



COMMITTEE OF ADJUSTMENT AGENDA

Location: COUNCIL CHAMBER

Hearing: JULY 23, 2015 AT 1:30 P.M.

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

File	Name of Applicant	Location of Land	Ward	Disposition
<u>NEW APPLICATIONS - (CONSENT)</u>				
B-030/15	JULIE LOFRANCO	1628 NORTHMOUNT AVE	1	Approved
A-315/15				
A-316/15				
B-031/15	RUI SANTOS	1294 ALEXANDRA AVE	1	Approved
A-328/15				
B-032/15	ALDA MARIA & JOSE ORNELAS	1298 ALEXANDRA AVE	1	Approved
A-329/15				
B-033/15	WENDY WELLS & KEVIN ANDREW	1302 ALEXANDRA AVE	1	Approved
A-330/15	NAYSMITH			
B-034/15	TADEUSZ KAZMIERCZAK	1304 ALEXANDRA AVE	1	Approved
A-331/15				
B-035/15	MARIA NEVES	1308 ALEXANDRA AVE	1	Approved
A-332/15				
B-036/15	FRANCESCO PENTO	1312 ALEXANDRA AVE	1	Approved
A-333/15				
B-037/15	IWONA REMBACZ	1318 ALEXANDRA AVE	1	Approved
<u>NEW APPLICATIONS - (MINOR VARIANCE)</u>				
A-312/15	THE RESTORATION GROUP	680 BOOKHAM CRES	4	Approved
A-313/15	ANA & GILBERTO DUTRA	1105 WESTMOUNT AVE	1	Approved
A-314/15	ALLISON ADDISON	1399 CRESCENT RD	2	Approved
A-317/15	BRYANT TSE	1571 DOUGLAS DR	1	Withdrawn
A-318/15	CONESTOGA COLD STORAGE	2660 MEADOWPINE BLVD	9	Approved
A-319/15	FERAS SALAMEH	2260 DOULTON DR	8	Aug. 20
A-320/15	DOMENIC Malfara	2630 MISSISSAUGA RD	8	Approved
A-321/15	RON FISICO	2610 MISSISSAUGA RD	8	Approved
A-322/15	WHITEROCK 6501-6523 MISSISSAUGA RD. MISSISSAUGA INC	6521 MISSISSAUGA RD	11	Approved
A-323/15	GURMAIL SINGH RIARH	5684 BRIGHTPOOL CRES	6	Approved
A-324/15	LEONA ZAKAIB	934 HAMPTON CRES	1	Approved
A-325/15	2209449 ONTARIO INC	455 GIBRALTAR DR	5	Withdrawn
A-326/15	678604 ONTARIO LTD.	4870-4926 TOMKEN RD	3	Approved
A-327/15	MONIKA & PIOTR KAMYCKI	2171 HILLFIELD CRT	7	Approved
<u>DEFERRED APPLICATIONS - (MINOR VARIANCE)</u>				
A-261/15	SSRA HOLDINGS INC	2107 PARKER DR	7	Aug. 20
A-274/15	MITCH TRIPO	1301 QUEEN VICTORIA AVE	2	Approved
A-303/15	KANEFF HOMES COMPASS CREEK INC.	202-204 BURNHAMTHORPE RD E	4	Oct. 29

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

JULIE LOFRANCO

on Thursday July 23, 2015

Julie Lofranco is the owner of 1628 Northmount Avenue being Lot 47, Registered Plan 308, zoned RM1 – Residential. The applicant requests the consent of the Committee to convey a parcel of land having a lot frontage of approximately 10.67m (35.01ft.) and an area of approximately 988.83m² (1,0643 sq. ft.). The effect of the application is to create a new lot for residential purposes.

The lands are also subject to Minor Variance files 'A' 315/15 & 'A' 316/15.

Mr. N. Espinola, authorized agent, attended and presented the subject application for the partitioning of the subject property into two residential lots. Mr. Espinola advised the Committee that the proposed conveyed and retained lots would have a deficiency for lot frontage and that one of the side yards of each property would be deficient in width in order to construct the desired dwellings.

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 17, 2015),
City of Mississauga, Transportation and Works Department (July 23, 2015),
City of Mississauga, Community Services Department, Park Planning (July 20, 2015),
Region of Peel, Environment, Transportation and Planning Services (July 20, 2015),
Credit Valley Conservation (July 16, 2015),
Ministry of Transportation (July 8, 2015),

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. Espinola consented to the imposition of the proposed conditions.

The Committee, after considering the submissions put forward by Mr. Espinola, 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, 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 conveyed 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 of Zoning Plan Examination, indicating that the conveyed land and retained lands comply with the provisions of the Zoning By-law, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding. ("A" 315/15 & 316/15)
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 23, 2015.
5. A letter shall be received from the City of Mississauga, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated July 20, 2015.
6. A letter shall be received from the Credit Valley Conservation indicating that satisfactory arrangements have been made with respect to payment of the \$410 "Review Fee".



File: "B" 030/15
WARD 1

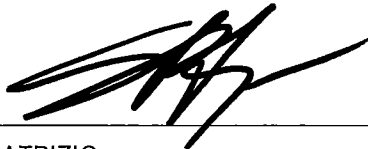
MOVED BY: S. Patrizio SECONDED BY: D. George CARRIED

Application Approved on conditions as stated.

Dated at the City of Mississauga on July 30, 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 20, 2015.

Date of mailing is July 31, 2015.



S. PATRIZIO



J. ROBINSON (CHAIR)



J. PAGE



D. GEORGE



D. KENNEDY

ABSENT

D. REYNOLDS

ABSENT

P. QUINN

I certify this to be a true copy of the Committee's decision given on July 30, 2015.



DAVID L. MARTIN, 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 August 3, 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

JULIE LOFRANCO

on Thursday July 23, 2015

Julie Lofranco is the owner of 1628 Northmount Avenue being Lot 47, Registered Plan 308, zoned RM1 – Residential. The applicant requests the Committee to authorize a minor variance to permit the creation of a lot (being the "retained" land of Consent application "B" 030/15) proposing:

1. a lot frontage of 10.67m (35.02ft.); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 12.00m (39.37ft.) in this instance; and,
2. a northerly side yard of 1.09m (3.58ft.) to the proposed new dwelling; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (3.93ft.) in this instance.

Mr. N. Espinola, authorized agent, attended and presented the subject application for the partitioning of the subject property into two residential lots. Mr. Espinola advised the Committee that the proposed conveyed and retained lots would have a deficiency for lot frontage and that one of the side yards of each property would be deficient in width in order to construct the desired dwellings.

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

The City of Mississauga Planning and Building Department commented as follows (July 27, 2015):

"1.0 RECOMMENDATION"

The Planning and Building Department has no objection to the Consent application, provided that the severed and retained lands comply with the provisions of By-law 0225-2007, as amended. Further, we have no objection to the requested variances. However, the applicant may wish to defer the application to provide the requested information to ensure that all required variances have been accurately identified.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Discussion:

Section 16.1.2.1 of Mississauga Official Plan states that,



MISSISSAUGA

File: "A" 315/15
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: "RM1", Residential

3.0 OTHER APPLICATIONS

☒ *Pre-Zoning Review* File: PZONE15-5630

4.0 COMMENTS

Based on a review of the Pre-Zoning Review application, the variances as requested appear to be correct. However, without the benefit of a surveyor's certificate, we are unable to verify the accuracy of the requested variances for lot frontage.

In regards to Section 16.1.2.1 of Mississauga Official Plan, we advise that the average frontage of lots within 120 m (393.70 ft.) is 14.91 m (48.92 ft.) whereas the frontages of the proposed lots will be 10.67 m (35.01 ft.). The average area of lots within 120 m (393.70 ft.) is 1155 m² (12,432.30 sq. ft.) whereas the area of the proposed lots will be 990 m² (10,656.30 sq. ft.).

Although this Department does not typically support Consent applications that require minor variances for deficient frontage, in review of lots within the area, it is our opinion that the proposed lots would be consistent with lots within the vicinity. Northmount Avenue contains several properties with similar frontages, in particular to the south of the subject property.

In regards to the requests for northerly side yard, we would recommend that the applicant consider re-siting the dwelling for the northerly lot, such that the deficient side yard would be for the southerly side. The resulting deficiencies would be located between the two proposed dwellings, and required setbacks to all other existing neighbouring properties would be maintained.

Based on the preceding information, we have no objection to the Consent application, provided that the severed and retained lands comply with the provisions of By-law 0225-2007, as amended, or alternatively, that any minor variance(s) is approved, final and binding, and/or the demolition of any existing building(s) is complete. Further, should the applicant revise the proposal as recommended above, we would have no objection to the requested variances."

The City of Mississauga Transportation and Works Department commented as follows (July 16, 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' 30/15 and also through the Building Permit process."

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

"Please be advised that severing the lands may adversely affect the location of the existing water and sanitary sewer services. The applicant will be required to install new water / sanitary servicing connections to any severed or retained land that does not maintain access to existing servicing. If new servicing connections are required, they shall be installed in



MISSISSAUGA

File: "A" 315/15

WARD 1

compliance with the Ontario Building Code and the Region of Peel's Water and Sanitary Sewer Design Criteria. Regional Site Servicing approvals will be required prior to the issuance of a Building Permit."

The Ministry of Transportation commented as follows (July 8, 2015):

"The Ministry has no objection in principle to the proposed severance. However, please note that both lands; Severed and Retained are located within the ministry permit control area therefore the owner should be aware that once the consent will be granted any changes to these lands will be the subject of our review and approval process.

The applicant should also be aware that an MTO Building and Land Use Permit will be required for all above and below ground new structure, located within 396m of a ministry intersection.

We would like to request a copy of the Committee of Adjustment decision related to the above mentioned severance application."

No other persons expressed any interest in the application.

Mr. Espinola upon hearing the comments of the Committee and the Planning and Building Department, requested that the application be amended in accordance with their recommendations with respect to the side yard deficiency.

The Committee consented to the request and, after considering the submissions put forward by Mr. Espinola 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" 315/15
WARD 1

Accordingly, the Committee resolves to authorize and grant the amended request to permit the creation of a lot (being the "retained" land of Consent application "B" 030/15) proposing:

1. a lot frontage of 10.67m (35.02ft.); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 12.00m (39.37ft.) in this instance; and,
2. a southerly side yard of 1.09m (3.58ft.) to the proposed new dwelling; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (3.93ft.) in this instance.




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

Application Approved, as amended.

Dated at the City of Mississauga on July 30, 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 19, 2015.

Date of mailing is July 31, 2015.


S. PATRIZIO
D. GEORGE
J. ROBINSON (CHAIR)
D. KENNEDY
J. PAGE

ABSENT
D. REYNOLDS

ABSENT
P. QUINN

I certify this to be a true copy of the Committee's decision given on July 30, 2015.


DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

COMMITTEE OF ADJUSTMENT

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

JULIE LOFRANCO

on Thursday July 23, 2015

Julie Lofranco is the owner of 1628 Northmount Avenue being Lot 47, Registered Plan 308, zoned RM1 – 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" 030/15) proposing:

1. a lot frontage of 10.67m (35.02ft.); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 12.00m (39.37ft.) in this instance
2. a southerly side yard of 1.09m (3.58ft.) to the new proposed dwelling; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (3.94ft.) in this instance.

Mr. N. Espinola, authorized agent, attended and presented the subject application for the partitioning of the subject property into two residential lots. Mr. Espinola advised the Committee that the proposed conveyed and retained lots would have a deficiency for lot frontage and that one of the side yards of each property would be deficient in width in order to construct the desired dwellings.

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

The City of Mississauga Planning and Building Department commented as follows (July 27, 2015):

"1.0 RECOMMENDATION"

The Planning and Building Department has no objection to the Consent application, provided that the severed and retained lands comply with the provisions of By-law 0225-2007, as amended. Further, we have no objection to the requested variances. However, the applicant may wish to defer the application to provide the requested information to ensure that all required variances have been accurately identified.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Discussion:

Section 16.1.2.1 of Mississauga Official Plan states that,



MISSISSAUGA

File: "A" 316/15
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: "RM1", Residential

3.0 OTHER APPLICATIONS

☒ *Pre-Zoning Review* File: PZONE15-5630

4.0 COMMENTS

Based on a review of the Pre-Zoning Review application, the variances as requested appear to be correct. However, without the benefit of a surveyor's certificate, we are unable to verify the accuracy of the requested variances for lot frontage.

In regards to Section 16.1.2.1 of Mississauga Official Plan, we advise that the average frontage of lots within 120 m (393.70 ft.) is 14.91 m (48.92 ft.) whereas the frontages of the proposed lots will be 10.67 m (35.01 ft.). The average area of lots within 120 m (393.70 ft.) is 1155 m² (12,432.30 sq. ft.) whereas the area of the proposed lots will be 990 m² (10,656.30 sq. ft.).

Although this Department does not typically support Consent applications that require minor variances for deficient frontage, in review of lots within the area, it is our opinion that the proposed lots would be consistent with lots within the vicinity. Northmount Avenue contains several properties with similar frontages, in particular to the south of the subject property.

In regards to the requests for northerly side yard, we would recommend that the applicant consider re-siting the dwelling for the northerly lot, such that the deficient side yard would be for the southerly side. The resulting deficiencies would be located between the two proposed dwellings, and required setbacks to all other existing neighbouring properties would be maintained.

Based on the preceding information, we have no objection to the Consent application, provided that the severed and retained lands comply with the provisions of By-law 0225-2007, as amended, or alternatively, that any minor variance(s) is approved, final and binding, and/or the demolition of any existing building(s) is complete. Further, should the applicant revise the proposal as recommended above, we would have no objection to the requested variances."

The City of Mississauga Transportation and Works Department commented as follows (July 16, 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' 30/15 and also through the Building Permit process."

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

"Please be advised that severing the lands may adversely affect the location of the existing water and sanitary sewer services. The applicant will be required to install new water / sanitary servicing connections to any severed or retained land that does not maintain access to existing servicing. If new servicing connections are required, they shall be installed in



MISSISSAUGA

File: "A" 316/15
WARD 1

compliance with the Ontario Building Code and the Region of Peel's Water and Sanitary Sewer Design Criteria. Regional Site Servicing approvals will be required prior to the issuance of a Building Permit."

The Ministry of Transportation commented as follows (July 8, 2015):

"The Ministry has no objection in principle to the proposed severance. However, please note that both lands; Severed and Retained are located within the ministry permit control area therefore the owner should be aware that once the consent will be granted any changes to these lands will be the subject of our review and approval process.

The applicant should also be aware that an MTO Building and Land Use Permit will be required for all above and below ground new structure, located within 396m of a ministry intersection.

We would like to request a copy of the Committee of Adjustment decision related to the above mentioned severance application."

No other persons expressed any interest in the application.

Mr. Espinola upon hearing the comments of the Committee and the Planning and Building Department, requested that the application be amended in accordance with their recommendations with respect to the side yard deficiency.

The Committee consented to the request and, after considering the submissions put forward by Mr. Espinola 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" 316/15
WARD 1

Accordingly, the Committee resolves to authorize and grant the amended request to permit the creation of a lot (being the "severed" land of Consent application "B" 030/15) proposing:

1. a lot frontage of 10.67m (35.02ft.); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 12.00m (39.37ft.) in this instance
2. a northerly side yard of 1.09m (3.58ft.) to the new proposed dwelling; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (3.94ft.) in this instance.


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

Application Approved, as amended.

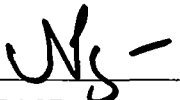
Dated at the City of Mississauga on July 30, 2015.

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 19, 2015.

Date of mailing is July 31, 2015.


S. PATRIZIO


J. ROBINSON (CHAIR)


J. PAGE

ABSENT
P. QUINN


D. GEORGE


D. KENNEDY

ABSENT
D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on July 30, 2015.


DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 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

RUI SANTOS

on Thursday July 23, 2015

Rui Santos is the owner of 1294 Alexandra Avenue being Part of Lot 33, Registered Plan C-21, zoned R5-48 & RM1 – Residential. The applicant requests the consent of the Committee to convey a parcel of land having a frontage of approximately 9.75m (31.99ft.) and an area of approximately 502.80m² (5,412.09 sq. ft.). The effect of the application is to create a parcel of land to be consolidated with other adjacent land, forming a new lot for residential development purposes.

The lands are also subject to Minor Variance file 'A' 328/15.

Mr. J. Levac, authorized agent, attended and presented the subject application to partition a portion of the rear yard from the property to facilitate the necessary land assembly to finalize a draft Plan of Subdivision. Mr. Levac advised the Committee that the proposed conveyed lands and proposed conveyed rear yards of the surrounding properties had been subject to an approved Official Plan Amendment and Zoning By-law Amendment applications to allow for the consolidated lands to be developed for several residential lots and to facilitate the expansion of Seventh Street. Mr. Levac noted that the subject property was exceedingly deep and that a sufficient lot area would remain for the retained lands. He noted that the retained lands contained various historical deficiencies with respect to the lot frontage and front and side yards. Mr. Levac suggested that it would be appropriate to proceed in obtaining relief for these deficiencies for legal purposes.

Mr. Levac noted that the consolidated property that the conveyed lands would form would have frontage onto Seventh Street. Mr. Levac noted that Planning staff requested for the applications proceed through the Consent process rather than through Part Lot Control to allow for the development be subject to public circulation.

The Committee received comments and recommendations from the following agencies:

City of Mississauga, Planning and Building Department (July 21, 2015),
City of Mississauga, Transportation and Works Department (July 23, 2015),
Region of Peel, Environment, Transportation and Planning Services (July 20, 2015),
Ministry of Transportation (July 8, 2015),

Mr. Levac indicated that he wished to proceed with the subject application without amendment. He indicated that the Planning report did not accurately reflect the nature of the proposal and that he wished to proceed with the application as stated.

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, 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 conveyed 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 of Zoning Plan Examination, indicating that the resultant lot of Consent applications B31/15 to B37/15 and the retained lands comply with the provisions of the Zoning By-law, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding. ("A" 328/15)
4. A letter shall be received from the Region of Peel, Environment, Transportation and Planning Services, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated July 20, 2015.
5. A solicitor's undertaking shall be received which shall be to the effect that, at the time of registration of the transfer to which the Secretary-Treasurer's Certificate under the Planning Act, is affixed, the conveyed land and the abutting lands being the conveyed lands of Consent applications B31/15 to B37/15, shall be "merged" for Planning Act purposes [see subsections 50(3) and/or 50(5)].
6. An undertaking shall be received from a solicitor confirming that the legal description of the "resultant" lot (being the conveyed lands of Consent applications B31/15 to B37/15) and the legal description in any mortgage(s) or charge(s) encumbering any part of the "resultant" parcel will be identical within four (4) weeks of the date of the Secretary-Treasurer's Certificate under the Planning Act, or alternatively, that no part of the "resultant" lot is encumbered by any mortgage(s)/charge(s) etc.
7. Subsection 50(3) and/or 50(5) of the Planning Act, shall apply to any subsequent conveyance or transaction and the Secretary-Treasurer's Certificate shall contain reference to this stipulation.

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

Application Approved on conditions as stated.

Dated at the City of Mississauga on July 30, 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 20, 2015.

Date of mailing is July 31, 2015.



S. PATRIZIO



D. GEORGE



J. ROBINSON (CHAIR)



D. KENNEDY



J. PAGE

ABSENT

D. REYNOLDS

ABSENT

P. QUINN

I certify this to be a true copy of the Committee's decision given on July 30, 2015.


DAVID L. MARTIN, 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 August 3, 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

RUI SANTOS

on Thursday July 23, 2015

Rui Santos is the owner of 1294 Alexandra Avenue being Part of Lot 33, Registered Plan C-21, zoned R5-48 & RM1 – Residential. The applicant requests the Committee to authorize a minor variance to permit the creation of a lot (being the "retained" land of Consent application "B" 031/15) proposing a lot frontage of 11.12m (36.48ft.); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 12.00m (39.37ft.) in this instance.

Mr. J. Levac, authorized agent, attended and presented the subject application to partition a portion of the rear yard from the property to facilitate the necessary land assembly to finalize a draft Plan of Subdivision. Mr. Levac advised the Committee that the proposed conveyed lands and proposed conveyed rear yards of the surrounding properties had been subject to an approved Official Plan Amendment and Zoning By-law Amendment applications to allow for the consolidated lands to be developed for several residential lots and to facilitate the expansion of Seventh Street. Mr. Levac noted that the subject property was exceedingly deep and that a sufficient lot area would remain for the retained lands. He noted that the retained lands contained a historical deficiency with respect to the lot frontage. Mr. Levac suggested that it would be appropriate to proceed in obtaining relief for this deficiency for legal purposes.

Mr. Levac noted that the consolidated property that the conveyed lands would form would have frontage onto Seventh Street. Mr. Levac noted that Planning staff requested for the applications proceed through the Consent process rather than through Part Lot Control to allow for the development be subject to public circulation.

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

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

1.0 RECOMMENDATION

The Planning and Building Department has no objection to the Consent applications, provided that the severed and retained lands comply with the provisions of By-law 0225-2007, as amended. Further, we have no objection to the requested variances, as amended.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007



MISSISSAUGA

File: "A" 328/15
WARD 1

Zoning: "RM1", Residential; "R5-48", Residential

3.0 OTHER APPLICATIONS

<input checked="" type="checkbox"/> Rezoning/Official	Plan	Amendment	File:	OZ	13-012	W1
<input checked="" type="checkbox"/> Plan of Subdivision	File: T-M14001 W1					

4.0 COMMENTS

For all of the Consent applications, we note that the subject properties are zoned both 'RM1' and 'R5-48' and therefore we recommend that the Consent requests be amended accordingly.

For all of the Minor Variance applications, we advise that the requested variances are not required. However, additional variances are required as described below.

For 'B' 31/15, 'B' 32/15, 'B' 35/15, 'B' 36/15 and 'B' 37/15, we note that the severed parcels appear to have no lot frontage on a road, whereas a minimum of 10.5 m (34.44 ft.) is required. Therefore, the Minor Variance applications associated with the Consent applications should be amended as follows:

For 'A' 328/15:

"to permit the creation of a lot (being the severed land of Consent application 'B' 31/15) having no frontage on a street; whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 10.5 m (34.44 ft.) in this instance."

For 'A' 329/15:

"to permit the creation of a lot (being the severed land of Consent application 'B' 32/15) having no frontage on a street; whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 10.5 m (34.44 ft.) in this instance."

For 'A' 332/15:

"to permit the creation of a lot (being the severed land of Consent application 'B' 35/15) having no frontage on a street; whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 10.5 m (34.44 ft.) in this instance."

For 'A' 333/15:

"to permit the creation of a lot (being the severed land of Consent application 'B' 36/15) having no frontage on a street; whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 10.5 m (34.44 ft.) in this instance."

We note that for 'B' 37/15, there is no associated Minor Variance application. Approval of a minor variance will be required to fulfill the condition of final Consent.

We advise that the subject lands recently underwent a Rezoning and Official Plan Amendment application, under file OZ 13/012 W1, in conjunction with a Plan of Subdivision application, under file T-M14001 W1. The applications proposed the easterly extension of Seventh Street, and the creation of eight lots for detached dwellings. The enacting by-law to implement the site specific Zoning By-law and Official Plan amendment was adopted by Council on June 10, 2015.

The purpose of the subject Consent applications is to sever the rear portions of the properties located at 1294, 1298, 1302, 1304, 1308, 1312 and 1318 Alexandra Avenue. By purchase and sale agreement, we note that the proposed parcels will be consolidated in order to proceed with the development as approved under files OZ 13/012 and T-M14001.



MISSISSAUGA

File: "A" 328/15

WARD 1

The Minor Variance and Consent applications will facilitate the redevelopment of the subject lands, as intended through the associated development applications, and we believe them to be appropriate in this instance.

Based on the preceding information, we have no objection to the Consent applications, provided that the severed and retained lands comply with the provisions of By-law 0225-2007, as amended, or alternatively, that any minor variance(s) is approved, final and binding and/or the demolition of existing building(s) is complete. Further, we have no objection to the requested variances, as amended."

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

"This department has no objections to the applicant's request. We are noting for information purposes that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 31-37/15."

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

"Please be advised that the resulting severed properties will not have frontage to municipal water and sanitary sewer, therefore, private servicing easements will be required to allow the proposed lots access to services. Servicing for the retained and severed lots shall be in compliance with the Ontario Building Code and the Region of Peel's Water and Sanitary Sewer Design Criteria. Regional Site Servicing approvals will be required prior to the issuance of a Building Permit."

The Ministry of Transportation commented as follows (July 8, 2015):

"Further to the above noted circulations please note that the ministry has no concerns and comments to offer as these subject properties are beyond the ministry permit control area and permits are not required. We do not need to be circulated further on any development proposal for these sites."

No other persons expressed any interest in the application.

Mr. Levac indicated that he wished to proceed with the subject application without amendment. He indicated that the Planning report did not accurately reflect the nature of the proposal and that he wished to proceed with the application as stated.

The Committee after considering the submissions put forward by Mr. Levac 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" 328/15
WARD 1

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

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

Application Approved.

Dated at the City of Mississauga on July 30, 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 19, 2015.

Date of mailing is July 31, 2015.

S. PATRIZIO

D. GEORGE

J. ROBINSON (CHAIR)

D. KENNEDY

J. PAGE

ABSENT

D. REYNOLDS

ABSENT

P. QUINN

I certify this to be a true copy of the Committee's decision given on July 30, 2015.

DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.



COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 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

ALDA & JOSE ORNELAS

on Thursday July 23, 2015

Alda & Jose Ornelas are the owners of 1298 Alexandra Avenue being Part of Lot 32, Registered Plan C-21 South, zoned R5-48 & RM1 – Residential. The applicant requests the consent of the Committee to convey a parcel of land having a frontage of approximately 9.75m (31.99ft.) and an area of approximately 502.80m² (5,412.09 sq. ft.). The effect of the application is to create a parcel of land to be consolidated with other adjacent land, forming a new lot for residential development purposes.

The lands are also subject to Minor Variance file 'A' 329/15.

Mr. J. Levac, authorized agent, attended and presented the subject application to partition a portion of the rear yard from the property to facilitate the necessary land assembly to finalize a draft Plan of Subdivision. Mr. Levac advised the Committee that the proposed conveyed lands and proposed conveyed rear yards of the surrounding properties had been subject to an approved Official Plan Amendment and Zoning By-law Amendment applications to allow for the consolidated lands to be developed for several residential lots and to facilitate the expansion of Seventh Street. Mr. Levac noted that the subject property was exceedingly deep and that a sufficient lot area would remain for the retained lands. He noted that the retained lands contained various historical deficiencies with respect to the lot frontage and front and side yards. Mr. Levac suggested that it would be appropriate to proceed in obtaining relief for these deficiencies for legal purposes.

Mr. Levac noted that the consolidated property that the conveyed lands would form would have frontage onto Seventh Street. Mr. Levac noted that Planning staff requested for the applications proceed through the Consent process rather than through Part Lot Control to allow for the development be subject to public circulation.

The Committee received comments and recommendations from the following agencies:

City of Mississauga, Planning and Building Department (July 21, 2015),
City of Mississauga, Transportation and Works Department (July 23, 2015),
Region of Peel, Environment, Transportation and Planning Services (July 20, 2015),
Ministry of Transportation (July 8, 2015),

Mr. Levac indicated that he wished to proceed with the subject application without amendment. He indicated that the Planning report did not accurately reflect the nature of the proposal and that he wished to proceed with the application as stated.

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, 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 conveyed 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 of Zoning Plan Examination, indicating that the resultant lot of Consent applications B31/15 to B37/15 and the retained lands comply with the provisions of the Zoning By-law, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding. ("A" 329/15)
4. A letter shall be received from the Region of Peel, Environment, Transportation and Planning Services, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated July 20, 2015.
5. A solicitor's undertaking shall be received which shall be to the effect that, at the time of registration of the transfer to which the Secretary-Treasurer's Certificate under the Planning Act, is affixed, the conveyed land and the abutting lands being the conveyed lands of Consent applications B31/15 to B37/15, shall be "merged" for Planning Act purposes [see subsections 50(3) and/or 50(5)].
6. An undertaking shall be received from a solicitor confirming that the legal description of the "resultant" lot (being the conveyed lands of Consent applications B31/15 to B37/15) and the legal description in any mortgage(s) or charge(s) encumbering any part of the "resultant" parcel will be identical within four (4) weeks of the date of the Secretary-Treasurer's Certificate under the Planning Act, or alternatively, that no part of the "resultant" lot is encumbered by any mortgage(s)/charge(s) etc.
7. Subsection 50(3) and/or 50(5) of the Planning Act, shall apply to any subsequent conveyance or transaction and the Secretary-Treasurer's Certificate shall contain reference to this stipulation.

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

Application Approved on conditions as stated.

Dated at the City of Mississauga on July 30, 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 20, 2015.

Date of mailing is July 31, 2015.




S. PATRIZIO




D. GEORGE



J. ROBINSON (CHAIR)



D. KENNEDY



J. PAGE

ABSENT
D. REYNOLDS

ABSENT
P. QUINN

I certify this to be a true copy of the Committee's decision given on July 30, 2015.



DAVID L. MARTIN, 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 August 3, 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

ALDA & JOSE ORNELAS

on Thursday July 23, 2015

Alda & Jose Ornelas are the owners of 1298 Alexandra Avenue being Part of Lot 32, Registered Plan C-21, zoned R5-48 & RM1 – Residential. The applicants request the Committee to authorize a minor variance to permit the creation of a lot (being the "retained" land of Consent application "B" 032/15) proposing:

1. an existing lot frontage of 11.12m (36.48ft.); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 12.00m (39.37ft.) in this instance; and,
2. an existing side yard of 1.18m (3.87ft.) to the dwelling; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (3.94ft.) in this instance.

Mr. J. Levac, authorized agent, attended and presented the subject application to partition a portion of the rear yard from the property to facilitate the necessary land assembly to finalize a draft Plan of Subdivision. Mr. Levac advised the Committee that the proposed conveyed lands and proposed conveyed rear yards of the surrounding properties had been subject to an approved Official Plan Amendment and Zoning By-law Amendment applications to allow for the consolidated lands to be developed for several residential lots and to facilitate the expansion of Seventh Street. Mr. Levac noted that the subject property was exceedingly deep and that a sufficient lot area would remain for the retained lands. He noted that the retained lands contained historical deficiencies with respect to the lot frontage and side yard width. Mr. Levac suggested that it would be appropriate to proceed in obtaining relief for these deficiencies for legal purposes.

Mr. Levac noted that the consolidated property that the conveyed lands would form would have frontage onto Seventh Street. Mr. Levac noted that Planning staff requested for the applications proceed through the Consent process rather than through Part Lot Control to allow for the development be subject to public circulation.

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

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

"1.0 RECOMMENDATION"

The Planning and Building Department has no objection to the Consent applications, provided that the severed and retained lands comply with the provisions of By-law 0225-2007, as amended. Further, we have no objection to the requested variances, as amended.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: "RM1", Residential; "R5-48", Residential

3.0 OTHER APPLICATIONS

<input checked="" type="checkbox"/>	<i>Rezoning/Official</i>	<i>Plan</i>	<i>Amendment</i>	File:	OZ	13-012	W1
<input checked="" type="checkbox"/>	<i>Plan of Subdivision</i>	File: T-M14001 W1					

4.0 COMMENTS

For all of the Consent applications, we note that the subject properties are zoned both 'RM1' and 'R5-48' and therefore we recommend that the Consent requests be amended accordingly.

For all of the Minor Variance applications, we advise that the requested variances are not required. However, additional variances are required as described below.

For 'B' 31/15, 'B' 32/15, 'B' 35/15, 'B' 36/15 and 'B' 37/15, we note that the severed parcels appear to have no lot frontage on a road, whereas a minimum of 10.5 m (34.44 ft.) is required. Therefore, the Minor Variance applications associated with the Consent applications should be amended as follows:

For 'A' 328/15:

"to permit the creation of a lot (being the severed land of Consent application 'B' 31/15) having no frontage on a street; whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 10.5 m (34.44 ft.) in this instance."

For 'A' 329/15:

"to permit the creation of a lot (being the severed land of Consent application 'B' 32/15) having no frontage on a street; whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 10.5 m (34.44 ft.) in this instance."

For 'A' 332/15:

"to permit the creation of a lot (being the severed land of Consent application 'B' 35/15) having no frontage on a street; whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 10.5 m (34.44 ft.) in this instance."

For 'A' 333/15:

"to permit the creation of a lot (being the severed land of Consent application 'B' 36/15) having no frontage on a street; whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 10.5 m (34.44 ft.) in this instance."

We note that for 'B' 37/15, there is no associated Minor Variance application. Approval of a minor variance will be required to fulfill the condition of final Consent.

We advise that the subject lands recently underwent a Rezoning and Official Plan Amendment application, under file OZ 13/012 W1, in conjunction with a Plan of Subdivision application, under file T-M14001 W1. The applications proposed the easterly extension of Seventh Street, and the creation of eight lots for detached dwellings. The enacting by-law to



File: "A" 329/15
WARD 1

implement the site specific Zoning By-law and Official Plan amendment was adopted by Council on June 10, 2015.

The purpose of the subject Consent applications is to sever the rear portions of the properties located at 1294, 1298, 1302, 1304, 1308, 1312 and 1318 Alexandra Avenue. By purchase and sale agreement, we note that the proposed parcels will be consolidated in order to proceed with the development as approved under files OZ 13/012 and T-M14001.

The Minor Variance and Consent applications will facilitate the redevelopment of the subject lands, as intended through the associated development applications, and we believe them to be appropriate in this instance.

Based on the preceding information, we have no objection to the Consent applications, provided that the severed and retained lands comply with the provisions of By-law 0225-2007, as amended, or alternatively, that any minor variance(s) is approved, final and binding and/or the demolition of existing building(s) is complete. Further, we have no objection to the requested variances, as amended."

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

"This department has no objections to the applicant's request. We are noting for information purposes that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 31-37/15."

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

"Please be advised that the resulting severed properties will not have frontage to municipal water and sanitary sewer, therefore, private servicing easements will be required to allow the proposed lots access to services. Servicing for the retained and severed lots shall be in compliance with the Ontario Building Code and the Region of Peel's Water and Sanitary Sewer Design Criteria. Regional Site Servicing approvals will be required prior to the issuance of a Building Permit."

The Ministry of Transportation commented as follows (July 8, 2015):

"Further to the above noted circulations please note that the ministry has no concerns and comments to offer as these subject properties are beyond the ministry permit control area and permits are not required. We do not need to be circulated further on any development proposal for these sites."

No other persons expressed any interest in the application.

Mr. Levac indicated that he wished to proceed with the subject application without amendment. He indicated that the Planning report did not accurately reflect the nature of the proposal and that he wished to proceed with the application as stated.

The Committee after considering the submissions put forward by Mr. Levac 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" 329/15
WARD 1

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

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

Application Approved.

Dated at the City of Mississauga on July 30, 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 19, 2015.

Date of mailing is July 31, 2015.

S. PATRIZIO

D. GEORGE

J. ROBINSON (CHAIR)

D. KENNEDY

J. PAGE

ABSENT

D. REYNOLDS

ABSENT

P. QUINN

I certify this to be a true copy of the Committee's decision given on July 30, 2015.

DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 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

WENDY WELLS & KEVIN ANDREW NAYSMITH

on Thursday July 23, 2015

Wendy Wells & Kevin Andrew Naysmith are the owners of 1302 Alexandra Avenue being Part of Lot 32, Registered Plan C-21, zoned R45-48 & RM1 – Residential. The applicant requests the consent of the Committee to convey a parcel of land having a frontage of approximately 9.75m (31.99ft.) and an area of approximately 502.80m² (5,412.09 sq. ft.). The effect of the application is to create a parcel of land to be consolidated with other adjacent land, forming a new lot for residential development purposes.

The lands are also subject to Minor Variance file 'A' 330/15.

Mr. J. Levac, authorized agent, attended and presented the subject application to partition a portion of the rear yard from the property to facilitate the necessary land assembly to finalize a draft Plan of Subdivision. Mr. Levac advised the Committee that the proposed conveyed lands and proposed conveyed rear yards of the surrounding properties had been subject to an approved Official Plan Amendment and Zoning By-law Amendment applications to allow for the consolidated lands to be developed for several residential lots and to facilitate the expansion of Seventh Street. Mr. Levac noted that the subject property was exceedingly deep and that a sufficient lot area would remain for the retained lands. He noted that the retained lands contained various historical deficiencies with respect to the lot frontage and front and side yards. Mr. Levac suggested that it would be appropriate to proceed in obtaining relief for these deficiencies for legal purposes.

Mr. Levac noted that the consolidated property that the conveyed lands would form would have frontage onto Seventh Street. Mr. Levac noted that Planning staff requested for the applications proceed through the Consent process rather than through Part Lot Control to allow for the development be subject to public circulation.

The Committee received comments and recommendations from the following agencies:

City of Mississauga, Planning and Building Department (July 21, 2015),
City of Mississauga, Transportation and Works Department (July 23, 2015),
Region of Peel, Environment, Transportation and Planning Services (July 20, 2015),
Ministry of Transportation (July 8, 2015),

Mr. Levac indicated that he wished to proceed with the subject application without amendment. He indicated that the Planning report did not accurately reflect the nature of the proposal and that he wished to proceed with the application as stated.

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, 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 conveyed 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 of Zoning Plan Examination, indicating that the resultant lot of Consent applications B31/15 to B37/15 and the retained lands comply with the provisions of the Zoning By-law, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding. ("A" 330/15)
4. A letter shall be received from the Region of Peel, Environment, Transportation and Planning Services, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated July 20, 2015.
5. A solicitor's undertaking shall be received which shall be to the effect that, at the time of registration of the transfer to which the Secretary-Treasurer's Certificate under the Planning Act, is affixed, the conveyed land and the abutting lands being the conveyed lands of Consent applications B31/15 to B37/15, shall be "merged" for Planning Act purposes [see subsections 50(3) and/or 50(5)].
6. An undertaking shall be received from a solicitor confirming that the legal description of the "resultant" lot (being the conveyed lands of Consent applications B31/15 to B37/15) and the legal description in any mortgage(s) or charge(s) encumbering any part of the "resultant" parcel will be identical within four (4) weeks of the date of the Secretary-Treasurer's Certificate under the Planning Act, or alternatively, that no part of the "resultant" lot is encumbered by any mortgage(s)/charge(s) etc.
7. Subsection 50(3) and/or 50(5) of the Planning Act, shall apply to any subsequent conveyance or transaction and the Secretary-Treasurer's Certificate shall contain reference to this stipulation.



File: "B" 033/15
WARD 1


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

Application Approved on conditions as stated.

Dated at the City of Mississauga on July 30, 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 20, 2015.

Date of mailing is July 31, 2015.



S. PATRIZIO



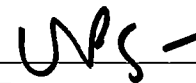
D. GEORGE



J. ROBINSON (CHAIR)



D. KENNEDY



J. PAGE

ABSENT

D. REYNOLDS

ABSENT

P. QUINN

I certify this to be a true copy of the Committee's decision given on July 30, 2015.



DAVID L. MARTIN, 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 August 3, 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

WENDY WELLS & KEVIN ANDREW NAYSMITH

on Thursday July 23, 2015

Wendy Wells & Kevin Andrew Naysmith are the owners of 1302 Alexandra Avenue being Part of Lot 32, Registered Plan C-21, zoned R5-48 & RM1 – Residential. The applicants request the Committee to authorize a minor variance to permit the creation of a lot (being the "retained" and of Consent application "B" 033/15) proposing:

1. an existing lot frontage of 11.12m (36.48ft.); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 12.00m (39.37ft.) in this instance;
2. an existing side yard of 1.13m (3.71ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (3.94ft.) in this instance; and,
3. an existing front yard of 5.98m (19.62ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 6.00m (19.69ft.) in this instance.

Mr. J. Levac, authorized agent, attended and presented the subject application to partition a portion of the rear yard from the property to facilitate the necessary land assembly to finalize a draft Plan of Subdivision. Mr. Levac advised the Committee that the proposed conveyed lands and proposed conveyed rear yards of the surrounding properties had been subject to an approved Official Plan Amendment and Zoning By-law Amendment applications to allow for the consolidated lands to be developed for several residential lots and to facilitate the expansion of Seventh Street. Mr. Levac noted that the subject property was exceedingly deep and that a sufficient lot area would remain for the retained lands. He noted that the retained lands contained historical deficiencies with respect to the lot frontage and front and side yards. Mr. Levac suggested that it would be appropriate to proceed in obtaining relief for these deficiencies for legal purposes.

Mr. Levac noted that the consolidated property that the conveyed lands would form would have frontage onto Seventh Street. Mr. Levac noted that Planning staff requested for the applications proceed through the Consent process rather than through Part Lot Control to allow for the development be subject to public circulation.

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



MISSISSAUGA

File: "A" 330/15
WARD 1

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

"1.0 RECOMMENDATION"

The Planning and Building Department has no objection to the Consent applications, provided that the severed and retained lands comply with the provisions of By-law 0225-2007, as amended. Further, we have no objection to the requested variances, as amended.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: "RM1", Residential; "R5-48", Residential

3.0 OTHER APPLICATIONS

<input checked="" type="checkbox"/>	Rezoning/Official	Plan	Amendment	File:	OZ	13-012	W1
<input checked="" type="checkbox"/>	Plan of Subdivision	File: T-M14001 W1					

4.0 COMMENTS

For all of the Consent applications, we note that the subject properties are zoned both 'RM1' and 'R5-48' and therefore we recommend that the Consent requests be amended accordingly.

For all of the Minor Variance applications, we advise that the requested variances are not required. However, additional variances are required as described below.

For 'B' 31/15, 'B' 32/15, 'B' 35/15, 'B' 36/15 and 'B' 37/15, we note that the severed parcels appear to have no lot frontage on a road, whereas a minimum of 10.5 m (34.44 ft.) is required. Therefore, the Minor Variance applications associated with the Consent applications should be amended as follows:

For 'A' 328/15:

"to permit the creation of a lot (being the severed land of Consent application 'B' 31/15) having no frontage on a street; whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 10.5 m (34.44 ft.) in this instance."

For 'A' 329/15:

"to permit the creation of a lot (being the severed land of Consent application 'B' 32/15) having no frontage on a street; whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 10.5 m (34.44 ft.) in this instance."

For 'A' 332/15:

"to permit the creation of a lot (being the severed land of Consent application 'B' 35/15) having no frontage on a street; whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 10.5 m (34.44 ft.) in this instance."

For 'A' 333/15:

"to permit the creation of a lot (being the severed land of Consent application 'B' 36/15) having no frontage on a street; whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 10.5 m (34.44 ft.) in this instance."

We note that for 'B' 37/15, there is no associated Minor Variance application. Approval of a minor variance will be required to fulfill the condition of final Consent.

We advise that the subject lands recently underwent a Rezoning and Official Plan Amendment application, under file OZ 13/012 W1, in conjunction with a Plan of Subdivision application, under file T-M14001 W1. The applications proposed the easterly extension of Seventh Street, and the creation of eight lots for detached dwellings. The enacting by-law to implement the site specific Zoning By-law and Official Plan amendment was adopted by Council on June 10, 2015.

The purpose of the subject Consent applications is to sever the rear portions of the properties located at 1294, 1298, 1302, 1304, 1308, 1312 and 1318 Alexandra Avenue. By purchase and sale agreement, we note that the proposed parcels will be consolidated in order to proceed with the development as approved under files OZ 13/012 and T-M14001.

The Minor Variance and Consent applications will facilitate the redevelopment of the subject lands, as intended through the associated development applications, and we believe them to be appropriate in this instance.

Based on the preceding information, we have no objection to the Consent applications, provided that the severed and retained lands comply with the provisions of By-law 0225-2007, as amended, or alternatively, that any minor variance(s) is approved, final and binding and/or the demolition of existing building(s) is complete. Further, we have no objection to the requested variances, as amended."

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

"This department has no objections to the applicant's request. We are noting for information purposes that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 31-37/15."

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

"Please be advised that the resulting severed properties will not have frontage to municipal water and sanitary sewer, therefore, private servicing easements will be required to allow the proposed lots access to services. Servicing for the retained and severed lots shall be in compliance with the Ontario Building Code and the Region of Peel's Water and Sanitary Sewer Design Criteria. Regional Site Servicing approvals will be required prior to the issuance of a Building Permit."

The Ministry of Transportation commented as follows (July 8, 2015):

"Further to the above noted circulations please note that the ministry has no concerns and comments to offer as these subject properties are beyond the ministry permit control area and permits are not required. We do not need to be circulated further on any development proposal for these sites."

No other persons expressed any interest in the application.



MISSISSAUGA

File: "A" 330/15
WARD 1

Mr. Levac indicated that he wished to proceed with the subject application without amendment. He indicated that the Planning report did not accurately reflect the nature of the proposal and that he wished to proceed with the application as stated.

The Committee after considering the submissions put forward by Mr. Levac and having reviewed the plans and comments received, is satisfied that the request is desirable for the appropriate further development of the subject property.

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

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

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

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

Application Approved.

Dated at the City of Mississauga on July 30, 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 19, 2015.

Date of mailing is July 31, 2015.


S. PATRIZIO


D. GEORGE


J. ROBINSON (CHAIR)


D. KENNEDY


J. PAGE

ABSENT
D. REYNOLDS

ABSENT
P. QUINN

I certify this to be a true copy of the Committee's decision given on July 30, 2015.


DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 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

TADEUSZ KAZMIERCZAK

on Thursday July 23, 2015

Tadeusz Kazmierczak is the owner of 1304 Alexandra Avenue being Part of Lot 31, Registered Plan C-21 South, zoned R5-48 & RM1 – Residential. The applicant requests the consent of the Committee to convey a parcel of land having a frontage of approximately 9.75m (31.99ft.) and an area of approximately 502.80m² (5,412.09 sq. ft.). The effect of the application is to create a parcel of land to be consolidated with other adjacent land, forming a new lot for residential development purposes.

The lands are also subject to Minor Variance file 'A' 331/15.

Mr. J. Levac, authorized agent, attended and presented the subject application to partition a portion of the rear yard from the property to facilitate the necessary land assembly to finalize a draft Plan of Subdivision. Mr. Levac advised the Committee that the proposed conveyed lands and proposed conveyed rear yards of the surrounding properties had been subject to an approved Official Plan Amendment and Zoning By-law Amendment applications to allow for the consolidated lands to be developed for several residential lots and to facilitate the expansion of Seventh Street. Mr. Levac noted that the subject property was exceedingly deep and that a sufficient lot area would remain for the retained lands. He noted that the retained lands contained various historical deficiencies with respect to the lot frontage and front and side yards. Mr. Levac suggested that it would be appropriate to proceed in obtaining relief for these deficiencies for legal purposes.

Mr. Levac noted that the consolidated property that the conveyed lands would form would have frontage onto Seventh Street. Mr. Levac noted that Planning staff requested for the applications proceed through the Consent process rather than through Part Lot Control to allow for the development be subject to public circulation.

The Committee received comments and recommendations from the following agencies:

City of Mississauga, Planning and Building Department (July 21, 2015),
City of Mississauga, Transportation and Works Department (July 23, 2015),
Region of Peel, Environment, Transportation and Planning Services (July 20, 2015),
Ministry of Transportation (July 8, 2015),

Mr. Levac indicated that he wished to proceed with the subject application without amendment. He indicated that the Planning report did not accurately reflect the nature of the proposal and that he wished to proceed with the application as stated.

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, 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 conveyed 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 of Zoning Plan Examination, indicating that the resultant lot of Consent applications B31/15 to B37/15 and the retained lands comply with the provisions of the Zoning By-law, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding. ("A" 331/15)
4. A letter shall be received from the Region of Peel, Environment, Transportation and Planning Services, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated July 20, 2015.
5. A solicitor's undertaking shall be received which shall be to the effect that, at the time of registration of the transfer to which the Secretary-Treasurer's Certificate under the Planning Act, is affixed, the conveyed land and the abutting lands being the conveyed lands of Consent applications B31/15 to B37/15, shall be "merged" for Planning Act purposes [see subsections 50(3) and/or 50(5)].
6. An undertaking shall be received from a solicitor confirming that the legal description of the "resultant" lot (being the conveyed lands of Consent applications B31/15 to B37/15) and the legal description in any mortgage(s) or charge(s) encumbering any part of the "resultant" parcel will be identical within four (4) weeks of the date of the Secretary-Treasurer's Certificate under the Planning Act, or alternatively, that no part of the "resultant" lot is encumbered by any mortgage(s)/charge(s) etc.
7. Subsection 50(3) and/or 50(5) of the Planning Act, shall apply to any subsequent conveyance or transaction and the Secretary-Treasurer's Certificate shall contain reference to this stipulation.

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

Application Approved on conditions as stated.

Dated at the City of Mississauga on July 30, 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 20, 2015.

Date of mailing is July 31, 2015.




S. PATRIZIO



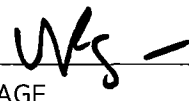
D. GEORGE



J. ROBINSON (CHAIR)



D. KENNEDY



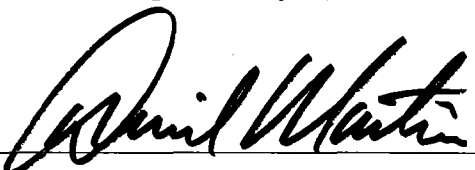
J. PAGE

_____ ABSENT
D. REYNOLDS

_____ ABSENT

P. QUINN

I certify this to be a true copy of the Committee's decision given on July 30, 2015.



DAVID L. MARTIN, 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 August 3, 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

TADEUSZ KAZMIERCZAK

on Thursday July 23, 2015

Tadeusz Kazmierczak is the owner of 1304 Alexandra Avenue being Part of Lot 31, Registered Plan C-21, zoned R5-48 & RM1 - Residential. The applicant requests the Committee to authorize a minor variance to permit the creation of a lot (being the "retained" land of Consent application "B" 034/15) proposing:

1. an existing lot frontage of 11.12m (36.48ft.); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 12.00m (39.37ft.) in this instance; and,
2. existing side yards of 0.33m (1.08ft.) and 0.65m (2.13ft.); whereas By-law 0225-2007, as amended, requires a minimum side yards of 1.20m (3.93ft.) on each side of the dwelling in this instance.

Mr. J. Levac, authorized agent, attended and presented the subject application to partition a portion of the rear yard from the property to facilitate the necessary land assembly to finalize a draft Plan of Subdivision. Mr. Levac advised the Committee that the proposed conveyed lands and proposed conveyed rear yards of the surrounding properties had been subject to an approved Official Plan Amendment and Zoning By-law Amendment applications to allow for the consolidated lands to be developed for several residential lots and to facilitate the expansion of Seventh Street. Mr. Levac noted that the subject property was exceedingly deep and that a sufficient lot area would remain for the retained lands. He noted that the retained lands contained historical deficiencies with respect to the lot frontage and side yards. Mr. Levac suggested that it would be appropriate to proceed in obtaining relief for these deficiencies for legal purposes.

Mr. Levac noted that the consolidated property that the conveyed lands would form would have frontage onto Seventh Street. Mr. Levac noted that Planning staff requested for the applications proceed through the Consent process rather than through Part Lot Control to allow for the development be subject to public circulation.

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



File: "A" 331/15
WARD 1

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

"1.0 RECOMMENDATION"

The Planning and Building Department has no objection to the Consent applications, provided that the severed and retained lands comply with the provisions of By-law 0225-2007, as amended. Further, we have no objection to the requested variances, as amended.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: "RM1", Residential; "R5-48", Residential

3.0 OTHER APPLICATIONS

<input checked="" type="checkbox"/>	Rezoning/Official	Plan	Amendment	File:	OZ	13-012	W1
<input checked="" type="checkbox"/>	Plan of Subdivision	File: T-M14001 W1					

4.0 COMMENTS

For all of the Consent applications, we note that the subject properties are zoned both 'RM1' and 'R5-48' and therefore we recommend that the Consent requests be amended accordingly.

For all of the Minor Variance applications, we advise that the requested variances are not required. However, additional variances are required as described below.

For 'B' 31/15, 'B' 32/15, 'B' 35/15, 'B' 36/15 and 'B' 37/15, we note that the severed parcels appear to have no lot frontage on a road, whereas a minimum of 10.5 m (34.44 ft.) is required. Therefore, the Minor Variance applications associated with the Consent applications should be amended as follows:

For 'A' 328/15:

"to permit the creation of a lot (being the severed land of Consent application 'B' 31/15) having no frontage on a street; whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 10.5 m (34.44 ft.) in this instance."

For 'A' 329/15:

"to permit the creation of a lot (being the severed land of Consent application 'B' 32/15) having no frontage on a street; whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 10.5 m (34.44 ft.) in this instance."

For 'A' 332/15:

"to permit the creation of a lot (being the severed land of Consent application 'B' 35/15) having no frontage on a street; whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 10.5 m (34.44 ft.) in this instance."

For 'A' 333/15:

"to permit the creation of a lot (being the severed land of Consent application 'B' 36/15) having no frontage on a street; whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 10.5 m (34.44 ft.) in this instance."

We note that for 'B' 37/15, there is no associated Minor Variance application. Approval of a minor variance will be required to fulfill the condition of final Consent.

We advise that the subject lands recently underwent a Rezoning and Official Plan Amendment application, under file OZ 13/012 W1, in conjunction with a Plan of Subdivision application, under file T-M14001 W1. The applications proposed the easterly extension of Seventh Street, and the creation of eight lots for detached dwellings. The enacting by-law to implement the site specific Zoning By-law and Official Plan amendment was adopted by Council on June 10, 2015.

The purpose of the subject Consent applications is to sever the rear portions of the properties located at 1294, 1298, 1302, 1304, 1308, 1312 and 1318 Alexandra Avenue. By purchase and sale agreement, we note that the proposed parcels will be consolidated in order to proceed with the development as approved under files OZ 13/012 and T-M14001.

The Minor Variance and Consent applications will facilitate the redevelopment of the subject lands, as intended through the associated development applications, and we believe them to be appropriate in this instance.

Based on the preceding information, we have no objection to the Consent applications, provided that the severed and retained lands comply with the provisions of By-law 0225-2007, as amended, or alternatively, that any minor variance(s) is approved, final and binding and/or the demolition of existing building(s) is complete. Further, we have no objection to the requested variances, as amended."

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

"This department has no objections to the applicant's request. We are noting for information purposes that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 31-37/15."

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

"Please be advised that the resulting severed properties will not have frontage to municipal water and sanitary sewer, therefore, private servicing easements will be required to allow the proposed lots access to services. Servicing for the retained and severed lots shall be in compliance with the Ontario Building Code and the Region of Peel's Water and Sanitary Sewer Design Criteria. Regional Site Servicing approvals will be required prior to the issuance of a Building Permit."

The Ministry of Transportation commented as follows (July 8, 2015):

"Further to the above noted circulations please note that the ministry has no concerns and comments to offer as these subject properties are beyond the ministry permit control area and permits are not required. We do not need to be circulated further on any development proposal for these sites."

No other persons expressed any interest in the application.



MISSISSAUGA

File: "A" 331/15
WARD 1

Mr. Levac indicated that he wished to proceed with the subject application without amendment. He indicated that the Planning report did not accurately reflect the nature of the proposal and that he wished to proceed with the application as stated.

The Committee after considering the submissions put forward by Mr. Levac and having reviewed the plans and comments received, is satisfied that the request is desirable for the appropriate further development of the subject property.

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

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

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

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

Application Approved.

Dated at the City of Mississauga on July 30, 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 19, 2015.

Date of mailing is July 31, 2015.



S. PATRIZIO (CHAIR)

ABSENT
J. ROBINSON



J. PAGE

ABSENT
P. QUINN



D. GEORGE



D. KENNEDY

ABSENT
D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on July 30, 2015.



DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 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

MARIA NEVES

on Thursday July 23, 2015

Maria Neves is the owner of 1308 Alexandra Avenue being Part of Lot 31, Registered Plan C-21 South, zoned R5-48 & RM1 – Residential. The applicant requests the consent of the Committee to convey a parcel of land having a frontage of approximately 9.75m (31.99ft.) and an area of approximately 502.80m² (5,412.09 sq. ft.). The effect of the application is to create a parcel of land to be consolidated with other adjacent land, forming a new lot for residential development purposes.

The lands are also subject to Minor Variance file 'A' 332/15.

Mr. J. Levac, authorized agent, attended and presented the subject application to partition a portion of the rear yard from the property to facilitate the necessary land assembly to finalize a draft Plan of Subdivision. Mr. Levac advised the Committee that the proposed conveyed lands and proposed conveyed rear yards of the surrounding properties had been subject to an approved Official Plan Amendment and Zoning By-law Amendment applications to allow for the consolidated lands to be developed for several residential lots and to facilitate the expansion of Seventh Street. Mr. Levac noted that the subject property was exceedingly deep and that a sufficient lot area would remain for the retained lands. He noted that the retained lands contained various historical deficiencies with respect to the lot frontage and front and side yards. Mr. Levac suggested that it would be appropriate to proceed in obtaining relief for these deficiencies for legal purposes.

Mr. Levac noted that the consolidated property that the conveyed lands would form would have frontage onto Seventh Street. Mr. Levac noted that Planning staff requested for the applications proceed through the Consent process rather than through Part Lot Control to allow for the development be subject to public circulation.

The Committee received comments and recommendations from the following agencies:

City of Mississauga, Planning and Building Department (July 21, 2015),
City of Mississauga, Transportation and Works Department (July 23, 2015),
Region of Peel, Environment, Transportation and Planning Services (July 20, 2015),
Ministry of Transportation (July 8, 2015),

Mr. Levac indicated that he wished to proceed with the subject application without amendment. He indicated that the Planning report did not accurately reflect the nature of the proposal and that he wished to proceed with the application as stated.

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, 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 conveyed 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 of Zoning Plan Examination, indicating that the resultant lot of Consent applications B31/15 to B37/15 and the retained lands comply with the provisions of the Zoning By-law, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding. ("A" 332/15)
4. A letter shall be received from the Region of Peel, Environment, Transportation and Planning Services, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated July 20, 2015.
5. A solicitor's undertaking shall be received which shall be to the effect that, at the time of registration of the transfer to which the Secretary-Treasurer's Certificate under the Planning Act, is affixed, the conveyed land and the abutting lands being the conveyed lands of Consent applications B31/15 to B37/15, shall be "merged" for Planning Act purposes [see subsections 50(3) and/or 50(5)].
6. An undertaking shall be received from a solicitor confirming that the legal description of the "resultant" lot (being the conveyed lands of Consent applications B31/15 to B37/15) and the legal description in any mortgage(s) or charge(s) encumbering any part of the "resultant" parcel will be identical within four (4) weeks of the date of the Secretary-Treasurer's Certificate under the Planning Act, or alternatively, that no part of the "resultant" lot is encumbered by any mortgage(s)/charge(s) etc.
7. Subsection 50(3) and/or 50(5) of the Planning Act, shall apply to any subsequent conveyance or transaction and the Secretary-Treasurer's Certificate shall contain reference to this stipulation.

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

Application Approved on conditions as stated.

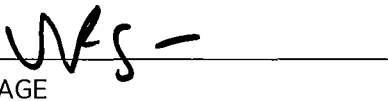
Dated at the City of Mississauga on July 30, 2015.

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 20, 2015.

Date of mailing is July 31, 2015.


S. PATRIZIO


J. ROBINSON (CHAIR)


J. PAGE

ABSENT
P. QUINN


D. GEORGE


D. KENNEDY

ABSENT
D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on July 30, 2015.


DAVID L. MARTIN, 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 August 3, 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

MARIA NEVES

on Thursday July 23, 2015

Maria Neves is the owner of 1308 Alexandra Avenue being Part of Lot 31, Registered Plan C-21, zoned RM1 – Residential. The applicant requests the Committee to authorize a minor variance to permit the creation of a lot (being the "retained" land of Consent application "B" 035/15) proposing:

1. an existing lot frontage of 11.12m (36.48ft.); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 12.00m (39.37ft.) in this instance; and,
2. an existing side yard of 0.99m (3.25ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (3.94ft.) in this instance.

Mr. J. Levac, authorized agent, attended and presented the subject application to partition a portion of the rear yard from the property to facilitate the necessary land assembly to finalize a draft Plan of Subdivision. Mr. Levac advised the Committee that the proposed conveyed lands and proposed conveyed rear yards of the surrounding properties had been subject to an approved Official Plan Amendment and Zoning By-law Amendment applications to allow for the consolidated lands to be developed for several residential lots and to facilitate the expansion of Seventh Street. Mr. Levac noted that the subject property was exceedingly deep and that a sufficient lot area would remain for the retained lands. He noted that the retained lands contained historical deficiencies with respect to the lot frontage and side yard. Mr. Levac suggested that it would be appropriate to proceed in obtaining relief for these deficiencies for legal purposes.

Mr. Levac noted that the consolidated property that the conveyed lands would form would have frontage onto Seventh Street. Mr. Levac noted that Planning staff requested for the applications proceed through the Consent process rather than through Part Lot Control to allow for the development be subject to public circulation.

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

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

"1.0 RECOMMENDATION"

The Planning and Building Department has no objection to the Consent applications, provided that the severed and retained lands comply with the provisions of By-law 0225-2007, as amended. Further, we have no objection to the requested variances, as amended.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: "RM1", Residential; "R5-48", Residential

3.0 OTHER APPLICATIONS

<input checked="" type="checkbox"/>	<i>Rezoning/Official</i>	<i>Plan</i>	<i>Amendment</i>	File:	OZ	13-012	W1
<input checked="" type="checkbox"/>	<i>Plan of Subdivision</i>	File: T-M14001 W1					

4.0 COMMENTS

For all of the Consent applications, we note that the subject properties are zoned both 'RM1' and 'R5-48' and therefore we recommend that the Consent requests be amended accordingly.

For all of the Minor Variance applications, we advise that the requested variances are not required. However, additional variances are required as described below.

For 'B' 31/15, 'B' 32/15, 'B' 35/15, 'B' 36/15 and 'B' 37/15, we note that the severed parcels appear to have no lot frontage on a road, whereas a minimum of 10.5 m (34.44 ft.) is required. Therefore, the Minor Variance applications associated with the Consent applications should be amended as follows:

For 'A' 328/15:

"to permit the creation of a lot (being the severed land of Consent application 'B' 31/15) having no frontage on a street; whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 10.5 m (34.44 ft.) in this instance."

For 'A' 329/15:

"to permit the creation of a lot (being the severed land of Consent application 'B' 32/15) having no frontage on a street; whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 10.5 m (34.44 ft.) in this instance."

For 'A' 332/15:

"to permit the creation of a lot (being the severed land of Consent application 'B' 35/15) having no frontage on a street; whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 10.5 m (34.44 ft.) in this instance."

For 'A' 333/15:

"to permit the creation of a lot (being the severed land of Consent application 'B' 36/15) having no frontage on a street; whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 10.5 m (34.44 ft.) in this instance."

We note that for 'B' 37/15, there is no associated Minor Variance application. Approval of a minor variance will be required to fulfill the condition of final Consent.

We advise that the subject lands recently underwent a Rezoning and Official Plan Amendment application, under file OZ 13/012 W1, in conjunction with a Plan of Subdivision application, under file T-M14001 W1. The applications proposed the easterly extension of Seventh Street, and the creation of eight lots for detached dwellings. The enacting by-law to



File: "A" 332/15
WARD 1

implement the site specific Zoning By-law and Official Plan amendment was adopted by Council on June 10, 2015.

The purpose of the subject Consent applications is to sever the rear portions of the properties located at 1294, 1298, 1302, 1304, 1308, 1312 and 1318 Alexandra Avenue. By purchase and sale agreement, we note that the proposed parcels will be consolidated in order to proceed with the development as approved under files OZ 13/012 and T-M14001.

The Minor Variance and Consent applications will facilitate the redevelopment of the subject lands, as intended through the associated development applications, and we believe them to be appropriate in this instance.

Based on the preceding information, we have no objection to the Consent applications, provided that the severed and retained lands comply with the provisions of By-law 0225-2007, as amended, or alternatively, that any minor variance(s) is approved, final and binding and/or the demolition of existing building(s) is complete. Further, we have no objection to the requested variances, as amended."

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

"This department has no objections to the applicant's request. We are noting for information purposes that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 31-37/15."

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

"Please be advised that the resulting severed properties will not have frontage to municipal water and sanitary sewer, therefore, private servicing easements will be required to allow the proposed lots access to services. Servicing for the retained and severed lots shall be in compliance with the Ontario Building Code and the Region of Peel's Water and Sanitary Sewer Design Criteria. Regional Site Servicing approvals will be required prior to the issuance of a Building Permit."

The Ministry of Transportation commented as follows (July 8, 2015):

"Further to the above noted circulations please note that the ministry has no concerns and comments to offer as these subject properties are beyond the ministry permit control area and permits are not required. We do not need to be circulated further on any development proposal for these sites."

No other persons expressed any interest in the application.

Mr. Levac indicated that he wished to proceed with the subject application without amendment. He indicated that the Planning report did not accurately reflect the nature of the proposal and that he wished to proceed with the application as stated.

The Committee after considering the submissions put forward by Mr. Levac 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" 332/15
WARD 1

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

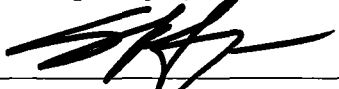
MOVED BY: D. George SECONDED BY: J. Page CARRIED

Application Approved.

Dated at the City of Mississauga on July 30, 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 19, 2015.

Date of mailing is July 31, 2015.



S. PATRIZIO



D. GEORGE



J. ROBINSON (CHAIR)

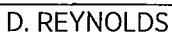


D. KENNEDY



J. PAGE

ABSENT

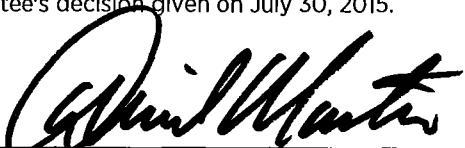


D. REYNOLDS

ABSENT

P. QUINN

I certify this to be a true copy of the Committee's decision given on July 30, 2015.



DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 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

FRANCESCO PENTO

on Thursday July 23, 2015

Francesco Pento is the owner of 1312 Alexandra Avenue being Part of Lot 30, Registered Plan C-21, zoned R5-48 & RM1 – Residential. The applicant requests the consent of the Committee to convey a parcel of land having a frontage of approximately 9.75m (31.99ft.) and an area of approximately 502.80m² (5,412.09 sq. ft.). The effect of the application is to create a parcel of land to be consolidated with other adjacent land, forming a new lot for residential development purposes.

The lands are also subject to Minor Variance file 'A' 333/15.

Mr. J. Levac, authorized agent, attended and presented the subject application to partition a portion of the rear yard from the property to facilitate the necessary land assembly to finalize a draft Plan of Subdivision. Mr. Levac advised the Committee that the proposed conveyed lands and proposed conveyed rear yards of the surrounding properties had been subject to an approved Official Plan Amendment and Zoning By-law Amendment applications to allow for the consolidated lands to be developed for several residential lots and to facilitate the expansion of Seventh Street. Mr. Levac noted that the subject property was exceedingly deep and that a sufficient lot area would remain for the retained lands. He noted that the retained lands contained various historical deficiencies with respect to the lot frontage and front and side yards. Mr. Levac suggested that it would be appropriate to proceed in obtaining relief for these deficiencies for legal purposes.

Mr. Levac noted that the consolidated property that the conveyed lands would form would have frontage onto Seventh Street. Mr. Levac noted that Planning staff requested for the applications proceed through the Consent process rather than through Part Lot Control to allow for the development be subject to public circulation.

The Committee received comments and recommendations from the following agencies:

City of Mississauga, Planning and Building Department (July 21, 2015),
City of Mississauga, Transportation and Works Department (July 23, 2015),
Region of Peel, Environment, Transportation and Planning Services (July 20, 2015),
Ministry of Transportation (July 8, 2015),

Mr. Levac indicated that he wished to proceed with the subject application without amendment. He indicated that the Planning report did not accurately reflect the nature of the proposal and that he wished to proceed with the application as stated.

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, 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 conveyed 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 of Zoning Plan Examination, indicating that the resultant lot of Consent applications B31/15 to B37/15 and the retained lands comply with the provisions of the Zoning By-law, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding. ("A" 333/15)
4. A letter shall be received from the Region of Peel, Environment, Transportation and Planning Services, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated July 20, 2015.
5. A solicitor's undertaking shall be received which shall be to the effect that, at the time of registration of the transfer to which the Secretary-Treasurer's Certificate under the Planning Act, is affixed, the conveyed land and the abutting lands being the conveyed lands of Consent applications B31/15 to B37/15, shall be "merged" for Planning Act purposes [see subsections 50(3) and/or 50(5)].
6. An undertaking shall be received from a solicitor confirming that the legal description of the "resultant" lot (being the conveyed lands of Consent applications B31/15 to B37/15) and the legal description in any mortgage(s) or charge(s) encumbering any part of the "resultant" parcel will be identical within four (4) weeks of the date of the Secretary-Treasurer's Certificate under the Planning Act, or alternatively, that no part of the "resultant" lot is encumbered by any mortgage(s)/charge(s) etc.
7. Subsection 50(3) and/or 50(5) of the Planning Act, shall apply to any subsequent conveyance or transaction and the Secretary-Treasurer's Certificate shall contain reference to this stipulation.


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

Application Approved on conditions as stated.

Dated at the City of Mississauga on July 30, 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 20, 2015.

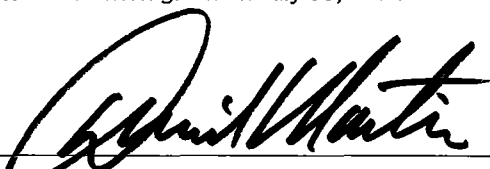
Date of mailing is July 31, 2015.


S. PATRIZIO
D. GEORGE
J. ROBINSON (CHAIR)
D. KENNEDY
J. PAGE

ABSENT
D. REYNOLDS

ABSENT
P. QUINN

I certify this to be a true copy of the Committee's decision given on July 30, 2015.


DAVID L. MARTIN, 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 August 3, 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

FRANCESCO PENTO

on Thursday July 23, 2015

Francesco Pento is the owner of 1312 Alexandra Avenue being Part of Lot 30, Registered Plan C-21, zoned R5-48 & RM1 – Residential. The applicant requests the Committee to authorize a minor variance to permit the creation of a lot (being the "retained" land of Consent application "B" 036/15) proposing an existing lot frontage of 11.12m (36.48ft.); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 12.00m (39.37ft.) in this instance.

Mr. J. Levac, authorized agent, attended and presented the subject application to partition a portion of the rear yard from the property to facilitate the necessary land assembly to finalize a draft Plan of Subdivision. Mr. Levac advised the Committee that the proposed conveyed lands and proposed conveyed rear yards of the surrounding properties had been subject to an approved Official Plan Amendment and Zoning By-law Amendment applications to allow for the consolidated lands to be developed for several residential lots and to facilitate the expansion of Seventh Street. Mr. Levac noted that the subject property was exceedingly deep and that a sufficient lot area would remain for the retained lands. He noted that the retained lands contained a historical deficiency with respect to the lot frontage. Mr. Levac suggested that it would be appropriate to proceed in obtaining relief for this deficiency for legal purposes.

Mr. Levac noted that the consolidated property that the conveyed lands would form would have frontage onto Seventh Street. Mr. Levac noted that Planning staff requested for the applications proceed through the Consent process rather than through Part Lot Control to allow for the development be subject to public circulation.

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

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

1.0 RECOMMENDATION

The Planning and Building Department has no objection to the Consent applications, provided that the severed and retained lands comply with the provisions of By-law 0225-2007, as amended. Further, we have no objection to the requested variances, as amended.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Lakeview Neighbourhood

Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: "RM1", Residential; "R5-48", Residential

3.0 OTHER APPLICATIONS

<input checked="" type="checkbox"/> <i>Rezoning/Official</i>	<i>Plan</i>	<i>Amendment</i>	<i>File:</i>	OZ	13-012	W1
<input checked="" type="checkbox"/> <i>Plan of Subdivision</i>	File: T-M14001 W1					

4.0 COMMENTS

For all of the Consent applications, we note that the subject properties are zoned both 'RM1' and 'R5-48' and therefore we recommend that the Consent requests be amended accordingly.

For all of the Minor Variance applications, we advise that the requested variances are not required. However, additional variances are required as described below.

For 'B' 31/15, 'B' 32/15, 'B' 35/15, 'B' 36/15 and 'B' 37/15, we note that the severed parcels appear to have no lot frontage on a road, whereas a minimum of 10.5 m (34.44 ft.) is required. Therefore, the Minor Variance applications associated with the Consent applications should be amended as follows:

For 'A' 328/15:

"to permit the creation of a lot (being the severed land of Consent application 'B' 31/15) having no frontage on a street; whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 10.5 m (34.44 ft.) in this instance."

For 'A' 329/15:

"to permit the creation of a lot (being the severed land of Consent application 'B' 32/15) having no frontage on a street; whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 10.5 m (34.44 ft.) in this instance."

For 'A' 332/15:

"to permit the creation of a lot (being the severed land of Consent application 'B' 35/15) having no frontage on a street; whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 10.5 m (34.44 ft.) in this instance."

For 'A' 333/15:

"to permit the creation of a lot (being the severed land of Consent application 'B' 36/15) having no frontage on a street; whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 10.5 m (34.44 ft.) in this instance."

We note that for 'B' 37/15, there is no associated Minor Variance application. Approval of a minor variance will be required to fulfill the condition of final Consent.

We advise that the subject lands recently underwent a Rezoning and Official Plan Amendment application, under file OZ 13/012 W1, in conjunction with a Plan of Subdivision application, under file T-M14001 W1. The applications proposed the easterly extension of Seventh Street, and the creation of eight lots for detached dwellings. The enacting by-law to implement the site specific Zoning By-law and Official Plan amendment was adopted by Council on June 10, 2015.

The purpose of the subject Consent applications is to sever the rear portions of the properties located at 1294, 1298, 1302, 1304, 1308, 1312 and 1318 Alexandra Avenue. By purchase and sale



File: "A" 333/15
WARD 1

agreement, we note that the proposed parcels will be consolidated in order to proceed with the development as approved under files OZ 13/012 and T-M14001.

The Minor Variance and Consent applications will facilitate the redevelopment of the subject lands, as intended through the associated development applications, and we believe them to be appropriate in this instance.

Based on the preceding information, we have no objection to the Consent applications, provided that the severed and retained lands comply with the provisions of By-law 0225-2007, as amended, or alternatively, that any minor variance(s) is approved, final and binding and/or the demolition of existing building(s) is complete. Further, we have no objection to the requested variances, as amended."

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

"This department has no objections to the applicant's request. We are noting for information purposes that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application 'B' 31-37/15."

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

"Please be advised that the resulting severed properties will not have frontage to municipal water and sanitary sewer, therefore, private servicing easements will be required to allow the proposed lots access to services. Servicing for the retained and severed lots shall be in compliance with the Ontario Building Code and the Region of Peel's Water and Sanitary Sewer Design Criteria. Regional Site Servicing approvals will be required prior to the issuance of a Building Permit."

The Ministry of Transportation commented as follows (July 8, 2015):

"Further to the above noted circulations please note that the ministry has no concerns and comments to offer as these subject properties are beyond the ministry permit control area and permits are not required. We do not need to be circulated further on any development proposal for these sites."

No other persons expressed any interest in the application.

Mr. Levac indicated that he wished to proceed with the subject application without amendment. He indicated that the Planning report did not accurately reflect the nature of the proposal and that he wished to proceed with the application as stated.

The Committee after considering the submissions put forward by Mr. Levac 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" 333/15
WARD 1

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

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

Application Approved.

Dated at the City of Mississauga on July 30, 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 19, 2015.

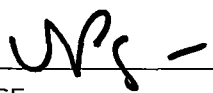
Date of mailing is July 31, 2015.


S. PATRIZIO


D. GEORGE


J. ROBINSON (CHAIR)


D. KENNEDY


J. PAGE

ABSENT
D. REYNOLDS

ABSENT
P. QUINN

I certify this to be a true copy of the Committee's decision given on July 30, 2015.


DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 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

IWONA REMACZ

on Thursday July 23, 2015

Iwona Remacz is the owner of 1318 Alexandra Avenue being Parts of Lots 29 & 30, Registered Plan C-21, zoned R5-48 & RM1 – Residential. The applicant requests the consent of the Committee to convey a parcel of land having a frontage of approximately 9.75m (31.99ft.) and an area of approximately 502.80m² (5,412.09 sq. ft.). The effect of the application is to create a parcel of land to be consolidated with other adjacent land, forming a new lot for residential development purposes.

Mr. J. Levac, authorized agent, attended and presented the subject application to partition a portion of the rear yard from the property to facilitate the necessary land assembly to finalize a draft Plan of Subdivision. Mr. Levac advised the Committee that the proposed conveyed lands and proposed conveyed rear yards of the surrounding properties had been subject to an approved Official Plan Amendment and Zoning By-law Amendment applications to allow for the consolidated lands to be developed for several residential lots and to facilitate the expansion of Seventh Street. Mr. Levac noted that the subject property was exceedingly deep and that a sufficient lot area would remain for the retained lands.

Mr. Levac noted that the consolidated property that the conveyed lands would form would have frontage onto Seventh Street. Mr. Levac noted that Planning staff requested for the applications proceed through the Consent process rather than through Part Lot Control to allow for the development be subject to public circulation.

The Committee received comments and recommendations from the following agencies:

City of Mississauga, Planning and Building Department (July 21, 2015),
City of Mississauga, Transportation and Works Department (July 23, 2015),
Region of Peel, Environment, Transportation and Planning Services (July 20, 2015),
Ministry of Transportation (July 8, 2015),

Mr. Levac indicated that he wished to proceed with the subject application without amendment. He indicated that the Planning report did not accurately reflect the nature of the proposal and that he wished to proceed with the application as stated.

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, 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 conveyed 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 of Zoning Plan Examination, indicating that the resultant lot of Consent applications B31/15 to B37/15 and the retained lands comply with the provisions of the Zoning By-law, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding.
4. A letter shall be received from the Region of Peel, Environment, Transportation and Planning Services, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated July 20, 2015.
5. A solicitor's undertaking shall be received which shall be to the effect that, at the time of registration of the transfer to which the Secretary-Treasurer's Certificate under the Planning Act, is affixed, the conveyed land and the abutting lands being the conveyed lands of Consent applications B31/15 to B37/15, shall be "merged" for Planning Act purposes [see subsections 50(3) and/or 50(5)].
6. An undertaking shall be received from a solicitor confirming that the legal description of the "resultant" lot (being the conveyed lands of Consent applications B31/15 to B37/15) and the legal description in any mortgage(s) or charge(s) encumbering any part of the "resultant" parcel will be identical within four (4) weeks of the date of the Secretary-Treasurer's Certificate under the Planning Act, or alternatively, that no part of the "resultant" lot is encumbered by any mortgage(s)/charge(s) etc.
7. Subsection 50(3) and/or 50(5) of the Planning Act, shall apply to any subsequent conveyance or transaction and the Secretary-Treasurer's Certificate shall contain reference to this stipulation.

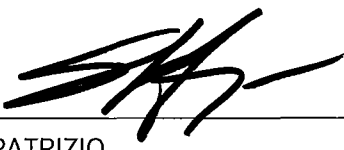
MOVED BY: D. George SECONDED BY: D. Kennedy CARRIED

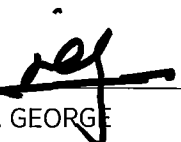
Application Approved on conditions as stated.

Dated at the City of Mississauga on July 30, 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 20, 2015.


Date of mailing is July 31, 2015.


S. PATRIZIO


D. GEORGE


J. ROBINSON (CHAIR)

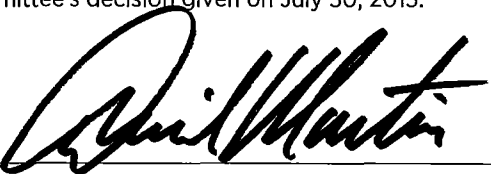

D. KENNEDY


J. PAGE

ABSENT
D. REYNOLDS

ABSENT
P. QUINN

I certify this to be a true copy of the Committee's decision given on July 30, 2015.


DAVID L. MARTIN, 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 August 3, 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

THE RESTORATION GROUP

on Thursday July 23, 2015

The Restoration Group are the owners of 680 Bookham Crescent being Lot 26, Registered Plan M-466, zoned R4-8 – Residential. The applicants request the Committee to authorize a minor variance to permit the construction of a two storey addition in the exterior side yard, an addition above the garage and a basement entrance stairwell in the interior side yard proposing:

1. an interior side yard of 1.41m (4.63ft.); whereas By-law 0225-2007, as amended, requires a minimum interior side yard of 7.50m (24.60ft.) in this instance; and,
2. an exterior side yard of 1.50m (4.92ft.); whereas By-law 0225-2007, as amended, requires a 4.50m (14.76ft.) in this instance.

Mr. N. Dell, authorized agent, attended and presented the subject application to construct additions to the existing dwelling on the subject application. Mr. Dell advised the Committee that the proposed addition would allow his client additional living space required by his family.

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

The City of Mississauga Planning and Building Department commented as follows (July 17, 2015):

"1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Rathwood Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: "R4-8", Residential

3.0 OTHER APPLICATIONS

☒ *Pre-Zoning Review* File: 15-4246

4.0 COMMENTS

The Planning and Building Department is currently processing a preliminary zoning application and based on the information provided the variances, as requested, are correct.

With regards to the interior side yard setback request, this represents an existing condition due to the location of the garage. The proposal does not seek to worsen this condition. If this lot were an interior lot along the street it would only require a 1.2m interior side yard setback for the current proposal, whereas the applicant is proposing 1.41m. To meet the requirement of 7.5m, in this instance, would render the lot virtually undevelopable as the setback would cover roughly half of the lot width. The Planning and Building Department are of the opinion that in this instance the intentions of the interior side yard setback could be maintained at the reduced rate; the proposed setback would be larger than most of the interior side yard setbacks of the adjacent properties along the street. We are of the opinion that 7.5m is impractical in this case and that the requested variance meets the intention of the Zoning By-law and is minor in nature.

With regards to the exterior side yard setback, the applicant seeks to further reduce the required setback based on the existing condition. In this case there is extensive tree cover along the side of the property as well as along the City Boulevard in this area. One of the intentions of the exterior side yard setback is to provide a more consistent street line with the dwellings on the side of the street that the exterior yard is facing. In this case, as a result of the significant tree cover the streetscape around the corner is already pushed forward and provided that the applicant maintains tree cover in the side yard, Planning Staff have no objection to the requested reduction in exterior side yard setback as it should have minimal to no impact on the aesthetics of the streetscape.

Considering the preceding information the Planning and Building Department have no objections to the requested variances."

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

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

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Mr. Dell 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" 312/15
WARD 1

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

1. The applicant shall proceed in accordance with the site plan presented to the Committee.

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

Application Approved on condition as stated.

Dated at the City of Mississauga on July 30, 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 19, 2015.

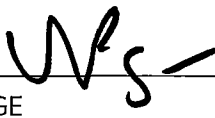
Date of mailing is July 31, 2015.


S. PATRIZIO


D. GEORGE


J. ROBINSON (CHAIR)


D. KENNEDY


J. PAGE

ABSENT
D. REYNOLDS

ABSENT
P. QUINN

I certify this to be a true copy of the Committee's decision given on July 30, 2015.


DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

COMMITTEE OF ADJUSTMENT

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

ANA & GILBERTO DUTRA

on Thursday July 23, 2015

Ana & Gilberto Dutra are the owners of 1105 Westmount Avenue being Lot 55, Registered Plan C-22, zoned R3 – Residential. The applicants request the Committee to authorize a minor variance to permit a two storey addition to the existing dwelling on the subject property proposing:

1. a lot area of 399.27m² (4,297.71 sq. ft.); whereas By-law 0225-2007, as amended, requires a minimum lot area of 550.00m² (5,920.15 sq. ft.) in this instance;
2. lot frontage of 9.91m (32.51ft.); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (49.21ft.) in this instance;
3. a front yard of 4.93m (16.17ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m (24.61ft.) in this instance;
4. an southerly interior side yard of 0.27m (0.89ft.); whereas By-law 0225-2007, as amended, requires a 1.81m (5.94ft.) interior side yard in this instance;
5. a setback of 9.00m (29.53ft.) to the Railway Right of Way; whereas By-law 0225-2007, as amended requires a minimum setback of 30.00m (98.43ft.) to the Railway Right of Way in this instance; and,
6. a lot coverage of 38.32%; whereas By-law 0225-2007, as amended permits a maximum lot coverage of 35.00% in this instance.

Ms. A. Dutra, a co-owner of the subject property, attended and presented the subject application to construct additions to the existing dwelling to allow for sufficient floor space for additional bedrooms and the expansion of the kitchen.

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

The City of Mississauga Planning and Building Department commented as follows (July 17, 2015):

"1.0 RECOMMENDATION"

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

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: "R3", Residential

3.0 OTHER APPLICATIONS

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

4.0 COMMENTS

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

In regards to variances #1 and #2, we note that the lot currently exists and therefore, we have no objection to the requests.

In regards to variance #3, we note that the request would recognize the front yard setback to the existing dwelling and therefore, we have no objection to the request.

In regards to variances #4 and #5, we note that the southerly interior side yard and railway right-of-way setback are existing to the current dwelling, and the proposed addition at the rear would not encroach further. Therefore, we have no objection to the requests.

In regards to variance #6, we note that there are several other dwellings in the area with similar building footprints on similarly sized lots. It is our opinion that the request is minor and therefore we have no objection.

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

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

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

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

"Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. Regional site servicing approvals will be required prior to the issuance of a Building Permit from the City."

No other persons expressed any interest in the application.

Mr. Dutra confirmed the accuracy of the application and requested for the Committee to proceed with evaluating the merits of the proposal.

The Committee after considering the submissions put forward by Ms. Dutra and having reviewed the plans and comments received, is satisfied that the request is desirable for the appropriate further development of the subject property.



MISSISSAUGA

File: "A" 313/15

WARD 1

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

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

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


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

Application Approved.

Dated at the City of Mississauga on July 30, 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 19, 2015.

Date of mailing is July 31, 2015.


S. PATRIZIO


D. GEORGE


J. ROBINSON (CHAIR)


D. KENNEDY


J. PAGE

ABSENT
D. REYNOLDS

ABSENT
P. QUINN

I certify this to be a true copy of the Committee's decision given on July 30, 2015.


DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

COMMITTEE OF ADJUSTMENT

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

ALLISON ADDISON

on Thursday July 23, 2015

Allison Addison is the owner of 1399 Crescent Road being Lot 6, Registered Plan 365, zoned R2-4 – Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a one storey addition to the rear of the existing two storey dwelling proposing:

1. a dwelling depth of 20.93m (68.67ft.); whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (65.61ft.) in this instance; and,
2. a gross floor area (GFA) – infill residential of 510.83m² (5,498.53 sq. ft.); whereas By-law 0225-2007, as amended, permits a maximum gross floor area (GFA) – infill residential of 506.00m² (5,446.54 sq. ft.) in this instance.

Mr. D. Benoit, the authorized agent, attended and presented the subject application to construct a small cantilevered single storey addition and deck at the rear of the dwelling resulting in an overage in dwelling depth and gross floor area. Mr. Benoit advised the Committee that the increases were minor and would not contribute to any negative impact on the adjacent properties.

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

The City of Mississauga Planning and Building Department commented as follows (July 17, 2015):

1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: "R2-4", Residential

3.0 OTHER APPLICATIONS

☒ *Building Permit* File: BP15-6047

4.0 COMMENTS

Based on a review of the Building Permit application, we advise that the variances as requested are correct.

In regards to the requested variances, it is our opinion that the requests are minor and therefore, we have no objection."

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

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

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Mr. Benoit 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" 314/15
WARD 2

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


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

Application Approved.

Dated at the City of Mississauga on July 30, 2015.

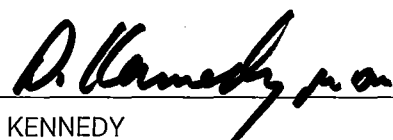
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE AUGUST 19, 2015.

Date of mailing is July 31, 2015.


S. PATRIZIO


D. GEORGE


J. ROBINSON (CHAIR)


D. KENNEDY

ABSENT
J. PAGE

ABSENT
D. REYNOLDS

ABSENT
P. QUINN

I certify this to be a true copy of the Committee's decision given on July 30, 2015.


DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

COMMITTEE OF ADJUSTMENT

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

CONESTOGA COLD STORAGE

on Thursday July 23, 2015

Conestoga Cold Storage is the owner of 2660 Meadowpine Boulevard being Blocks 10, 11 & 14-19, Registered Plan M-936, zoned E2, E2-1 and E2-19 – Employment. The applicant requests the Committee to authorize a minor variance to permit the construction of an addition to the rear of the existing industrial building proposing a total of 134 parking spaces on site; whereas, By-law 0225-2007, as amended, requires a minimum of 253 parking spaces on site for the subject use in this instance.

MR. R. Karges, authorized agent, attended and presented the subject property to construct a new cold storage facility on the subject property. Mr. Karges advised the Committee that the nature of the operation was for the storage of frozen food stored on skids. He explained that the operation was relied heavily on robotics and as such required a minimal work force. Mr. Karges confirmed that the business operated six days a week with three shifts daily. He noted that a maximum of 90 parking spaces would be required during the overlap of shift changes.

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

The City of Mississauga Planning and Building Department commented as follows (July 17, 2015):

1.0 RECOMMENDATION

The Planning and Building Department has no objection to the requested overall parking variance; however we recommend that the accessible parking variance be refused.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Meadowvale Business Park Corporate Centre
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: "E2, E2-1, E2-19", Employment

3.0 OTHER APPLICATIONS

☒ *Building Permit* File: BP 15-5273

4.0 COMMENTS

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

"2. To permit the proposed addition providing 0 additional accessible parking spaces, whereas based on the gross floor area non-residential of the proposed additional a minimum of 1 additional accessible parking space is required."

Policy Planning Staff are in receipt of a letter justifying the reduction in parking and have acknowledged their support for the variance based on the information provided. We note that generally a parking study would be required based on a reduction in parking of this amount, however in this case staff have accepted the applicants letter as sufficient in this specific instance.

With regards to the additional required variance for accessible parking, we note that we would consider a reduction from 1 to 0 in a case where a specific situation unique to a property was presented that necessitated the reduction. However, in this case we are of the opinion that the applicant should be able to accommodate the additional required accessible space, in which case the variance would not be required. An additional reduction of 1 or 2 more regular parking spaces in order to provide the required accessible space would be supported by the Planning and Building Department and preferable to not providing an accessible space. In the event the applicant elects not to provide the additional accessible space, we recommend that the variance #2 be refused."

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

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

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

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

No other persons expressed any interest in the application.

Mr. Karges upon hearing the comments of the Committee and the Planning and Building Department, requested that the application be amended to provide 132 parking spaces in order to obtain sufficient space to construct one parking space for persons with disabilities.

The Committee consented to the request and, after considering the submissions put forward by Mr. Karges 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" 318/15
WARD 9

Accordingly, the Committee resolves to authorize and grant the amended request to permit the construction of an addition to the rear of the existing industrial building proposing a total of 132 parking spaces on site; whereas, By-law 0225-2007, as amended, requires a minimum of 253 parking spaces on site for the subject use in this instance.

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

Application Approved, as amended.


Dated at the City of Mississauga on July 30, 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 19, 2015.

Date of mailing is July 31, 2015



S. PATRIZIO




D. GEORGE



J. ROBINSON (CHAIR)



D. KENNEDY



J. PAGE

ABSENT
D. REYNOLDS

ABSENT
P. QUINN

I certify this to be a true copy of the Committee's decision given on July 30, 2015.



DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

COMMITTEE OF ADJUSTMENT

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

DOMENIC MALFARA

on Thursday July 23, 2015

Domenic Malfara is the owner of 2630 Mississauga Road being Part of Block 31, Registered Plan M-645, zoned R3 – Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of new two storey detached dwelling on the subject property proposing:

1. a front yard of 4.52m (14.83ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m (24.61ft.) in this instance; and,
2. a front yard to the front porch, inclusive of the stairs, of 3.03m (11.29ft.); whereas By-law 0225-2007, as amended, requires a front yard to the front porch, inclusive of the stairs, of 5.90m (19.42ft.) in this instance.

Mr. J. Zipay, authorized agent, attended and presented the subject application for the construction of a new two storey dwelling on the subject property. Mr. Zipay advised the Committee that the proposal was the result of Minutes of Settlement from previous Ontario Municipal Board hearings. He explained that these variances were not presented to the Board for adjudication and were subsequently a requirement for the Board Order to be issued.

Mr. Zipay identified that the relief required included a reduced front yard and for an encroachment of the front porch into the front yard. He noted that these variances were the result of the unique shape of the property and the adjacent creek to the rear. Mr. Zipay explained that the presence of the creek resulted in a reduced buildable area on the subject property and that it was the preference of the Credit Valley Conservation staff to have a reduced front yard in favour of a greater setback to the top of bank of the abutting creek. He noted a portion of the lands surrounding the creek would be dedicated to the Credit Valley Conservation.

Mr. Zipay noted that various concerns with traffic and the installation of a municipal boulevard. He explained that this matter was thoroughly reviewed at the Board and that his client had agreed to help finance the cost for a municipal median to be constructed in front of the property within the Mississauga Road allowance.

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

The City of Mississauga Planning and Building Department commented as follows (July 17, 2015):

1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Sheridan Neighbourhood
Designation: Greenbelt

Zoning By-law 0225-2007

Zoning: "R3", Residential

3.0 OTHER APPLICATIONS

☒ *Site Plan* File: SPI 11-11 W8 – Satisfactory

4.0 COMMENTS

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

We advise that the Site Plan application was appealed to the Ontario Municipal Board (OMB), along with Site Plan applications for the properties at 2610 and 2620 Mississauga Road. A settlement was reached through a settlement hearing on June 1, 2015, and the OMB approved the individual Site Plan applications, but withheld its Final Order until the conditions of Site Plan Approval have been fulfilled. One of those conditions is the approval of the subject minor variances being sought, which were considered and reviewed in the settlement hearing.

In regards to the requested variances, we note that the subject property is a shallow lot and is restricted by topographical features at the rear. In order to site a dwelling with an appropriate setback to the top of bank, a reduced front yard is required. Landscaping will be provided at the front of the property to mitigate potential impacts of the reduced front yard setback.

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

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

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

"We are noting for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP-11/08 where Transportation and Works Department conditions/requirements are currently being addressed. The subject property was also the subject of a recent Ontario Municipal Board Hearing, Case No: PL130971 which was required to resolve the City's primary concern relating to providing an access onto Mississauga Road as we had traffic safety issues caused by the topography of the lands (change in grade) and the curvilinear nature of Mississauga Road. It's our understanding that the access related issues have been resolved through the "Conditions of Site Plan Approval" and the OMB is withholding the Final Order pending notification from the parties that the Conditions of Site Plan Approval have been fulfilled."

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

"The Region has received the servicing application for this property and the application is in progress.

The subject land is located within area the Regional Official Plan (ROP) designates as a Core Area of the Greenlands System in Peel, under Policy 2.3.2. Within this designation, ROP policies seek to protect environmental resources. The Region relies on the environmental expertise of the Credit Valley Conservation Authority (CVC) staff for the review of development applications located within or adjacent to Core Areas of the Greenlands



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WARD 8

Systems in Peel and their potential impacts on the natural environment. Regional Planning staff therefore request that the Committee consider comments from the CVC, and incorporate their conditions of approval appropriately. Please be advised that final approval of this application requires all environmental concerns to be addressed to the satisfaction of the CVC."

Credit Valley Conservation commented as follows (July 21, 2015):

"Credit Valley Conservation (CVC) has had the opportunity to review the above-noted application and the following comments are provided for your consideration:

SITE CHARACTERISTICS:

The subject property is adjacent to Loyalist Creek and is traversed by the associated valley slope and floodplain. It is the policy of CVC and the Province of Ontario to conserve and protect the significant physical, hydrological and biological features associated with the functions of the above noted characteristics and to recommend that no development be permitted which would adversely affect the natural features or ecological functions of these areas.

The site is entirely within the natural area associated with the Loyalist Creek corridor. These natural areas have been designated Peel Core Greenlands, Credit River at Erindale Regional Life Science Area of Natural and Scientific Interest, Credit River at Erindale Environmentally Significant Area, and Mississauga Natural Area (CRR7) Significant Natural Site at regional, conservation authority and municipal levels respectively.

ONTARIO REGULATION 160/06:

This property is subject to the Development, Interference with Wetlands, and Alterations to Shorelines & Watercourses Regulation (Ontario Regulation 160/06). This regulation prohibits altering a watercourse, wetland or shoreline and prohibits development in areas adjacent to the Lake Ontario shoreline, river and stream valleys, hazardous lands and wetlands, without the prior written approval of Credit Valley Conservation (CVC) (i.e. the issuance of a permit).

PROPOSAL:

The applicants request the Committee to authorize a minor variance to permit the construction of a new two storey detached dwelling on the subject property proposing:

1. A front yard of 4.52m (14.38ft); whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m (24.61ft) in this instance; and,
2. A front yard to the front porch, inclusive of the stairs, of 3.03m (11.29ft); whereas By-law 0225-2007, as amended, requires a front yard to the front porch, inclusive of stairs, of 5.90m (19.42ft) in this instance.

COMMENTS:

CVC staff are currently reviewing the proposed development through Site Plan application (SP 11/011). Outstanding CVC comments are to be addressed through the Site Plan process. The proposed minor variances do not impact the Authority's interest. On this basis, CVC has no concerns and no objection to the approval of the application by the Committee at this time."

Mr. W. Horruzey, a resident of 1771 Seven Oaks Drive, attended and expressed his concerns with the height and positioning of the dwelling on the subject property.

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Mr. Zipay and having reviewed the plans and comments received, is satisfied that the request is desirable for the appropriate further development of the subject property.



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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 30, 2015.

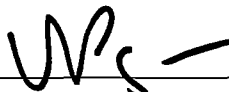
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE AUGUST 19, 2015.

Date of mailing is July 31, 2015.



S. PATRIZIO (CHAIR)

ABSENT
J. ROBINSON




J. PAGE

ABSENT
P. QUINN



D. GEORGE



D. KENNEDY

ABSENT
D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on July 30, 2015.



DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 45(1) OR (2)
of The Planning Act R.S.O. 1990, c.P.13, as amended

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

RON FISICO

on Thursday July 23, 2015

Ron Fisico is the owner of 2610 Mississauga Road being Part of Block 31, Registered Plan M-645, zoned R3 – Residential. The applicant requests the Committee authorize a minor variance to permit the construction of a new three storey detached dwelling on the subject property proposing a northerly side yard of 1.80m (5.90ft.) and a southerly side yard of 1.89m (6.20ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 2.42m (7.93ft.) each side of the dwelling to the third storey in this instance.

Mr. J. Zipay, authorized agent, attended and presented the subject application for the construction of a new two storey dwelling on the subject property. Mr. Zipay advised the Committee that the proposal was the result of Minutes of Settlement from previous Ontario Municipal Board hearings. He explained that these variances were not presented to the Board for adjudication and were subsequently a requirement for the Board Order to be issued.

Mr. Zipay explained that the proposed dwelling was considered a three storey building pursuant to an average calculation within the Zoning By-law. He explained that the property had a varying topography that exposed the basement at the rear of the dwelling resulting in the classification of the proposed home as being a three storey dwelling. He noted that the Zoning By-law required for increase wide yard widths for a three storey dwelling. Mr. Zipay noted that the proposed dwelling would have the appearance of a two storey dwelling from view from the street and that the dwelling was developed to comply with the requirements of a two storey dwelling.

Mr. Zipay noted that the subject property was heavily vegetated and suggested that this would help screen the dwelling from the view of the rear abutting properties along Seven Oaks Drive.

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

The City of Mississauga Planning and Building Department commented as follows (July 17, 2015):

1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

<i>Character Area:</i>	Sheridan Neighbourhood
<i>Designation:</i>	Greenbelt

Zoning By-law 0225-2007

Zoning: "R3", Residential

3.0 OTHER APPLICATIONS

☒ *Site Plan* File: SPI 11-08 W8 - Satisfactory

4.0 COMMENTS

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

We advise that the Site Plan application was appealed to the Ontario Municipal Board (OMB), along with Site Plan applications for the properties at 2620 and 2630 Mississauga Road. A settlement was reached through a settlement hearing on June 1, 2015, and the OMB approved the individual Site Plan applications, but withheld its Final Order until the conditions of Site Plan Approval have been fulfilled. One of those conditions is the approval of the subject minor variance being sought, which was considered and reviewed in the settlement hearing.

In regards to the requested variance, we note that due to grade changes on the property, the dwelling is considered a three storey dwelling with a basement walk-out at the rear. However, upon review of the front elevations, the dwelling appears as a two storey dwelling at the front.

As the dwelling is considered three storeys, increased side yard setbacks are required. A two storey dwelling would require side yard setbacks of 1.81 m (5.94 ft.) and the applicant is proposing side yard setbacks of 1.80 m (5.90 ft.) and 1.89 m (6.20 ft.).

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

Based on the preceding information, we are satisfied that the intent of the By-law is maintained in this instance and therefore, we have no objection to the requested variance."

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

"We are noting for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP-11/08 where Transportation and Works Department conditions/requirements are currently being addressed. The subject property was also the subject of a recent Ontario Municipal Board Hearing, Case No: PL130971 which was required to resolve the City's primary concern relating to providing an access onto Mississauga Road as we had traffic safety issues caused by the topography of the lands (change in grade) and the curvilinear nature of Mississauga Road. It's our understanding that the access related issues have been resolved through the "Conditions of Site Plan Approval" and the OMB is withholding the Final Order pending notification from the parties that the Conditions of Site Plan Approval have been fulfilled."

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

"The Region has received the servicing application for this property and the application is in progress.

The subject land is located within area the Regional Official Plan (ROP) designates as a Core Area of the Greenlands System in Peel, under Policy 2.3.2. Within this designation, ROP policies seek to protect environmental resources. The Region relies on the environmental expertise of the Credit Valley Conservation Authority (CVC) staff for the review of development applications located within or adjacent to Core Areas of the Greenlands Systems in Peel and their potential impacts on the natural environment. Regional Planning staff therefore request that the Committee consider comments from the CVC, and



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incorporate their conditions of approval appropriately. Please be advised that final approval of this application requires all environmental concerns to be addressed to the satisfaction of the CVC."

Credit Valley Region Conservation commented as follows (July 21, 2015):

"Credit Valley Conservation (CVC) has had the opportunity to review the above-noted application and the following comments are provided for your consideration:

SITE CHARACTERISTICS:

The subject property is adjacent to Loyalist Creek and is traversed by the associated valley slope and floodplain. It is the policy of CVC and the Province of Ontario to conserve and protect the significant physical, hydrological and biological features associated with the functions of the above noted characteristics and to recommend that no development be permitted which would adversely affect the natural features or ecological functions of these areas.

The site is entirely within the natural area associated with the Loyalist Creek corridor. These natural areas have been designated Peel Core Greenlands, Credit River at Erindale Regional Life Science Area of Natural and Scientific Interest, Credit River at Erindale Environmentally Significant Area, and Mississauga Natural Area (CRR7) Significant Natural Site at regional, conservation authority and municipal levels respectively.

ONTARIO REGULATION 160/06:

This property is subject to the Development, Interference with Wetlands, and Alterations to Shorelines & Watercourses Regulation (Ontario Regulation 160/06). This regulation prohibits altering a watercourse, wetland or shoreline and prohibits development in areas adjacent to the Lake Ontario shoreline, river and stream valleys, hazardous lands and wetlands, without the prior written approval of Credit Valley Conservation (CVC) (i.e. the issuance of a permit).

PROPOSAL:

The applicants request the Committee to authorize a minor variance to permit the construction of a new three storey detached dwelling on the subject property proposing a northerly side yard of 1.80m (5.90ft) and a southerly side yard of 1.89m (6.20ft); whereas By-law 0225-2007, as amended, requires a minimum side yard of 2.42m (7.93ft) each side of the dwelling to the third storey in this instance.

COMMENTS:

CVC staff are currently reviewing the proposed development through Site Plan application (SP 11/008). Outstanding CVC comments are to be addressed through the Site Plan process. The proposed minor variances do not impact the Authority's interest. On this basis, CVC has no concerns and no objection to the approval of the application by the Committee at this time."

A letter was received from C. & W. Wylie, residents of 1783 Sevenoaks Drive, stating an objection to the subject application.

A letter was received from C. & R. Tang, residents of 1776 Sevenoaks Drive, stating an objection to the subject application.

Mr. W. Horruzey, a resident of 1771 Seven Oaks Drive, attended and expressed his concerns with the height and positioning of the dwelling on the subject property.

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Mr. Zipay 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 accepted Mr. Zipay's opinion that a shortcoming in the Zoning By-law with respect to the dwelling



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classification as a three storey. The Committee indicated that the dwelling would appear to be a two storey dwelling from the street and that the unique topography of the property was responsible for exposing the basement at the rear of the dwelling.

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 30, 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 19, 2015.

Date of mailing is July 31, 2015.

S. PATRIZIO (CHAIR)

D. GEORGE

ABSENT

J. ROBINSON

D. KENNEDY

J. PAGE

ABSENT

D. REYNOLDS

ABSENT

P. QUINN

I certify this to be a true copy of the Committee's decision given on July 30, 2015.

DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 45(1) OR (2)
of The Planning Act R.S.O. 1990, c.P.13, as amended

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

WHITEROCK 6501-6523 MISSISSAUGA ROAD MISSISSAUGA INC

on Thursday July 23, 2015

Whiterock 6501-6523 Mississauga Road Mississauga Inc. is the owner of 6521 Mississauga Road being Part of Lots 8 & 9, Concession 5, WHS, zoned E2-1 – Employment. The applicant requests the Committee to authorize a minor variance to permit the establishment of a private school use in 6521 Mississauga Road – Unit A on the subject property; whereas By-law 0225-2007, as amended, does not permit a private school use in an E2-1 zone in this instance.

Ms. F. Syeda, authorized agent, attended and presented the subject application to permit the operation of a private school on the subject property. Ms. Syeda advised the Committee that the surrounding area contained a variety of uses such as offices, medical offices and other private schools. She noted that the school would operate daily from approximately 8:00am until 3:00pm and would service approximately 70 students and 10 employees. Ms. Syeda confirmed that the private school would offer academic instruction.

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

The City of Mississauga Planning and Building Department commented as follows (July 17, 2015):

"1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Meadowvale Business Park and Corporate Centre
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: "E2-1", Employment

3.0 OTHER APPLICATIONS

☒ *Certificate of Occupancy* File: C 15-5813

4.0 COMMENTS

The Planning and Building Department is currently processing a certificate of occupancy application. Based on the information provided with the certificate of occupancy application, the variances as requested are correct.

In some cases, the establishment of private schools in Employment Areas is discouraged as the introduction of a sensitive land use could limit surrounding industries in expanding. In this case however, the E2-1 exception zone which encompasses the subject property has specifically removed more intensive uses from the area. The property is developed with a number of a smaller buildings, each containing individual units which are suited to office type uses. The site contains no manufacturing or industrial type processes, as the design of the site does not suit itself to those types of uses. Additionally, another larger private school was permitted to be established in close proximity at the corner of Mississauga Road and Kitimat Road, which is located in a very similar location surrounded by the same E2-1 zoning as the subject property.

Considering the preceding information, in this instance the Planning and Building Department is of the opinion that, based on the surrounding area and the current uses on the subject property, the proposed development is appropriate and does not create a situation of conflicting land uses. As a result the Planning and Building Department have no objection to the requested variance."

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

"This Department has no objections, comments or requirements with respect to C.A. 'A' 322/15."

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Ms. Syeda and having reviewed the plans and comments received, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee was satisfied that the surrounding land uses were compatible with a private school use.

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

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



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

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

Application Approved.

Dated at the City of Mississauga on July 30, 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 19, 2015.

Date of mailing is July 31, 2015.

S. PATRIZIO (CHAIR)

D. GEORGE

ABSENT

J. ROBINSON

ABSENT

D. KENNEDY

J. PAGE

ABSENT

D. REYNOLDS

ABSENT

P. QUINN

I certify this to be a true copy of the Committee's decision given on July 30, 2015.

DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 45(1) OR (2)
of The Planning Act R.S.O. 1990, c.P.13, as amended

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

GURMAIL SINGH RIARH

on Thursday July 23, 2015

Gurmail Singh Riarrh is the owner of 5684 Brightpool Crescent being Lot 142, Registered Plan M-714, zoned R4-20 - Residential. The applicant requests the Committee authorize a minor variance to permit the existing driveway to remain having a width of 7.32m (24.01ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (19.68ft.) in this instance.

Mr. H. Chu, authorized agent, attended and presented the subject application to permit the existing driveway to remain on the subject property. Mr. Chu advised the Committee that the driveway had been reconstructed and expanded to contain a walkway at grade that expanded the entire length of the driveway. He noted that this walkway was considered a portion of the driveway pursuant to the Zoning By-law. Mr. Chu noted that the driveway width would enable the sufficient access of the two car garage.

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

The City of Mississauga Planning and Building Department commented as follows (July 17, 2015):

1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: "R4-20", Residential

3.0 OTHER APPLICATIONS

☒ *Building Permit* File: BP 14-3819

4.0 COMMENTS

The Planning and Building Department is currently processing a building permit application for the proposed residential second unit. Based on the information provided with the building permit application, the variances as requested are correct.

The Planning and Building Department note that the intention of the driveway width provisions are to limit excessive front yard hard surfaced area as well as provide opportunities for adequate landscaping. An additional intention is to limit the number of vehicles that can be parked side by side across the front yard of a property. In this case, the size of the lot still provides adequate space for landscaping while also remaining under a size to permit 3 vehicles to be parked across the driveway. In the opinion of Planning staff the proposed driveway width increase is minor and meets the general intent of the Zoning By-law. As a result the Planning and Building Department has no objection to the requested variance."

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

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

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

The Committee after considering the submissions put forward by Mr. Chu and having reviewed the plans and comments received, is satisfied that the request is desirable for the appropriate further development of the subject property.

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

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



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

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

Application Approved.

Dated at the City of Mississauga on July 30, 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 19, 2015.

Date of mailing is July 31, 2015.

S. PATRIZIO (CHAIR)

D. GEORGE

ABSENT

J. ROBINSON

ABSENT

D. KENNEDY

J. PAGE

ABSENT

D. REYNOLDS

ABSENT

P. QUINN

I certify this to be a true copy of the Committee's decision given on July 30, 2015.

DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 45(1) OR (2)
of The Planning Act R.S.O. 1990, c.P.13, as amended

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

LEONA ZAKAIB

on Thursday July 23, 2015

Leona Zakaib is the owner of 934 Hampton Crescent being Part of Lots 198 & 199, Registered Plan C-19, zoned R3 – Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new two storey detached dwelling on the subject property proposing a front yard of 6.50m (21.33ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m (24.60ft.) in this instance.

Mr. C. Zakaib, a representative of the property owner, attended and presented the subject application to construct a new two storey dwelling on the subject property proposing a reduced front yard. Mr. Zakaib advised the Committee that the proposed new dwelling would be recessed further from the front lot line than the previous dwelling on the property and would line up with the existing dwellings on the abutting properties.

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

The City of Mississauga Planning and Building Department commented as follows (July 17, 2015):

1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II, Greenbelt

Zoning By-law 0225-2007

Zoning: "R3", Residential

3.0 OTHER APPLICATIONS

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

4.0 COMMENTS

We note that a Building Permit is required and in the absence of a Building Permit application, we are unable to verify the accuracy of the requested variance, or determine whether additional variances will be required. In order to confirm the accuracy of the



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requested variance, the applicant may apply for a Pre-Zoning review application and submit working drawings in order that a detailed zoning review may be completed. A minimum of four (4) weeks will be required to process a Pre-Zoning Review application depending on the complexity of the proposal and the detail of the information submitted.

In regards to the requested variance, it is our understanding that the majority of the property at the rear is located within a floodplain and therefore, the proposed dwelling must be sited closer to the street. Most of the dwellings on the west side of Hampton Crescent appear to have deficient front yard setbacks due to the floodplain.

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

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

"Acknowledging that any Transportation and Works Department concerns/requirements for this property will be addressed through the Building Permit process, we note that the applicant has not provided a site plan or sketch drawing for our review."

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

"Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. Regional site servicing approvals will be required prior to the issuance of a Building Permit from the City.

The subject land is located within the Cooksville Creek Flood Plain. The Regional Official Plan (ROP) designates floodplains as a Natural Hazard in Peel, under Policy 2.4.5.2. Within this designation, ROP policies seek to ensure that development and site alterations do not create new or aggravate existing flood plain management problems along flood susceptible riverine environments. The Region relies on the environmental expertise of the Credit Valley Conservation Authority (CVC) staff for the review of development applications located within or adjacent to Natural hazards in Peel and their potential impacts on the natural environment. Regional Planning staff therefore request that the Committee consider comments from the CVC, and incorporate their conditions of approval appropriately.

This property is within the vicinity of the Newman Landfill Site. The southern part of the site was used for the disposal of wastes, while the northern portion was used for the disposal of flyash from the Lakeview Generating Station. A methane collection system continues to remove methane gas from the site. An environmental monitoring program is in place at the site and consists of groundwater and landfill gas monitoring on a routine basis. It is catalogued by the Ministry of Environment and Climate Change (M.O.E.C.C.) as #7071."

Credit Valley Conservation commented as follows (July 14, 2015):

"Credit Valley Conservation (CVC) has had the opportunity to review the above-noted application and the following comments are provided for your consideration:

SITE CHARACTERISTICS:

The subject property is adjacent to Cooksville Creek and is within its associated floodplain and valley system. It is the policy of CVC and the Province of Ontario to conserve and protect the significant physical, hydrological and biological features associated with the functions of the above noted characteristics and to recommend that no development be permitted which would adversely affect the natural features or ecological functions of these areas.

As you may be aware, the subject property is adjacent to the City of Mississauga's Natural Heritage System and the City of Mississauga's Natural Areas Survey designated as LV4.

ONTARIO REGULATION 160/06:

This property is subject to the Development, Interference with Wetlands, and Alterations to Shorelines & Watercourses Regulation (Ontario Regulation 160/06). This regulation prohibits altering a watercourse, wetland or shoreline and prohibits development in areas adjacent to the Lake Ontario shoreline, river and stream valleys, hazardous lands and wetlands, without the prior written approval of Credit Valley Conservation (CVC) (i.e. the issuance of a permit).

PROPOSAL:

The applicant requests the Committee to authorize a minor variance to permit the construction of a new two storey detached dwelling on the subject property proposing a front yard of 6.50m (21.33ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m (24.60ft.) in this instance.

COMMENTS:

CVC has previously reviewed the proposed development submitted by the applicant; the proposed dwelling is located outside of the floodplain. This minor variance application does not impact the Authority's interests in this case; as such CVC has no objection to the approval of the application by the Committee at this time.

The applicant is to note that a CVC permit is required for the development as proposed. "

No other persons expressed any interest in the application.

Mr. Zakaib confirmed the accuracy of the subject application and requested the Committee to proceed with evaluating the merits of the application.

The Committee after considering the submissions put forward by Mr. Zakaib 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" 324/15
WARD 1

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 30, 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 19, 2015.

Date of mailing is July 31, 2015.

S. PATRIZIO (CHAIR)

D. GEORGE

ABSENT

J. ROBINSON

ABSENT

D. KENNEDY

J. PAGE

ABSENT

D. REYNOLDS

ABSENT

P. QUINN

I certify this to be a true copy of the Committee's decision given on July 30, 2015.

DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

COMMITTEE OF ADJUSTMENT

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

678604 ONTARIO LTD

on Thursday July 23, 2015

678604 Ontario Ltd. is the owner of 4870-4926 Tomken Road being part of Lot 9, Concession 2, NDS, zoned E2-59 - Employment. The applicant requests the Committee to authorize a minor variance to permit the development of the subject property proposing existing building 'E' (private school, day care and commercial school) to provide parking at a rate of 1.0 spaces per 100.00m² (1076.42 sq. ft.) as previously approved by the Committee pursuant to Minor Variance 'A' 239/13, and to provide parking at a rate of 4.54 parking spaces per 100.00m² (1076.42 sq. ft.) gross floor area non-residential for all other existing and proposed buildings; whereas By-law 0225-2007, as amended, requires parking to be provided in accordance with the uses identified in Table 3.1.2.2 of the Zoning By-law in this instance.

Mr. J. Lethbridge, authorized agent, attended and presented the subject application. Mr. Lethbridge advised the Committee that an identical development concept had been approved pursuant to a previous Minor Variance application but noted that the amended wording suggested by Planning staff did not accurately reflect the intention of the applicant. He confirmed that the current application reflected the correct relief required.

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

The City of Mississauga Planning and Building Department commented as follows (July 27, 2015):

"1.0 RECOMMENDATION"

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

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Northeast Employment Area
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: "E2-59", Employment

3.0 OTHER APPLICATIONS

N/A

4.0 COMMENTS

The Planning and Building Department note that this application is one which Planning staff has previously supported and one which the Committee has previously heard and approved on June 4, 2015 under file 'A' 254/14. However, some wording changes in the variance are necessary to correctly reflect the development proposal. Nothing within the plans has changed since the initial submission.

Through a review of the application we advise that the variance should be amended as follows:

1. "The applicant requests the Committee to authorize a minor variance to permit the development of the subject property proposing existing building 'E' (private School, day care and commercial school) to provide parking at rate of 1.0 spaces per 100.0 m2 (1076.42 sq. ft.) Gross Floor Area, as previously approved by the Committee pursuant to Minor Variance 'A' 239/13 and to provide parking at a rate of 4.54 spaces per 100.0 m2 (1076.42 sq. ft.) Gross Floor Area Non - Residential for all other existing and proposed buildings; whereas By-law 0225-2007, as amended, requires parking to be provided in accordance with the uses identified in Table 3.1.2.2 of the Zoning By-law in this instance."

Based on a review of the parking study provided by the applicant, the City of Mississauga Policy Planning Department recommends that the conditions be updated as follows and applied to the requested variance:

- 1) a maximum GFA – Non Residential of 1320m2 for Medical Office use;
- 2) a maximum GFA – Restaurant of 1910m2 for all Restaurant uses;
- 3) The following uses shall require parking in accordance with table 3.1.2.2 of the Zoning By-law, as amended:
 - a) Banquet Hall/Conference Centre/Convention Centre
 - b) Night Club
 - c) Overnight Accommodation"

Considering that the proposal has not changed and the previous Department support and Committee approval for this application, the Planning and Building Department has no objection to the requested variance, as amended."

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

"This Department has no objections, comments or requirements with respect to C.A. 'A' 326/15."

No other persons expressed any interest in the application.

Mr. Lethbridge 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. Lethbridge 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.



MISSISSAUGA

File: "A" 326/15
WARD 3

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 permit the development of the subject property proposing existing building 'E' (private School, day care and commercial school) to provide parking at rate of 1.0 spaces per 100.0 m² (1076.42 sq. ft.) Gross Floor Area, as previously approved by the Committee pursuant to Minor Variance 'A' 239/13 and to provide parking at a rate of 4.54 spaces per 100.0 m² (1076.42 sq. ft.) Gross Floor Area Non - Residential for all other existing and proposed buildings; whereas By-law 0225-2007, as amended, requires parking to be provided in accordance with the uses identified in Table 3.1.2.2 of the Zoning By-law in this instance.

This decision is subject to the following conditions:

1. There shall be a maximum GFA – Non Residential of 1,320.00 m² (14,208.82 sq. ft.) for Medical Office uses.
2. There shall be a maximum GFA – Restaurant of 1,910.00 m² (20,559.74 sq. ft.) for all Restaurant uses.
3. The following uses shall require parking in accordance with table 3.1.2.2 of the Zoning By-law, as amended:
 - a. Banquet Hall/Conference Centre/Convention Centre
 - b. Night Club
 - c. Overnight Accommodation



File: "A" 326/15
WARD 3

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

Application Approved, as amended, on conditions as stated.

Dated at the City of Mississauga on July 30, 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 19, 2015.

Date of mailing is July 31, 2015.

S. PATRIZIO (CHAIR)

D. GEORGE

ABSENT

J. ROBINSON

ABSENT

D. KENNEDY

J. PAGE

ABSENT

D. REYNOLDS

ABSENT

P. QUINN

I certify this to be a true copy of the Committee's decision given on July 30, 2015.

DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

COMMITTEE OF ADJUSTMENT

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

MONIKA & PIOTR KAMYCKI

on Thursday July 23, 2015

Monika & Piotr Kamycki are the owners of 2171 Hillfield Court being Lot 13, Registered Plan 917, zoned R1 – Residential. The applicants request the Committee to authorize a minor variance to permit:

1. an existing accessory structure to remain within the front yard; whereas By-law 0225-2007, as amended, only permits an accessory structure in the rear yard in this instance;
2. an existing accessory structure floor area of 12.52m² (134.76 sq. ft.); whereas By-law 0225-2007, as amended, permits a maximum floor area for an accessory structure of 10.00m² (107.64 sq. ft.) in this instance;
3. a side yard to the existing accessory structure of 1.00m (3.28ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (3.93ft.) in this instance;
4. a front yard soft landscaped area of 17.81%; whereas By-law 0225-2007, as amended, requires a minimum soft landscaped area of 40.00% in this instance;
5. a maximum driveway width of 9.31m (30.54ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.88m (22.57ft.) in this instance;
6. a walkway connection to a driveway having a width of 3.89m (12.76ft.); whereas By-law 0225-2007, as amended, permits a maximum walkway connection to a driveway of 1.50m (4.92ft.) in this instance; and,
7. to permit a commercial motor vehicle exceeding 3,000.00 kg (6,613.75lbs.) registered gross weight; whereas By-law 0225-2007, as amended, permits parking of a commercial vehicle less than or equal to 3,000.00 kg (6,613.75lbs.) registered gross weight in a residential zone in this instance.

Ms. M. Kamycki, a co-owner of the property, attended and presented the subject application to permit the existing shed, driveway, walkway and commercial vehicle to remain on the subject property. Ms. Kamycki advised the Committee that she had an active family and that a storage shed was required for additional storage space for sporting and recreational equipment. She explained that an existing oversized shed had been partially constructed on the property and that this structure would be altered to provide a height in compliance with the Zoning By-law. Ms. Kamycki confirmed that the structure would be finished with aesthetically pleasing materials upon obtaining the necessary approvals. Ms. Kamycki explained that the property was uniquely shaped as it had exposure to public roadways on



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WARD 7

three sides of its lot lines. She explained that the shed was located in the front yard of the property as defined by the Zoning By-law but noted that the way that the dwelling was positioned on the property allowed for this yard to function as a side yard. Ms. Kamycki displayed a photograph of the property and noted that the shed would have to be located within the functional exterior side yard in order to comply with the Zoning By-law. She noted that this side yard was very visible to Hillfield Court and Stillmeadow Road and that several mature trees would be required to be removed. She suggested that compliance with the Zoning By-law would result in a less desirable site condition and that valuable outdoor recreational space would be eliminated if the shed was placed in this yard. Ms. Kamycki further noted that several underground utilities were located in this portion of the property and would be encumbered by the placement of the shed in this location.

Ms. Kamycki advised the Committee that the subject driveway had been reduced in width and that a planting bed with vegetation had been installed in efforts to mask the driveway and vehicle from the view of the neighbours. She noted that a small portion of the driveway was extended to function as a walkway to access the shed. Ms. Kamycki confirmed that this walkway portion was not sufficient in width to park a motor vehicle and would function as a walkway. She suggested that elevation this portion of the walkway would be inappropriate as it could become difficult to navigate in the winter. She noted a second walkway was attached in a perpendicular fashion to the driveway. She noted that this walkways was to access the front door of the dwelling and noted that a motor vehicle could not be parked on this walkway.

Ms. Kamycki noted that the commercial motor vehicle that was parked on the property was an oversized pickup truck. She confirmed that this truck was used for her husband's business but noted that not additional commercial equipment or activity would be stored or conducted on the property. She noted that a commercial trailer had been temporarily located on the property during times of landscaping, construction and maintenance of the property and suggested that this was appropriate to allow for the works to be completed.

Ms. Kamycki advised the Committee that By-law Enforcement Officers had attended the site to inspect for any inappropriate commercial activity or any violations with property standards. She confirmed that their inspection did not reveal any non-compliance with either of these two issues.

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

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

"1.0 RECOMMENDATION"

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

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Cooksville Neighbourhood (West)
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: "R1", Residential

3.0 OTHER APPLICATIONS

☒ *Building Permit* File: BP 14-2701

4.0 COMMENTS

The Planning and Building Department note that this application represents a revised plan of application A 228/15, which was refused by Committee at the June 11th, 2015 meeting. Through conversations with the applicant we understand that they have modified their plans to address concerns that both staff and the Committee had with the original application. However, the applicant has not submitted updated drawings to zoning for review. As a result, we are unable to verify any changes to their variances that differ from the original application or the current notice which was circulated.

Considering the preceding information, we recommend that the application be deferred in order for the applicant to submit revised drawings for review through their building permit application."

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

"As Committee is aware this property was the subject of a similar application, reference C A 'A' 228/15. Under the previous application we requested and received a Survey Plan prepared by Avanti Surveying Inc. (revised on June 3, 2015) which showed that the frame shed encroached into the limits of the hydro easement and that the concrete retaining wall and wood fence also encroached into city property. The applicant provided us a letter from Enersource dated May 14, 2015 which indicated that they had no objections to the encroachment of the shed on their easement. We are also confirming that the applicant/owner has been in contact and arrangements are currently being made with regards to entering into the required Encroachment Agreement with the City for the concrete retaining wall and fence which encroaches into City property.

A representative from this department recently met with the owner of this property on site and were advised that they are intending to make modifications to height the existing shed and once that occurs they will equip the shed with an eavestrough and downspout will be located such that any drainage from the shed is directed such that it will have no impact on the adjacent lands. We also noted from our site inspection that the owner has modified the existing driveway, a significant portion of the southerly side of the driveway has been removed and replaced with landscaping which we find acceptable.

In view of the above this department has no objections to the applicant's request provided that a condition of approval be that confirmation be received that satisfactory arrangements have been made with regards to the owner entering into the required Encroachment Agreement with the City for any encroachments on City property."

A memorandum was received from Ward Councillor Iannicca expressing his objection to the subject application.

A letter was received from J. & T. Kennedy, residents of 2166 Hillfield Court, stating their objection to the subject application.

A letter was received from J. & M. Bush, residents of 2157 Hillfield Court, stating their objection to the subject application.

A letter was received from J. & H. Scott, residents of 2160 Hillfield Court, stating their objection to the subject application.

A letter was received from B. Barber, a resident of 2174 Hillfield Court, stating their support for the subject application.

Ms. H. Scott, a resident of 2160 Hillfield Court, attended and expressed her objection to the accessory structure and suggested that it did not fit into the character of the neighbourhood.



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WARD 7

She noted that the Ward Councillor Iannicca also did not support the subject application. It was Ms. Scott's opinion that the area where the shed is located should remain as open space.

Ms. N. MacLellan, a resident of 2174 Stillmeadow Road, attended and expressed her concerns with the commercial vehicle that was proposed to be stored on the subject property. She noted that the commercial vehicle and a trailer was often parked inappropriately on the street particularly on Stillmeadow Road

Mr. G. Zazulak, a resident of 2178 Stillmeadow Road, attended and expressed his objection to the subject application. He noted his concerns with the placement of the subject accessory structure. He suggested that the location was inappropriate and that the structure was unattractive. He presented a photograph depicting the unfinished structure and suggested that the shed was used for the storage of commercial landscaping and construction materials. Mr. Zazulak presented a photo of the commercial vehicle being parked on the municipal street with a commercial trailer attached. He suggested that the vehicle was too large for a residential neighbourhood.

Mr. J. Scott, a resident of 2160 Hillfield Court, attended and expressed his concerns with the subject application. He noted specific concerns with the encroachment of the shed. Mr. Scott suggested that the location of the shed was inappropriate and noted that there was sufficient room for the shed to be located elsewhere on a more appropriate location on the property. It was Mr. Scott's opinion that the shed was oversized.

No other persons expressed any interest in the application.

Ms. Kamycki confirmed that the driveway width would comply with the Zoning By-law and requested for the variance for driveway width to be deleted.

The Committee consented to the request and, after considering the submissions put forward by Ms. Kamycki and having reviewed the plans and comments received, is satisfied that the amended request is desirable for the appropriate further development of the subject property. The Committee indicated that the intent of the Zoning By-law was to prevent commercial vehicles such as cube vans or delivery trucks from being stored in residential areas. They noted that the subject pickup truck was similar to other typical pickup trucks commonly owned by families. They noted that the truck did not contain any advertising which further deemphasized its commercial nature. The Committee confirmed that any commercial trailers should not be stored on the property and any commercial activity associated with the applicants' landscaping business was not permitted on the property. The Committee was satisfied that the modified shed with the reduced height was located in the most appropriate position on the property. They noted their desire for this structure to be completed with appropriate aesthetics.

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

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

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

1. an existing accessory structure to remain within the front yard; whereas By-law 0225-2007, as amended, only permits an accessory structure in the rear yard in this instance;
2. an existing accessory structure floor area of 12.52m² (134.76 sq. ft.); whereas By-law 0225-2007, as amended, permits a maximum floor area for an accessory structure of 10.00m² (107.64 sq. ft.) in this instance;
3. a side yard to the existing accessory structure of 1.00m (3.28ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (3.93ft.) in this instance;
4. a front yard soft landscaped area of 17.81%; whereas By-law 0225-2007, as amended, requires a minimum soft landscaped area of 40.00% in this instance;
5. a walkway connection to a driveway having a width of 3.89m (12.76ft.); whereas By-law 0225-2007, as amended, permits a maximum walkway connection to a driveway of 1.50m (4.92ft.) in this instance; and,
6. to permit a commercial motor vehicle exceeding 3,000.00 kg (6,613.75lbs.) registered gross weight; whereas By-law 0225-2007, as amended, permits parking of a commercial vehicle less than or equal to 3,000.00 kg (6,613.75lbs.) registered gross weight in a residential zone in this instance.

This decision is subject to the following conditions:

1. The approval to park a commercial motor vehicle on the subject property is limited to a 2015 GMC Sierra 3500 pickup truck.
2. There shall be no advertising or signage on the commercial motor vehicle referenced in Condition #1.
3. The applicant shall proceed in accordance the plan reviewed by the Committee.



File: "A" 327/15
WARD 7

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

Application Approved, as amended, on conditions as stated.

Dated at the City of Mississauga on July 30, 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 19, 2015.

Date of mailing is July 31, 2015.

DISSENTED

S. PATRIZIO (CHAIR)

D. GEORGE

ABSENT

J. ROBINSON

ABSENT

D. KENNEDY

J. PAGE

ABSENT

D. REYNOLDS

ABSENT

P. QUINN

I certify this to be a true copy of the Committee's decision given on July 30, 2015.

DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.

COMMITTEE OF ADJUSTMENT

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

MITCH TRIPO

on Thursday July 23, 2015

Mitch Tripo is the owner of parts of Lot 13 & 14, Registered Plan H-13, located and known as 1301 Queen Victoria Avenue, zoned R2-4 - Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new two storey dwelling on the subject property proposing:

1. a southerly side yard of 1.51 m (4.95 ft.) to the second storey; whereas By-law 0225-2007, as amended, requires a minimum southerly side yard of 2.41 m (7.90 ft.) to the second storey in this instance;
2. a combined width of the side yards of 3.44 m (11.28 ft.); whereas By-law 0225-2007, as amended, requires a minimum combined width of the side yards of 6.23 m (20.43 ft.) in this instance;
3. window wells to encroach 1.51 m (4.95 ft.) into the required side yard; whereas By-law 0225-2007, as amended, permits a window well to encroach a maximum of 0.61 m (2.00 ft.) into a required side yard in this instance;
4. a dwelling height of 10.83 m (35.53 ft.); whereas By-law 0225-2007, as amended, permits a maximum dwelling height of 9.50 m (31.16 ft.) in this instance;
5. a height of 7.43 m (24.37 ft.) measured to the eaves; whereas By-law 0225-2007, as amended, permits a maximum height of 6.40 m (20.99 ft.) measured to the eaves in this instance;
6. a garage floor area of 106.50 m² (1,146.39 sq. ft.) for the proposed three car garage; whereas By-law 0225-2007, as amended, permits a maximum garage floor area of 75.00 m² (807.31 sq. ft.) for the proposed three car garage in this instance;
7. a driveway width of 10.49 m (34.41 ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00 m (19.68 ft.) in this instance;
8. three (3) accessory structures (pool cabana, shed and fire place); whereas By-law 0225-2007, as amended, permits a maximum of one (1) accessory structure in this instance; and,
9. a height of 3.50 m (11.48 ft.) for the proposed outdoor covered fireplace; whereas By-law 0225-2007, as amended, permits a maximum height of 3.00 m (9.84 ft.) for an outdoor covered fireplace in this instance.

On June 11, 2015, Mr. G. Barrett, the authorized agent, attended and requested a deferral of the subject application. The Committee advised Mr. Barrett that the subject applicant would



File: "A" 274/15
WARD 2

have to reflect staff's comments and requires additional variances to be added to the application. The agent requested additional time to meet with staff to address their concerns and add the appropriate variances to the subject application.

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

Discussion:

The Clarkson-Lorne Park Neighbourhood is a stable and established residential area that has evolved into a unique area characterized by low density housing on large, spacious and often heavily treed lots. Specific Infill Housing Policies exist for the Clarkson-Lorne Park Neighbourhood under Section 16.5.1.4 of Mississauga Official Plan, which state that for the development of all detached dwellings on lands identified in the Site Plan Control By-law, the following provisions, among others, will apply:

- a. preserve and enhance the generous front, rear and side yard setbacks;
- c. encourage new housing to fit the scale and character of the surrounding area, and take advantage of the features of a particular site, i.e. topography, contours, mature vegetation;
- e. ensure that new development has minimal impact on its adjacent neighbours with respect to overshadowing and overlook;
- g. reduce the hard surface areas in the front yard;
- j. the building mass, side yards and rear yards should respect and relate to those of adjacent lots.

Zoning By-law 0225-2007

Zoning: "R2-4", Residential

3.0 OTHER APPLICATIONS

☒ *Site Plan* File: SPI 15-19 W2 - Not Satisfactory

4.0 COMMENTS

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

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

- "7. window wells to encroach 1.51 m (4.92 ft.) into the required side yard; whereas By-law 0225-2007, as amended, permits a window well to encroach a maximum of 0.61 m (2.00 ft.) into a required side yard in this instance;
- 8. a side yard of 0.91 m (2.99 ft.) to the proposed shed; whereas By-law 0225-2007, as amended, requires a minimum of 1.2 m (3.94 ft.) in this instance;



MISSISSAUGA

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9. cabana height of 3.5 m (11.48 ft.); whereas By-law 0225-2007, as amended, permits a maximum height of 3.0 m (9.84 ft.) in this instance;

10. three (3) accessory structures (pool cabana, shed and fireplace on porch); whereas By-law 0225-2007, as amended, permits a maximum of one accessory structure in this instance."

Further, we note that an additional variance may be required for the height of the fireplace (accessory structure). However, we require additional information to confirm the extent of relief required.

In regards to variances #1 and #2, we note that the applicant is proposing to construct a new two storey dwelling on a lot with frontage of 23.08 m (75.7 ft.) and lot area of 2019.5 m² (21737.7 sq. ft.). The lot can accommodate a reasonably sized dwelling without the need for side yard and combined side yard variances. Further, in regards to variance #7, we note that the window wells have a width of 0.61 m (2.00 ft.) and therefore would comply with the By-law requirement if the dwelling complied with the side yard requirements of the By-law.

In regards to variances #3 and #4, although there is a grade change on the property, the difference in average grade and established grade does not completely account for the excessive height being requested. The dwelling is excessively high and would create a negative massing impact on the streetscape and adjacent neighbours.

In regards to variance #6, we note that the applicant has indicated in their application that the request is to facilitate the turning of motor vehicles on the property to avoid backing out onto the street. Queen Victoria Avenue is a local residential street with relatively low traffic volumes. We note that a hammerhead is permitted on the property, in accordance with the dimensions and setbacks required by the Zoning By-law. The current configuration of the driveway would result in an excessive amount of hard surface in the front yard.

In regards to variances #8-10, we note that insufficient information has been provided for staff to evaluate the appropriateness of the requests. We would require elevation drawings to demonstrate the design and appearance of the shed and cabana.

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

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

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

No other persons expressed any interest in the application.

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

On July 23, 2015,

Mr. B. Smith, authorize agent, attended and presented the revised application to permit the construction of a new dwelling on the subject property. Mr. Smith indicated that the reduced side yard, combined width of the side yards and setback to window wells was the result of a preferred architectural design. He explained that the proposed height of the dwelling was the result of the calculation of the height from average grade pursuant to the Zoning By-law. He explained that the property had a varying topography that increased in elevation away from the street which distorted the height calculation of the dwelling. He noted that the height of the dwelling would be only be approximately 0.30m (1.00 ft.) taller than what was permitted under the Zoning By-law in measured from the established grade. Mr. Smith indicated that it was his client's preference for a three car garage and noted that the increase in floor area was required to accommodate the necessary floor space for three vehicles. He noted that the driveway would increase in width towards the dwelling in order to accommodate all three garage doors. He noted additional width was required to turn around a vehicle and exit the



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property in a forward motion as the driveway was long and difficult to reverse a vehicle out. Mr. Smith noted that the subject property was narrow and not sufficient in width to construct a dwelling in compliance with the Zoning By-law that would match the size and scale of others within the neighbourhood. He indicated that the adjacent neighbours had not expressed an objection to the proposal. Mr. Smith suggested that the design was desirable and in character with the area.

Mr. Smith noted that additional outdoor accessory structures would be constructed for amenity purposes. He noted that an outdoor fireplace, pool cabana and storage shed would all be constructed. Mr. Smith notes that the outdoor fireplace would be excessive in height.

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

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

"1.0 RECOMMENDATION"

The Planning and Building Department recommends that the application be deferred for the applicant to redesign the proposal to address concerns with the proposed side yard variances.

2.0 BACKGROUND

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: "R2-4", Residential

3.0 OTHER APPLICATIONS

☒ *Site Plan* File: SPI 15-19 W2 - Not Satisfactory

4.0 COMMENTS

We note that revised drawings have not been submitted to the Site Plan application and therefore, we are unable to verify the accuracy of the requested variances or determine whether additional variances will be required.

When this application was previously heard by the Committee on June 11, 2015, the applicant requested a deferral of the application to address staff concerns and include the additional variances required. Since then, we have received additional information with a slightly revised proposal. However, our concerns regarding the side yard setbacks have not been adequately addressed. The dwelling generally appears identical to the original proposal. The applicant is proposing to construct a new two storey dwelling on a lot with frontage of 23.08 m (75.7 ft.) and lot area of 2019.5 m² (21,737.7 sq. ft.). The lot can accommodate a reasonably sized dwelling without the need for side yard and combined side yard variances. Further, we note that the window wells have a width of 0.61 m (2.00 ft.) and therefore would comply with the By-law requirement if the dwelling complied with the side yard requirements of the By-law.

In regards to the requested dwelling height and height to eaves, upon further review and discussion with the authorized agent, we are satisfied that the requests are minor in this instance. There is a grade change on the property which affects the calculation of the dwelling height and height to eaves.

In regards to the request for garage floor area, we note that the proposed front garage face will be broken up by having each garage door staggered at a slightly different setback to the front lot line. It is our opinion that the potential massing of a three car garage has been adequately mitigated in this instance.



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In regards to the requested driveway width, we note that the driveway has been altered to reduce the amount of hard surface in the front yard. We acknowledge that the driveway width is required for the proposed three car garage. The By-law permits a maximum driveway width of 10.5 m (34.45 ft.) for the portion of the driveway that is within 6.0 m (19.69 ft.) of the front garage face, provided that the lot has a minimum frontage of 18.0 m (59.06 ft.) and the driveway does not cover more than 50% of the area of the front yard and/or exterior side yard. In this instance, the frontage is greater than 18.0 m (59.06 ft.) and although the widened portion of the driveway extends beyond 6.0 m (19.69 ft.), we are satisfied that the revised driveway does not create an excessive amount of hard surface on the front yard.

In regards to the proposed accessory structures, we note that the lot is relatively large and can accommodate a cabana and a shed on the property, especially when they meet the setback and size restrictions of the By-law. Further, we note that one of the structures is an outdoor fireplace which is not attached to the dwelling and therefore, is interpreted as an accessory structure. In review of the drawings, we are satisfied that given nature of the variance, there are no adverse impacts created on the neighbouring properties.

Based on the preceding information, we recommend that the application be deferred for the applicant to redesign the proposal to address staff concerns related to the side yards."

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

"Please refer to our comments submitted for the June 11, 2015 hearing of this application as those comments are still applicable."

Credit Valley Region Conservation commented as follows (July 17, 2015):

"Credit Valley Conservation (CVC) has had the opportunity to review the above-noted application and the following comments are provided for your consideration:

SITE CHARACTERISTICS:

The subject property is adjacent to the valley slope associated with Lornewood Creek. It is the policy of CVC and the Province of Ontario to conserve and protect the significant physical, hydrological and biological features associated with the functions of the above noted characteristics and to recommend that no development be permitted which would adversely affect the natural features or ecological functions of these areas.

ONTARIO REGULATION 160/06:

This property is subject to the Development, Interference with Wetlands, and Alterations to Shorelines & Watercourses Regulation (Ontario Regulation 160/06). This regulation prohibits altering a watercourse, wetland or shoreline and prohibits development in areas adjacent to the Lake Ontario shoreline, river and stream valleys, hazardous lands and wetlands, without the prior written approval of Credit Valley Conservation (CVC) (i.e. the issuance of a permit).

PROPOSAL:

The applicant requests the Committee to authorize a minor variance to permit the construction of a new two storey dwelling on the subject property proposing:

1. a southerly side yard of 1.51m (4.95 ft.) to the second storey; whereas By-law 0225-2007, as amended, requires a minimum southerly side yard of 2.41m (7.90 ft.) to the second storey in this instance;
2. a combined width of side yards of 3.44m (11.28 ft.); whereas By-law 0225-2007, as amended, requires a minimum combined width of the side yards of 6.23m (20.43 ft.) in this instance;
3. window wells to encroach 1.51m (4.95 ft.) into the required side yard; whereas By-law 0225-2007, as amended, permits a window well to encroach a maximum of 0.61m (2.00 ft.) into a required side yard in this instance.
4. a dwelling height of 10.83m (35.53 ft.); whereas By-law 0225-2007, as amended, permits a maximum dwelling height of 9.50m (31.16 ft.) in this instance;



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5. a height of 7.43m (24.37 ft.) measured to the eaves; whereas By-law 0225-2007, as amended, permits a maximum height of 6.40m (20.99 ft.) measured to the eaves in this instance;
6. a garage floor area of 106.50 m² (1,146.39 sq. ft.) for the proposed three car garage; whereas By-law 0225-2007, as amended, permits a maximum garage floor area of 75.00 m² (807.31 sq. ft.) for the proposed three car garage in this instance;
7. a driveway width of 10.49m (34.41 ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (19.68 ft.) in this instance;
8. three (3) accessory structures (pool cabana, shed and fire place); whereas By-law 0225-2007, as amended, permits a maximum of one (1) accessory structure in this instance; and,
9. a height of 3.50m (11.48 ft.) for the proposed outdoor covered fireplace; whereas By-law 0225-2007, as amended, permits a maximum height of 3.00m (9.84 ft.) for an outdoor covered fireplace in this instance.

COMMENTS:

CVC has reviewed the proposed development through Site Plan application (SP 15/019). The proposed development is setback sufficiently from any features of concern; as such CVC has no objection to the approval of the application by the Committee at this time.

The applicant is to note that a CVC permit is required for the development as proposed. "

A cover letter was received from B. Horosko, a representative of the authorized agent, explaining the merits of the application.

A letter was received from J. Griffith, a resident of 1292 Queen Victoria Avenue, expressing support for the subject application.

A letter was received from A. Picard, a resident of 1277 Queen Victoria Avenue, expressing support for the subject application.

A letter was received from C. Chaltas, a resident of 1273 Queen Victoria Avenue, expressing support for the subject application.

A letter was received from K. Waschkowski, a resident of 1287 Queen Victoria Avenue, expressing support for the subject application.

A letter was received from S. Mackenzie, a resident of 1319 Queen Victoria Avenue, expressing support for the subject application.

A letter was received from F. Ji, a resident of 1310 Queen Victoria Avenue, expressing support for the subject application.

A letter was received from M. Doyle, a resident of 1295 Queen Victoria Avenue, expressing support for the subject application.

A letter was received from V. Stove, a resident of 1262 Queen Victoria Avenue, expressing support for the subject application.

A letter was received from B. Schoenhofer, a resident of 1309 Queen Victoria Avenue, expressing support for the subject application.

A letter was received from T. Rendeiro, a resident of 1296 Queen Victoria Avenue, expressing support for the subject application.

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Mr. Smith and having reviewed the plans and comments received, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee expressed its



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concern with the reduction in side yard widths. They noted that the dwelling could be narrowed and the reduced width was primarily driven by the proposed three car garage. They noted that the proposed dwelling was appropriate for the neighbourhood and confirmed that the massing of the structure was partially mitigated by the inclusion of the second storey within the roofline of the proposed dwelling.

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

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

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

1. The applicant shall proceed in accordance with the plans presented to the Committee.

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

Application Approved on condition as stated.


Dated at the City of Mississauga on July 30, 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 19, 2015.

Date of mailing is July 31, 2015.



S. PATRIZIO (CHAIR)



D. GEORGE

ABSENT
J. ROBINSON

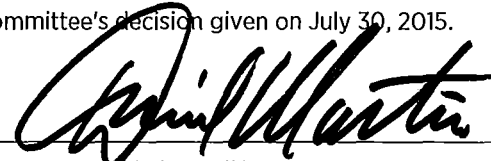
ABSENT
D. KENNEDY

DISSENTED
J. PAGE

ABSENT
D. REYNOLDS

ABSENT
P. QUINN

I certify this to be a true copy of the Committee's decision given on July 30, 2015.



DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.