and location depicted on the site plan reviewed by the Committee.



MISSISSAUGA

File: "A" 295/15
WARD 3

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

Application Approved, as amended, on condition as stated.

Dated at the City of Mississauga on July 16, 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 AUGUST 5, 2015.

Date of mailing is July 20, 2015.

S. PATRIZIO (CHAIR)

D. GEORGE

J. ROBINSON

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

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

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

SHARITU INC. 1891309

on Thursday July 9, 2015

Sharitu Inc. 1891309 is the owner of Lot 17, Registered Plan M-777, located and known as 199 Riel Drive, zoned R4-14 – Residential. The applicant requests the Committee authorize a minor variance to permit the existing driveway to remain on the subject property proposing:

1. a driveway width of 8.80m (28.87ft.); 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.) to the side lot line; whereas By-law 0225-2007, as amended, requires a minimum setback of 0.60m (1.97ft.) to the side lot line in this instance; and,
3. a front yard landscaped soft area coverage of 39.00%; whereas By-law 0225-2007, as amended, requires a front yard landscaped soft area coverage of 40.00% in this instance.

Mr. F. Romano, authorized agent, attended and presented the application to permit the oversized driveway to remain on the subject property. Mr. Romano advised the Committee that the requested variances allowed for the retention of the existing site conditions. He explained that the driveway was constructed pursuant to a former Zoning By-law which allowed for the driveway in its existing form and that that the driveway no longer complied with the performance standards of the existing Zoning By-law. Mr. Romano stated that this issue had been identified pursuant to an active application for a basement apartment.

Mr. Romano displayed a series of photographs of other similar properties within the neighbourhood and noted that oversized driveways were common and contributed to the character of the neighbourhood. Mr. Romano expressed his concerns with the inconsistent manner in which the driveway had been measured by staff.

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

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

1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan



MISSISSAUGA

File: "A" 297/15
WARD 7

Character Area: Fairview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: "R4-14", Residential

Discussion:

The intent of the By-law restriction on driveway widths is to maximize opportunities for front yard landscaping while providing for a reasonable amount of parking; thereby, minimizing the effects of hard surfaced areas on the streetscape. The current driveway results in a front-yard that consists of hard surface area which over emphasizes motor vehicle parking, which does not reinforce nor enhance the character of the neighbourhood.

3.0 OTHER APPLICATIONS

Certificate of Occupancy File: C15-4900

4.0 COMMENTS

Based on a review of the Certificate of Occupancy application for the existing second dwelling unit, we advise that more information is required to verify the accuracy of the requested variance or to determine whether additional variances will be required.

Further, we advise that based on the information provided with the Certificate of Occupancy application, variance #1 should be amended as follows:

"1. A driveway width of 9.14 m (29.99 ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00 m (19.69 ft.) in this instance;"

Notwithstanding the above amendment, the information contained in the Minor Variance and the Certificate of Occupancy applications do not correspond. Therefore, we require confirmation of the proposed driveway width.

This Department has concerns with the proposed driveway width as it results in an excessive amount of hard surface area on the property which may over emphasize motor vehicle parking in the front yard.

We note that the applicant has indicated other properties on Riel Drive that appear to have widened driveways. However, none of the properties on Riel Drive, as well as neighbouring Macedonia Crescent and Nabilus Gate have applied or been approved for driveway width variances.

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

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

"Attached for Committee's reference are some photos which depict the existing driveway as widened. We are also advising that we have reviewed our records and cannot find any approval's which would have allowed a curb cut across the entire frontage of the subject lands. From our site inspection and as is evident in the attached photos, we assume that the existing curb cuts were not done by an approved City of Mississauga contractor. Information submitted with the application indicates that the existing condition has been in place since 1999, however, if an approved contractor cut the curbs in 1999, they would still be functional and not have the appearance of broken concrete as exists today.

In view of the above we cannot support the applicant's request and request that the owner make satisfactory arrangements with the City of Mississauga to re-instate the barrier curb on both sides of the driveway in accordance with the existing by-law requirements."

A letter was received from A. Fernandes , a resident of 235 Macedonia Crescent, stating his objection to the requested variances.

No other persons expressed any interest in the application.

Mr. Romano upon hearing the comments of the Committee and the Planning and Building Department, requested that the application be amended in accordance with their recommendations. He noted he wished to further amend the application to permit a front yard landscaped soft area coverage of 37.00% of the front yard area.

The Committee consented to the request and, after considering the submissions put forward by Mr. Romano and having reviewed the plans and comments received, is not satisfied that the amended request is desirable for the appropriate use of the subject property. The Committee indicated that driveways that were depicted in Mr. Romano's photographs had been constructed illegally and would not be considered as contributing to the character of the neighbourhood. They noted that the applicant had made unauthorized alterations to the municipal boulevard and noted that curbing had been left in a poor state of repair. The Committee was of the opinion that the subject driveway width was excessive and the reduced side yard setback was undesirable.

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 amended request is not minor in nature in this instance.



MISSISSAUGA

File: "A" 297/15
WARD 7

Accordingly, the Committee resolves to deny the amended request.

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

Application Refused.

Dated at the City of Mississauga on July 16, 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 AUGUST 5, 2015.

Date of mailing is July 20, 2015.

S. PATRIZIO (CHAIR)

DISSENTED

D. GEORGE

DISSENTED

J. ROBINSON

D. KENNEDY

J. PAGE

D. REYNOLDS

DISSENTED

P. QUINN

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

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

THREE NUTS INC.

on Thursday July 9, 2015

Three Nuts Inc. is the owner of Part of Lot 3, Concession 5, WHS, located and known as 330 Queen Street South, zoned R3-73 – Residential. The applicant requests the Committee to authorize a minor variance to permit a business, professional or administrative office with no Type "A" accessible parking space, whereas By-law 0225-2007, as amended, requires a minimum of one Type "A" accessible parking spaces on the subject property in this instance.

Mr. J. Levac, authorized agent, attended and presented the application to permit no Type "A" accessible parking spaces on the subject property. Mr. Levac advised the Committee that the property had been subject to a previous Zoning By-law Amendment application and a current Site Plan Approval application. Mr. Levac noted that various improvements to landscaping and parking arrangement on the property were being made and explained that a portion of the circular driveway was to be removed and that no parking within the front yard area directly abutting the street would be permitted. Mr. Levac explained that these alterations reduced the available area to provide parking but noted that sufficient parking would be accommodated for the functional demand of the office rather than the Zoning By-law requirement. He noted that there would be insufficient room for a Type "A" accessible parking space to be installed. It was Mr. Levac's opinion that any encroachment of parking into the rear yard in efforts to accommodate the parking requirements of the Zoning By-law would be undesirable.

Mr. Levac indicated that his client had been operating an office use on the subject property and that the parking supply would service employees of the business only. He confirmed that no clients would attend the site as all of the business matters of the office was conducted electronically.

Mr. Levac indicated he wished to amend the application to reflect the correct owner of the property.

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

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

"1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Streetsville Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: "R3-73", Residential

3.0 OTHER APPLICATIONS

Site Plan File: SP 14/107

4.0 COMMENTS

The Planning and Building Department is currently processing a Site Plan approval application for the proposed Office. Based on the review of the Site Plan approval application we advise that the following additional variance is required:

"To permit parking space width of 2.43m (7.97 ft.), whereas By-law 0225-2007, as amended, requires a minimum parking space width of 2.45m (8.04 ft.) in this instance."

With regards to the required parking space width variance, the Planning and Building Department is of the opinion that the proposed reduction of 2cm is minor in nature and would not have an impact on the functionality of the spaces.

With regards to the request to provide no Type 'A' accessible spaces, whereas 1 is required, the Planning and Building Department note that while we would generally prefer to not see zero accessible spaces provided, in this specific instance we consider it to be a minor and reasonable request. The subject property is permitted, through a past rezoning, to allow for an office, an office with 1 dwelling unit, or a single detached dwelling. The current use of an office requires 1 accessible parking space under the by-law. During the rezoning process City Staff indicated that parking should be restricted from the rear yard due to tree cover, landscaping, and grading considerations. As a result of the site layout and the design considerations an accessible space is not able to be provided while maintaining the required number of standard parking spaces. The office does not generally serve the public at large and requires the number of standard parking spaces on site for their staff. Additionally, the subject property is in many ways similar to properties on Queen Street South just to the north that are zoned C4, which do not require accessible parking when total parking does not exceed 15 spaces.

As a result of the previous information, the Planning and Building Department has no objection to the requested variances, however should the Committee see merit in the application they may wish to grant the variance on a temporary basis personal to the applicant to have an opportunity to revisit accessible parking considerations in the future."

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

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 11/107. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (July 6, 2015):



MISSISSAUGA

File: "A" 300/15
WARD 11

"Any changes to the underground servicing to accommodate this proposal will require review by the Region of Peel."

No other persons expressed any interest in the application.

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

The Committee consented to the request and, after considering the submissions put forward by Mr. Levac 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" 300/15
WARD 11

Accordingly, the Committee resolves to authorize and grant the amended request to permit a business, professional or administrative office use on the subject property proposing:

1. no Type "A" accessible parking spaces, whereas By-law 0225-2007, as amended, requires a minimum of one Type "A" accessible parking spaces on the subject property in this instance; and,
2. two parking spaces having widths of 2.43 m (7.97 ft.) each, whereas By-law 0225-2007, as amended, requires a minimum parking space width of 2.45 m (8.04 ft.) in this instance.

This decision is subject to the following condition:

1. This decision is personal to "Three Nuts Inc." and shall be in effect so long as the subject premises are occupied by same.

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

Application Approved, as amended, on condition as stated.


Dated at the City of Mississauga on July 16, 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 AUGUST 5, 2015.

Date of mailing is July 20, 2015.



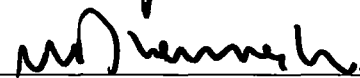
S. PATRIZIO (CHAIR)




D. GEORGE



J. ROBINSON



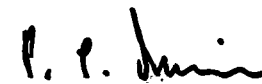
D. KENNEDY



J. PAGE




D. REYNOLDS



P. QUINN

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



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

ROBERTO & ARLENE RAMIREZ

on Thursday July 9, 2015

Roberto & Arlene Ramirez are the owners of Lot 35, Registered Plan M-1226, located and known as 3134 Baytree Court, zoned R5-5 – Residential. The applicants request the Committee to authorize a minor variance to permit the construction of a one storey sunroom addition to the rear of the existing dwelling proposing a rear yard of 5.87m (19.26ft.); whereas By-law 0225-2007, as amended requires a minimum rear yard of 7.50m (24.60ft.) in this instance.

Ms. A. Ramirez, a co-owner of the property, attended and presented the application to permit the construction of a one storey addition to the rear of the existing dwelling on the subject property. Ms. Ramirez advised the Committee that the addition would be a solarium and would encroach slightly into the required rear yard.

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

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

"1.0 Recommendation

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

2.0 Background

Mississauga Official Plan

Character Area: Meadowvale Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: "R5-5", Residential

3.0 Other Applications

Building Permit File: BP 15/6030

4.0 Comments

The Planning and Building Department is currently processing a Building Permit application for the proposed addition, however sufficient time has not been provided in order for staff to provide a full review. Therefore we are unable to verify the accuracy of the requested variance or determine whether additional variances are required.

The subject property is an irregularly shaped lot and the required variance decreases towards the northerly portion of the property. Due to the slight pinch point on the lot and the relatively small size of the sunroom, the Planning and Building Department are of the opinion that the proposed development is minor in nature and should not have any negative impacts on adjacent lands. As a result, we offer no objection the requested variance, however since we are unable to verify the accuracy of the variance, the applicant may wish to defer in order to ensure that all required variances are identified and correct."

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

"This department has no objections to the applicants request to permit the construction of a one-storey sunroom addition to the rear of the subject dwelling. We are noting for information purposes that any Transportation and Works Department concerns/requirements for the addition will be addressed through the Building Permit process."

No other persons expressed any interest in the application.

Ms. Ramirez confirmed the accuracy of the subject application and instructed the Committee to proceed evaluating the merits of the application.

The Committee after considering the submissions put forward by Ms. Ramirez 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" 301/15
WARD 9

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

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

Application Approved.


Dated at the City of Mississauga on July 16, 2015.

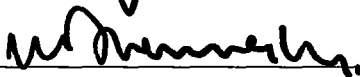
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Date of mailing is July 20, 2015.


S. PATRIZIO (CHAIR)

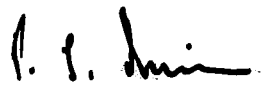

D. GEORGE


J. ROBINSON


D. KENNEDY


J. PAGE


D. REYNOLDS


P. QUINN

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


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

2321497 ONTARIO INC

on Thursday July 9, 2015

2321497 Ontario Inc is the owner of park of Block 16, Registered Plan M-449, located and known as 6625 Kestrel Road, zoned E2 - Employment. The applicant requests the Committee to authorize a minor variance to permit the operation of a Motor Vehicle Repair Facility - Commercial Motor Vehicle on the subject property proposing:

1. a Motor Vehicle Repair Facility - Commercial Motor Vehicle use on the subject property; whereas By-law 0225-2007, as amended, does not permit a Motor Vehicle Repair Facility - Commercial Motor Vehicle use on the subject property in this instance;
2. a total of 61 parking spaces on site; whereas By-law 0225-2007, as amended, requires a minimum of 207 parking spaces on site in this instance;
3. 3 parking spaces for persons with disabilities on site; whereas By-law 0225-2007, as amended, requires a minimum of 7 parking spaces for persons with disabilities on site in this instance; and,
4. a drive aisle of 6.60 m (21.65 ft.) to access the parking spaces for persons with disabilities; whereas By-Law 0225-2007, as amended, requires a minimum drive aisle of 7.00 m (22.96 ft.) in this instance.

On April 16, 2015, Mr. N. Dell, the authorized agent, attended and requested a deferral of the application to allow him additional time to investigate a possible parking deficiency.

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

The City of Mississauga Planning and Building Department commented as follows (April 10, 2015):

"1.0 RECOMMENDATION

The Planning and Building Department recommends that the application be deferred for the applicant to submit the requested Parking Utilization Study.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Northeast Employment Area
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: "E2", Employment

3.0 OTHER APPLICATIONS

Certificate of Occupancy File: C 15-4756

4.0 COMMENTS

Based on a review of the Certificate of Occupancy application for the proposed Motor Vehicle Repair Facility - Commercial Motor Vehicle, 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 Motor Vehicle Repair Facility - Commercial Motor Vehicle on the subject property providing a total of 61 parking spaces with no parking spaces for persons with disabilities on site; whereas By-law 0225-2007, as amended, does not permit a Motor Vehicle Repair Facility - Commercial Motor Vehicle use on the subject property and requires a minimum of 207 parking spaces with 7 parking spaces for persons with disabilities on site in this instance."

In regards to the requested variance to permit the use, we note that the subject property is designated 'Business Employment' which permits a motor vehicle repair facility. Further, the surrounding properties are zoned 'E2' Employment with a variety of existing employment and industrial uses. Therefore, we do not anticipate negative impacts resulting from the requested variance for the use.

We advise that a Parking Utilization Study that satisfactorily justifies the requested reduction in parking is required. Until we are in receipt of this information, we cannot determine the appropriateness of the requested variance.

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

The City of Mississauga Transportation and Works Department commented as follows (April 8, 2015):

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

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. N. Dell, the authorized agent, attended and presented the application to allow for the operation of a Motor Vehicle Repair Facility - Commercial Motor Vehicle on the subject property. Mr. Dell advised the Committee that he had received revised zoning information and completed a parking utilization study during the interim of the previous deferral and requested for the application to be amended to reflect the newly identified variances.

Mr. Dell indicated that the proposed facility would repair emergency vehicles and would employ approximately 30 people on rotating shifts. He noted that the parking utilization study confirmed that the reduction of parking spaces including the provision of no accessible parking spaces was appropriate for the business. Mr. Dell confirmed that most of the vehicles that would be repaired would be stored inside of the building rather than outside.

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

The City of Mississauga Planning and Building Department commented as follows (June 16, 2015):

"1.0 Recommendation

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

2.0 Background

Mississauga Official Plan

Character Area: Northeast Employment Area (West)

Designation: Business Employment

Zoning By-law 0225-2007

Zoning: "E2", Employment

3.0 Other Applications

Certificate of Occupancy File: C 15-4756

4.0 Comments

The Planning and Building Department note that a Parking Utilization Study has been received and reviewed by Policy Planning Staff. As a result of the Parking Study review, staff are able to support the justification for the reduction in parking on the subject property.

Additional comments relating to the use variance remain applicable from the April 16, 2015 Agenda."

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

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

A representative of 6605 Kestrel Road, attended and expressed her concerns with the proposed parking arrangement on the property. She noted that many commercial trucks and trailers were inappropriately parked on the property that blocked a fire route. She noted additional concerns with the trespassing of vehicles onto her property.

Mr. G. Kirton, a Planner for the Planning and Building Department, attended and confirmed that Policy Planning staff had assessed the parking utilization study and was satisfied with the applicant's suggestion to provide no handicapped parking spaces.

No other persons expressed any interest in the application.

Committee accepted Mr. Dell's amendment request but noted that the amended application would require circulation in accordance with the requirements of the Planning Act. The Committee noted that the absence of accessible parking spaces was inappropriate and instructed Mr. Dell to meet with Planning staff to revised the proposal for the inclusion of accessible parking spaces.

Mr. Dell requested a deferral of the application to allow him additional time to submit revised Zoning information and to investigate the provision of accessible parking spaces.

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

On July 9, 2015, Mr. N. Dell, the authorized agent, attended and presented the subject application to permit a repair facility that would service commercial vehicles such as trucks, busses and ambulances. Mr. Dell confirmed that all of the operations activity, including storage and repairs, would be conducted from within the building.



MISSISSAUGA

File: "A" 184/15
WARD 5

Mr. Dell advised the Committee that he wished to amend the application to provide 3 parking spaces for persons with disabilities. He confirmed that 58 regular parking spaces and 3 spaces for persons with disabilities would be provided for a total of 61 parking spaces.

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

The City of Mississauga Planning and Building Department commented as follows (July 8, 2015):

1.0 Recommendation

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

2.0 Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: "E2", Employment

3.0 Other Applications

Certificate of Occupancy File: C 15-4756

4.0 Comments

The Planning and Building Department is currently processing a Certificate of Occupancy application for the proposed Motor Vehicle Repair Facility - Commercial Motor Vehicle. 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 Motor Vehicle Repair Facility - Commercial Motor Vehicle on the subject property providing a total of 61 parking spaces with no accessible spaces on site; whereas By-law 0225-2007, as amended, does not permit a Motor Vehicle Repair Facility - Commercial Motor Vehicle use on the subject property and requires a minimum of 207 parking spaces with 7 accessible spaces on site in this instance."

Additionally, we require a more detailed letter of proposed business operation at this location, whether or not there will be any wholesale, retail sales or outdoor storage in order to verify the requested variances.

Notwithstanding the above, it is our understanding based on the updated notice, that the applicant is now requesting to provide 3 accessible parking spaces. The applicant may wish to incorporate this number into the above recommend wording, however without an updated Certificate of Occupancy submission we are unable to verify the accuracy of the requested variance amendment.

Policy Planning Staff have reviewed a Parking Utilization Study prepared by Beacon Planning Services, dated May 15, 2015, and as a result are able to support the provided justification for the requested reduction in total parking spaces on site.

We note that the reduced number of parking spaces on site of 61 would require 2 accessible parking spaces under the Zoning By-law. As the applicant is requesting a reduction in



MISSISSAUGA

File: "A" 184/15
WARD 5

accessible parking spaces to 3, we are of the opinion that the requested variance is minor in nature and fits with the general intent of the zoning By-law.

With Regards to the use variance, our comments from the April 16, 2015 Agenda stating no objection still apply."

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

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

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (July 6, 2015):

"Any changes to the underground servicing to accommodate this proposal will require review by the Region of Peel."

A representative of 6325 Kestrel Road, attended and expressed her objection to the subject application. She noted particular concern with traffic congestion, trespassing and outdoor storage associated with the operation.

No other persons expressed any interest in the application.

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

The Committee consented to amend the application as suggested by Mr. Dell 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" 184/15
WARD 5

Accordingly, the Committee resolves to authorize and grant the amended request to permit the operation of a Motor Vehicle Repair Facility - Commercial Motor Vehicle on the subject property providing a total of 61 parking spaces including 3 spaces for persons with disabilities on site; whereas By-law 0225-2007, as amended, does not permit a Motor Vehicle Repair Facility - Commercial Motor Vehicle use on the subject property and requires a minimum of 207 parking spaces with 7 accessible spaces on site in this instance.

This decision is subject to the following conditions:

1. There shall be no outdoor storage associated with the Motor Vehicle Repair Facility - Commercial Motor Vehicle operation on the subject property.
2. The applicant shall submit the outstanding \$400 deferral fees to the Committee of Adjustment office.

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

Application Approved, as amended, on conditions as stated.


Dated at the City of Mississauga on July 16, 2015.

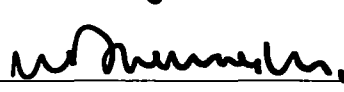
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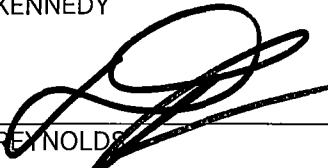

S. PATRIZIO (CHAIR)



D. GEORGE


J. ROBINSON


D. KENNEDY


J. PAGE


D. REYNOLDS


P. QUINN

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


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

SHAMIM AKHTAR

on Thursday July 9, 2015

Shamim Akhtar is the owner of part of Lot 99, Registered Plan M-804, located and known as 7308 Drifton Crescent, zoned R3 - Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a second storey addition over the existing dwelling on the subject property proposing a easterly side yard of 1.22 m (4.00 ft.) and a westerly side yard of 1.32 m (4.33 ft.); whereas By-law 0225-2007, as amended, requires side yards of 1.81 m (5.93 ft.) measured to the second storey addition in this instance.

On June 4, 2015, Mr. J. Grey, the authorized agent, attended and presented the subject application to construct a second storey addition on the existing single storey dwelling on the subject property. It was Mr. Grey's opinion that the proposed altered dwelling maintained the character of the neighbourhood.

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

The City of Mississauga Planning and Building Department commented as follows (June 4, 2015):

1.0 RECOMMENDATION

The Planning and Building Department recommends that the application be deferred in order for the applicant to redesign the front elevation to better address the general intent of the by-law.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: "R3", Residential

3.0 OTHER APPLICATIONS

Building Permit File: BP 11/3607

4.0 COMMENTS

The Planning and Building Department is currently processing a building permit application for the proposed second storey addition and second unit. Based on the review of that application we advise that the variance request should be amended as follows:

1. The applicant requests the Committee to authorize a minor variance to permit the construction of a second storey addition over the existing dwelling, proposing an easterly side yard of 1.22 m (4.00 ft.) and a westerly side yard of 1.29 m (4.23 ft.); whereas By-law 0225-2007, as amended, requires side yards of 1.81 m (5.93 ft.) measured to the second storey addition in this instance.

The subject property requires side yard variances as a result of the proposed second storey addition. The existing dwelling meets by-law standards; however, the required setback is greater for a second storey. Side yard setbacks are intended to reduce massing impacts, provide separations from neighbours, and provide access to the rear yard of a property. The additional setback required for second storeys is to provide greater separation as the dwelling mass increases.

The property is located in an area characterised by bungalows and rear-split dwellings. There is a 2 storey dwelling to the east, which has a driveway extending along the length of the side yard between the 2 dwellings, and a side-split dwelling to the west.

In our opinion, the proposed front elevation does not adequately incorporate architectural elements that would otherwise de-emphasise the dwelling's mass. While we agree that a two-storey dwelling is appropriate in this location, given the relatively few examples in the immediate vicinity, the applicant should consider introducing features that have greater regard for the neighbourhood's scale and character."

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

"This department has no objections to the applicant's request to permit the construction of a second storey addition over the existing dwelling. We are noting that any Transportation and Works Department concerns/requirements will be addressed through the Building Permit process."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (June 12015):

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

No other persons expressed any interest in the application.

The Committee indicated that the proposed design of the dwelling did not deemphasize the massing of the second storey of the dwelling sufficiently to in relation to the proposed reduced side yards. The Committee suggested to Mr. Grey that a slight redesign of the second storey and architectural features would improve the application.

Mr. Grey requested a deferral of the application to allow him additional time to attempt to redesign the second storey and to include architectural features to deemphasize the massing of the second storey.

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



MISSISSAUGA

File: "A" 260/15
WARD 5

On July 9, 2015, Mr. J. Grey, the authorized agent, attended and presented the revised application to construct a second storey addition on the existing single storey dwelling on the subject property. Mr. Grey indicated that he had met with Planning staff in efforts to redesign the aesthetics of the proposal for an enhanced front façade. He displayed a front elevation plan depicting the modifications.

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

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

"1.0 Recommendation

The Planning and Building Department recommends that the application be deferred in order for the applicant to redesign the front elevation to better address the general intent of the by-law.

2.0 Background

Mississauga Official Plan

Character Area: Malton Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: "R3", Residential

3.0 Other Applications

Building Permit File: BP 11/3607

4.0 Comments

The Planning and Building Department is currently processing a building permit application for the proposed second storey addition and second unit. Based on the review of that application we advise that the variance request should be amended as follows:

1. The applicant requests the Committee to authorize a minor variance to permit the construction of a second storey addition over the existing dwelling, proposing an easterly side yard of 1.22 m (4.00 ft.) and a westerly side yard of 1.29 m (4.23 ft.); whereas By-law 0225-2007, as amended, requires side yards of 1.81 m (5.93 ft.) measured to the second storey addition in this instance.

The subject property requires side yard variances as a result of the proposed second storey addition. The existing dwelling meets by-law standards; however, the required setback is greater for a second storey. Side yard setbacks are intended to reduce massing impacts, provide separations from neighbours, and provide access to the rear yard of a property. The additional setback required for second storeys is to provide greater separation as the dwelling mass increases.

The property is located in an area characterised by bungalows and rear-split dwellings. There is a 2 storey dwelling to the east, which has a driveway extending along the length of the side yard between the 2 dwellings, and a side-split dwelling to the west.

In our opinion, the proposed front elevation does not adequately incorporate architectural elements that would otherwise de-emphasise the dwelling's mass. While we agree that a two-storey dwelling is appropriate in this location, given the relatively few examples in the



MISSISSAUGA

File: "A" 260/15
WARD 5

immediate vicinity, the applicant should consider introducing features that have greater regard for the neighbourhood's scale and character."

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

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

No other persons expressed any interest in the application.

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

The Committee consented to the request and, after considering the submissions put forward by Mr. Grey 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" 260/15
WARD 5

Accordingly, the Committee resolves to authorize and grant the amended request to permit the construction of a second storey addition over the existing dwelling, proposing an easterly side yard of 1.22 m (4.00 ft.) and a westerly side yard of 1.29 m (4.23 ft.); whereas By-law 0225-2007, as amended, requires side yards of 1.81 m (5.93 ft.) measured to the second storey addition in this instance.

This decision is subject to the following condition:

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

MOVED BY: J. Page SECONDED BY: J. Robinson CARRIED

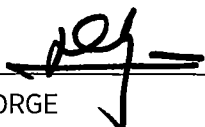
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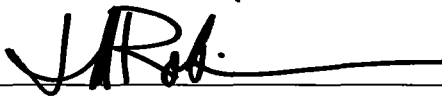
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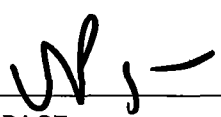
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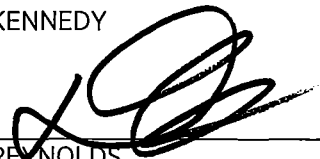

S. PATRIZIO (CHAIR)

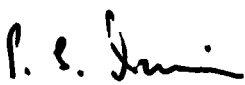

D. GEORGE


J. ROBINSON


D. KENNEDY


J. PAGE


D. REYNOLDS


P. QUINN

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


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

GRANITE RIDGE DEVELOPMENT INC

on Thursday July 9, 2015

Granite Ridge Development Inc is the owner of part of Lot 1, Concession 3, EHS, located and known as 1191 - 1213 Eglinton Avenue East, zoned C3-1 - Commercial & E2-19 - Employment. The applicant requests the Committee to authorize a minor variance to permit the operation of a Transportation Facility on the subject property; whereas By-law 0225-2007, as amended, does not permit a Transportation Facility within the lands zoned C3-1 Commercial in this instance.

On June 11, 2015, Mr. G. Borean, the authorized agent, attended and requested a deferral of the application to allow him additional time to meet with staff to address their concerns and to prepare additional material for review.

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

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

1.0 Recommendation

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

2.0 Background

Mississauga Official Plan

Character Area: Northeast Employment Area (West)

Designation: Mixed Use & Business Employment

Zoning By-law 0225-2007

Zoning: "C3-1 & E2-19", General Commercial & Employment

3.0 Other Applications

Certificate of Occupancy File: Required - No application received

4.0 Comments

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



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WARD 5

Despite being unable to verify the accuracy of the variance, the Planning and Building Department has concerns with the requested variance.

The property has a split designation and split zoning; it has a Mixed Use designation and C3-1 Zoning in the front portion along Eglinton, and a Business Employment designation and E2-19 zoning in the rear portion of the property. The requested variance is to permit the extension of a Transportation Facility Use into the front portion of the property.

A Transportation Facility is listed in the Official Plan as a permitted use under a Business Employment designation. The front portion of the subject property which is designated Mixed Use would generally not permit a Transportation Facility, however special provisions apply to the Northeast Employment Area where the property is located; in this case Business Employment Uses extend to Mixed Use designations within this Character Area.

A Transportation Facility is permitted as of right on the rear portion of the property which is zoned E2-19, however it is not permitted on the front portion zoned C3-1. The adjacent lands along Eglinton have the same Commercial Zone along the roadway acting as a transition to the Employment lands. The C3-1 zone permits E2 uses, however excludes Truck Terminal, Waste Processing Station, Waste Transfer Station, and Composting Facility; we would also note that a Transportation Terminal is not a permitted use in an E2 zone. The Planning and Building Department is of the opinion that the specific exclusions from the C3-1 zoning are more similar in nature to the requested variance than those left as permitted. The Zoning By-law is deliberate in removing permissions for industrial undertakings and uses requiring extensive outdoor storage from the lands fronting Eglinton Avenue. As a result, the Planning and Building Department do not consider the requested variance to be meeting the general intent of the Zoning By-law.

The Planning and Building Department are also of the opinion that the requested variance is not minor in nature and is not a desirable or appropriate development for this location. Excessive storage of Commercial Vehicles would not be in character with adjacent lands zoned C3-1, or other similar zoning, and is undesirable along the Eglinton Avenue corridor. Accordingly the Planning and Building Department recommend that the application be refused."

The City of Mississauga Transportation and Works Department commented as follows (June 4, 2015):

"This department would recommend that this application be deferred until such time that a Site Plan Application has been submitted to the City of Mississauga in order that any site specific Transportation and Works Department requirements relating to grading and drainage and access can be adequately evaluated. Information provided in the May 7, 2015 letter from Weston Consulting indicates that the proposal includes the redevelopment of only a portion of the subject property where a single trailer is proposed at the entrance to the property for security purposes. We assume from the sketch submitted, Drawing A-1 that 75% of the rear portion of property is to be utilized for the proposed Transportation Facility. Acknowledging that very limited information has been provided, taking into consideration that currently the subject lands are undeveloped and also having regard for the size of the property which is approximately 7.34 ha (18.14ac), we feel that inadequate information has been provided in order to properly evaluate the request. This department is particularly concerned with grading and drainage and access (onto Eglinton Avenue East) related concerns.

We acknowledge that the applicant has indicated in the May 7, 2015 letter submitted that a Site Plan Application will be required to facilitate the development of the transportation facility and that that process will evaluate matters pertaining to site access circulation, landscaping, parking areas, grading and fencing, however we feel that in order to evaluate the request and also provide any comments/recommendations on the proposal we need to at least review a full scale site plan which could be provided to staff prior to the formal Site Plan Approval submission."



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The Region of Peel, Environment, Transportation and Planning Services, commented as follows (June 8, 2015):

"Any proposed underground water or sanitary sewer connections to municipal infrastructure will require review by the Region of Peel."

No other persons expressed any interest in the application.

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

On July 9, 2015, Mr. J. Zipay, a representative of the authorized agent, attended and presented the subject application to permit the operation of a transportation facility within lands zoned for commercial purposes. Mr. Zipay advised the Committee that the subject property was divided by two different zoning classifications. He explained that the rear portion of the property that was zoned E2-19 – Employment allowed for the proposed use but the front portion of the property that was zoned C3-1 – Commercial did not. Mr. Zipay indicated that his client wished to operate the proposed transportation facility within the lands zoned E2-19 – Employment and partially on lands zoned C3-1 – Commercial. He noted that the balance of the C3-1 – Commercial that abutted Eglinton Avenue East would not be used for the transportation facility and would receive significant landscaping and screening enhancements in efforts to conceal the transportation facility uses from view. Mr. Zipay noted that a second access onto Aimco Road to the north may be able to be provided through a closed municipal roadway.

Mr. Zipay suggested that surrounding area contained various types of employment uses and that the proposed transportation facility was a compatible use. Mr. Zipay indicated that the property would eventually be redeveloped in the future and suggested that the proposed use was an appropriate interim use.

Mr. Zipay displayed a rudimentary site plan indicating the general layout of the proposed transportation facility. Mr. Zipay advised the Committee that his client did not want to proceed with preparing a comprehensive site plan for review until relief to the Zoning By-law was secured.

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

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

1.0 Recommendation

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

2.0 Background

Mississauga Official Plan

Character Area: Northeast Employment Area (West)

Designation: Mixed Use & Business Employment

Zoning By-law 0225-2007

Zoning: "C3-1 & E2-19", General Commercial & Employment

3.0 Other Applications

Certificate of Occupancy File: Required - No application received

4.0 Comments

As no changes have been made to the application and no new information has been submitted our comments from the June 11, 2015 Committee meeting still apply."

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

"Further to our comments submitted for the June 11, 2015 hearing we are advising that we have had discussions with the applicant's agent and they have provided us additional information and a Sketch Site Plan Drawing (DWG#S2 dated June 16, 2015 prepared by Weston Consulting). From the drawing and information provided it is our understanding that there will be approximately 357 trailers (parked/stored) on the property and there will be approximately 30 to 35 movements per hour which will occur between the hours of 8am and 5pm. We also note that in addition to the provided Sketch Site Plan the applicant has informed us that they are in discussions with our Realty Services Section with regards to the possibility of purchasing or leasing a parcel of land to the north of this property which could possibly be utilized for a secondary access to Aimco Boulevard.

In our previous comments we had indicated that we had concerns particularly relating to access and grading and drainage issues and recommended that the application be deferred until such time that a Site Plan Application was submitted to the City of Mississauga in order that our concerns/requirements could be addressed. Acknowledging the additional information provided this department still feels that there are a number of important issues which must first be addressed prior to any approvals being granted. First we must confirm if there will be a secondary access to this property from Aimco Boulevard and what modifications/arrangements would be necessary to construct the secondary access. Once additional information is provided with regards to the possible secondary access, satisfactory arrangements would have to be made for any modifications which would be required to the proposed driveway onto Eglinton Avenue East, including any access modifications which would also include works required to the existing traffic signals (keeping in mind that any costs related to modifications to the access and traffic signals will be the responsibility of the applicant). In addition to the above noted concerns, and upon additional information being provided with regards to the secondary access, our Traffic Section may also require a Traffic Impact Study to substantiate the request.

In view of the above we request that this application be deferred or alternatively that a condition of approval be that the Committee has confirmation that the owner has obtained a satisfactory Site Plan Approval from the Site Plan Committee."

A letter was received from M. & C. Vassallo of Vassallo Investment Corporation operating within 1150 Eglinton Avenue East, stating an objection to the subject application.

A letter was received from N. Jacyk of Prombank Investment Limited operating within 5080 Timberlea Boulevard - Suite 201, stating an objection to the subject application.

A letter was received from J. Turk of Dixie Eglinton Construction operating within 1325 Eglinton Avenue East and 5120 & 5130 Dixie Road, stating an objection to the subject application.

A letter was received from Price Group Corporation operating within 1330 Eglinton Avenue East, stating objection to the subject application.

A letter was received from J. Zipay, a representative of the authorized agent, evaluating the merits of the subject application.

Ms. N. Jacyk of Prombank Investment Limited operating within 5080 Timberlea Boulevard - Suite 201 and representative of the operators of 1250-1230 Eglinton Avenue East, attended



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and expressed her objection to the subject application. Ms. Jacyk was of the opinion that any trucking facility was unsuitable for the subject property and would cause an inappropriate amount of traffic congestion. Ms. Jacyk suggested that the proposal required additional review including a traffic impact study and suggested that a Zoning By-law Amendment application was a more appropriate development approval process.

No other persons expressed any interest in the application.

Mr. Zipay suggested that the proposed transportation facility was a compatible use with the surrounding lands and noted that commercial motor vehicle uses occupied an abutting property.

The Committee after considering the submissions put forward by Mr. Zipay and having reviewed the plans and comments received, is not satisfied that the request is desirable for the appropriate use of the subject property. The Committee indicated that the proposed transportation facility was not compatible with the surrounding land uses. They noted that the inclusion of the transportation facility use on the lands zoned for Commercial uses would result in an inappropriate amount of truck traffic and would further exacerbate the existing pressure along Eglinton Avenue East. The Committee noted that secondary access onto Aimco Boulevard was unconfirmed and could not be relied upon to relieve traffic pressure on Eglinton Avenue East. The Committee was of the opinion that the lands zoned for Commercial purposes should be developed with office or other similar uses that would be compatible with the surrounding land uses and traffic capacity of Eglinton Avenue East.

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

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



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WARD 5

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

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

Application Refused.

Dated at the City of Mississauga on July 16, 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 AUGUST 5, 2015.

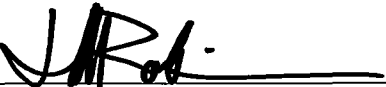
Date of mailing is July 20, 2015.



S. PATRIZIO (CHAIR)



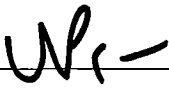
D. GEORGE



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 16, 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

PANKAJ BHARGAVA

on Thursday July 9, 2015

Pankaj Bhargava is the owner of Lot 137, Registered Plan M-767, located and known as 5719 River Grove Avenue, zoned R4-20 - Residential. The applicant requests the Committee to authorize a minor variance to permit the existing driveway to remain on the subject property proposing a width of 9.50 m (31.16 ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.80 m (22.30 ft.) in this instance.

On June 11, 2015, Mr. D. Chhaniyara, the authorized agent, attended and requested a deferral of the application to allow him to additional time to meet with staff to address their concerns and to prepare additional material for review.

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

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

1.0 Recommendation

The Planning and Building Department recommends 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: "R4-20", Residential

3.0 Other Applications

N/A

4.0 Comments

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



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"1. To permit a driveway width of 9.50m (31.16 ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (19.69 ft.).

The intent of the driveway width provision is to maximize opportunities for landscaping and front yard appearance, while minimizing the impact of excessive hard surfaced areas. Excessive driveway width increases provide space for additional cars to be parked across the front yard of the property, in this case covering the majority of the entire front of the dwelling. With a lot frontage of approximately 14m the requested driveway width would cover approximately 68% of the front yard. The Planning and Building Department has concerns that the requested width increase will allow to continue a front yard condition where too much emphasis is placed on vehicular parking and hard surfaced area, and too little on landscaped area. We also note that the dwelling unit contains a 2 car garage and the Department is of the opinion that the requested variance is not necessary, is not a desirable development for the subject property, and does not meet the general intent of the zoning by-law.

Based on the previous information, the Planning and Building Department is of the opinion that the requested variance does not meet the 4 tests for a minor variance and subsequently recommend that the application be refused."

The City of Mississauga Transportation and Works Department commented as follows (June 4, 2015):

"Enclosed for Committees easy reference are some photos which depict the existing driveway as widened. Information in the Notice of Public Hearing indicates that a proposed driveway width of 9.50M is being proposed, however, from our recent site inspection it appears that the existing driveway may be even wider than the proposed 9.50M being requested. This department has concerns with the existing driveway as constructed and would suggest that the applicant consult with staff from the Planning and Building Department and Transportation and Works Department to determine what an acceptable width for the driveway in this instance would be."

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

No other persons expressed any interest in the application.

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

On July 9, 2015, Mr. D. Chhaniyara, the authorized agent, attended and presented a revised proposal depicting an oversized driveway and deficiency soft landscaping within the front yard. He indicated that he had met with Planning staff and had made some alterations to the walkway and landscaping to allow for an appropriately sized driveway and sufficient landscaping.

Mr. Chhaniyara advised the Committee that he wished to amend the application so that the driveway would be 9.52 m (31.23 ft.) in width and to include an additional variance to allow for a landscaped soft area of 32.50% of the front yard area.

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

The City of Mississauga Planning and Building Department commented as follows (July 7, 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: "R4-20", Residential

3.0 Other Applications

N/A

4.0 Comments

Based on the revised site plan provided, the variance request should be amended as follows:

The applicant requests the Committee to authorize a minor variance to permit the existing driveway to remain proposing:

1) a driveway width of 10.44m (34.25 ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.0m (19.69 ft.) in this instance; and

2) a landscaped soft area of 28.14%; whereas By-law 0225-2007, as amended, permits a minimum landscaped soft area of 40.00% in this instance.

The Planning and Building Department note that the updated site plan shows that the variance request required is larger than applied for and requires an additional landscaping area variance. Although the site plan from the applicant shows additional landscaping, comments from the June 11, 2015 Committee Meeting still generally apply. Despite the attempt to show more adequate landscaping, there has been no reduction in the requested driveway width and we are of the opinion that it is too excessive, is not minor in nature, and is not a desirable development. Therefore the Planning and Building Department recommend that the application be refused."

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

"Further to our previous comments the applicant's agent, Mr. Dilip Chhaniyara has provided us with a revised proposal to address our concerns with regards to the existing widened driveway. We were not in support of the first revised proposal which Mr. Chhaniyara submitted which still depicted a significant amount of interlocking tiles within the front yard and no tapered area. After discussing our concerns with the applicants agent a second revised proposal was submitted which we find acceptable. The latest proposal has eliminated the previously shown interlocking tiles at the front of the dwelling and replaced them with a large grassed area and an interlocking stone walkway which connects the front door to the driveway. The driveway width has also been reduced and now a taper has been provided from the sidewalk area. We were particularly concerned with the existing width of the driveway in the area of the municipal side walk, however, the recently shown tapered area now addresses our previous concerns.

In view of the above, and should Committee see merit in the applicant's request we would have no objections provided that some mechanism be in place to ensure that the modifications being proposed are made to the exiting driveway."

Mr. G. Kirton, a Planner for the Planning and Building Department, attended and advised the Committee that the Planning and Building Department report reflected a previous proposal



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and that he had not reviewed the current proposal that was being presented by the applicant at the hearing.

No other persons expressed any interest in the application.

The Committee consented to the request to amend the application in accordance with measurements provided by Mr. Chhaniyara and, after considering the submissions put forward by Mr. Chhaniyara 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

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WARD 6

Accordingly, the Committee resolves to authorize and grant the amended request to permit the existing driveway to remain proposing:

1. a driveway width of 9.52 m (31.23 ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00 m (19.69 ft.) in this instance; and,
2. a landscaped soft area of 32.50%; whereas By-law 0225-2007, as amended, requires a minimum landscaped soft area of 40.00% in this instance.

This decision is subject to the following conditions:

1. The applicant shall proceed in accordance with the plan reviewed by the Committee.
2. The applicant shall submit the outstanding \$200 deferral fee to the Committee of Adjustment office.

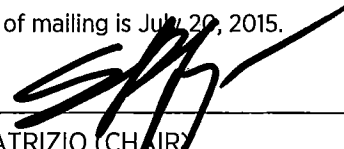
MOVED BY: P. Quinn SECONDED BY: J. Robinson CARRIED

Application Approved, as amended, on conditions as stated.

Dated at the City of Mississauga on July 16, 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 AUGUST 5, 2015.

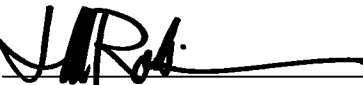
Date of mailing is July 20, 2015.



 S. PATRIZIO (CHAIR)



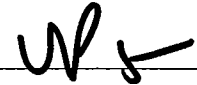
 D. GEORGE



 J. ROBINSON

ABSENT

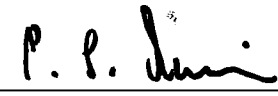
 D. KENNEDY



 J. PAGE

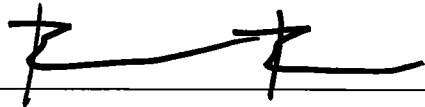
ABSENT

 D. REYNOLDS



 P. QUINN

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

JEDIDA HOLDINGS INC

on Thursday July 9, 2015

Jedida Holdings Inc is the owner of Part of Lot 21, Concession 1, NDS, located and known as 3392 Mavis Road, zoned E2-8 - Employment. The applicant requests the Committee to authorize a minor variance to permit the establishment of a Motor Vehicle Sales, Leasing, and/or Rental Facility – Restricted within a portion of the subject building; whereas By-law 0225-2007, as amended, does not permit a Motor Vehicle Sales, Leasing, and/or Rental Facility – Restricted use in this instance.

On June 18, 2015, Mr. W. Oughtred, the authorized agent, attended and presented the application to permit the establishment of Motor Vehicle Sales, Leasing, and/or Rental Facility – Restricted within a portion of the existing building on the subject property. Mr. Oughtred advised the Committee that the subject property was expansive in size and was currently occupied by a landscaping business. He explained that the property would be rehabilitated to allow for a portion of the building and parking area to be utilized for the display of vehicles for sale. He noted that the business would not have any ancillary mechanical or auto body repairs components to the operation.

Mr. Oughtred indicated that the subject operation would provide sufficient parking in accordance with the requirements of the Zoning By-law and that a total of 8 vehicles would be on display for sale. He confirmed that the parking and display area used by the proposed operation would be paved and that the parking spaces would be delineated. Mr. Oughtred noted that the access at the rear of the property would be enhanced for the benefit of the operators of the landscaping business. Mr. Oughtred displayed a preliminary site plan showing the proposed configuration of the property.

It was the opinion of Mr. Oughtred that the proposed use was appropriate for the subject property and noted that the surrounding area contained other automotive and trailer storage uses.

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 recommend that the application be deferred in order to ensure all variances have been accurately identified and that no further variances are required.

2.0 Background

Mississauga Official Plan

Character Area: Mavis Erindale Employment Area

Designation: Business Employment

Zoning By-law 0225-2007

Zoning: "E2-8", Employment

3.0 Other Applications

Certificate of Occupancy File: C 15-6076

4.0 Comments

The Planning and Building Department is currently processing a Certificate of Occupancy application under file C 15-6076, however sufficient time has not been provided for staff to provide a full review. Therefore we are unable to verify the accuracy of the requested variance or determine whether additional variances will be required.

Additionally we recommend the application be amended to limit the number of vehicles for sale on display at any given time. However, until the review of the Certificate of Occupancy is completed we are unable to assess whether vehicle display will have any impact on parking requirements or whether any related variances will be required.

As a result, the Planning and Building Department recommend that the application be deferred in order to ensure all variances have been accurately identified and that no additional variances are required."

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

"Enclosed for Committee's information are a number of photos which depict the subject property. We note from our site inspection that in the past the subject property has been utilized as a storage yard for building materials, in particular stone/gravel and there is currently no asphalted areas or delineated parking spaces on site. As the property is not paved we are also not aware of any existing catchbasins on this property which would accommodate any drainage from the lands.

The applicant has submitted very limited information , in particular any details with regards to the size of the proposed operation and any information which would accurately show any areas which would be utilized for the vehicles to be stored/displayed. The drawing submitted with the application is very "Sketchy" and has very limited information, in this regard it should only be utilized to indicate the limits of the existing building. The drawing also shows some parking spaces in the front of the building towards the southerly limits (7 parking spaces), however these parking spaces are not functional as they are located directly in front of the area which would provide the only access to the rear of the property.

In view of the above we would strongly request that this application be deferred until such time that additional information is provided in order that we can properly evaluate the requested variance, in particular any matters related to site access circulation and any grading and drainage related concerns. It should also be noted that once additional information is provided and depending on the size of the proposed operation our Traffic Section may be requesting a Traffic Impact Study to address any traffic impacts that the proposed use may have on Mavis Road."



MISSISSAUGA

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WARD 5

Mr. T. Lip, a representative of 3370 Mavis Road, attended and expressed his concerns with the proposal. He noted that an existing vehicle sale operation was operating on his property and suggested it was inappropriate for a similar use to be located in close proximity. Mr. Lip displayed a series of photos depicting the existing disorganized site conditions of the subject property.

Mr. G. Kirton, a Planner for the Planning and Building Department, attended and advised the Committee that it was the preference of the department to accurately identify the accuracy of the proposal prior to commenting on the merits of the application. He confirmed that the testimony of Mr. Oughtred provided additional information that was not submitted with the application and that such information would be required to allow for staff to perform its planning review of the application.

No other persons expressed any interest in the application.

The Committee indicated that additional information was required by the Committee and staff to adequately evaluate the merits of the subject application. The Committee instructed Mr. Oughtred to apply for a Certificate of Occupancy application in order to accurately identify all instances of relief required to the Zoning By-law and for a formal site plan drawing to be submitted.

Mr. Oughtred requested a deferral of the application to allow him to address the matters identified by the Committee.

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

On July 9, 2015, Mr. W. Oughtred, the authorized agent, attended and presented the revised application to permit a Motor Vehicle Sales, Leasing, and/or Rental Facility – Restricted facility on the front portion of the subject property. Mr. Oughtred advised the Committee that the configuration of the parking arrangement has been altered during the interim of the deferral. He noted that the front gate and fence along the frontage would be altered so that a barrier fence would be installed that blocked inappropriate access to the site via the municipal boulevard. He noted that the driveway location would remain in its current location as the northerly portion of the property contained a utility box that would block a motorists view when entering or exiting the site.

Mr. Oughtred advised the Committee that the front part of the property would be used for the display of motor vehicles for sale and that sufficient parking for clients would be provided. He confirmed that the expansive rear portion of the site contained various forms of mechanical equipment and landscaping materials. He explained that this portion of the site would slowly be rehabilitated as it was scheduled to be utilized for the storage of snow ploughs and similar equipment.

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

The City of Mississauga Planning and Building Department commented as follows (July 8, 2015):

"1.0 Recommendation

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

2.0 Background

Mississauga Official Plan

Character Area: Mavis Erindale Employment Area
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: "E2-8", Employment

3.0 Other Applications

Certificate of Occupancy File: C 15-6076

4.0 Comments

The Planning and Building Department is currently processing a Zoning Certificate of Occupancy application for the proposed Motor Vehicle Sales Leasing and/or Rental Facility. Based on the review of the application we advise that more information is required to verify the accuracy of the requested variance or determine whether additional variances will be required.

We note that when this file was originally at Committee on June 18th, 2015 we recommended that the application be deferred to review the Certificate of Occupancy application. However, at that meeting additional information was presented surrounding other uses on the property. As a result of this additional information Planning staff are unable to support the variance application.

These lands are designated Business Employment which do not permit Motor Vehicle Sales Leasing and/or Rental Facilities. This use is more appropriately located in our commercial areas. Motor Vehicle Sales Leasing and/or Rental Facilities are occasionally considered for permission in employment lands when accessory to a related use such as a Motor Vehicle Repair Facility. However, in this case the other use on the property revolves around a landscaping business and the Motor Vehicle Sales use is not accessory. In the opinion of Planning staff a Motor Vehicle Sales Leasing and/or Rental Facility is not an appropriate primary use in Employment Lands. It is our opinion that this is not an appropriate development and does not conform to the general intent of the Official Plan or Zoning By-law.

As a result of the previous information the Planning and Building Department recommends that the application be refused."

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

"Further to our previous comments we are advising that the applicant's agent has provided us with some additional details regarding the proposed used car facility. It's our understanding that the proposal is to divide the existing building into two units, Unit #2 will be used for "Capital Motors" and Unit #1 will remain for landscape stone retail sales. From the revised sketch Site Plan and letter (dated June 29, 2015 letter from W.E. Oughtread) submitted it appears that only 14 parking spaces will be required for the proposed operation. The sketch Site Plan provided also showed a revised parking configuration with a new northerly access to Mavis Road.

After conducting another site inspection to evaluate the proposed northerly access we observed that there was a significantly large bell box with the boulevard area in very close proximity to the proposed new access location. Transportation and Works Department staff advised the applicant that we would not be in support this new northerly access location as it would create sight visibility concerns for any vehicles exiting onto Mavis Road due to the obstruction. We also advised the applicant that we were not in support of a second access onto Mavis Road from this property.



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In view of the above, and should Committee see merit in the applicant's request, we would only be supportive of the requested variance if the existing access is maintained and if the applicant revise their internal parking configuration to reflect the existing on-site conditions."

Mr. T. Lip, a representative of the owners of 3378 & 3402 Mavis Road, attended and expressed his clients' concerns with the subject application. He noted that a portion of vegetation would need to be removed in order to provide parking in accordance with the site plan presented by Mr. Oughtred. Mr. Lip noted additional concerns with the site conditions of the rear of the property including large piles of debris and fill and mechanical equipment.

Mr. Coelho, a representative of the property owner, attended and confirmed that the balance of the property would be utilized for a snow plough operation.

No other persons expressed any interest in the application.

Mr. Oughtred confirmed that the rear portion of the property would be used as a works yard for snow ploughs and suggested that this use would not have any impact on the proposed Motor Vehicle Sales, Leasing, and/or Rental Facility – Restricted.

The Committee after considering the submissions put forward by Mr. Oughtred and having reviewed the plans and comments received, is satisfied that the request is desirable for the appropriate temporary use of the subject property. The Committee indicated that the proposed vehicle sales use would only utilize a small portion of the property with the balance of the lands being available for employment uses. They noted that an enhanced parking arrangement and fencing at the front of the property would be appropriate for the proper functioning of the motor vehicle sales operation.

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

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



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Accordingly, the Committee resolves to authorize and grant the request for a temporary period of three (3) years and is to expire and terminate on or before August 31, 2018 and is subject to the following conditions:

1. The applicant shall proceed in accordance with the site plan reviewed by the Committee.
2. The applicant shall submit the outstanding \$200 deferral fee to the Committee of Adjustment office.

MOVED BY: J. Page SECONDED BY: J. Robinson CARRIED

Application Approved on conditions as stated.

Dated at the City of Mississauga on July 16, 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 AUGUST 5, 2015.

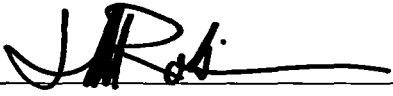
Date of mailing is July 20, 2015.



 S. PATRIZIO (CHAIR)

ABSENT


 D. GEORGE




 J. ROBINSON

ABSENT

 D. KENNEDY



 J. PAGE



 D. REYNOLDS

ABSENT

 P. QUINN

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