



## COMMITTEE OF ADJUSTMENT AGENDA

**Location: COUNCIL CHAMBER**

**Hearing: June 11, 2015 AT 1:30 P.M.**

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

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

B-023/15 A-267/15 A-268/15	SUMIT SHUKLA	1138 GARDEN RD	2	Refused
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### NEW APPLICATIONS - (MINOR VARIANCE)

A-263/15	APPLEWOOD SHOPPING PLAZA LIMITED	1077 NORTH SERVICE RD	1	Approved
A-264/15	YEVGENIYA TOR	970 AVIATION RD	1	Approved
A-269/15	JAMES D. COOPER	1507 LOCKHART RD	2	August 20
A-270/15	401704 ONTARIO INC. & ISKANDER INC	2101 DUNDAS ST E	3	Approved
A-271/15	GRANITE RIDGE DEVELOPMENT INC	1191 EGLINTON AVE E	5	July 9
A-272/15	PANKAJ BHARGAVA	5719 RIVER GROVE AVE	6	July 9
A-273/15	DARIUSZ PIEKARSKI	6329 PLOWMANS HEATH	9	Approved
A-274/15	MITCH TRIPO	1301 QUEEN VICTORIA AVE	2	July 23

### DEFERRED APPLICATIONS - (MINOR VARIANCE)

A-053/15	R HENDERSON INC	2520 HAINES RD	1	Withdrawn
A-214/15	ABBAS CHAUDRY	885 CENTRAL PKY W	6	August 27
A-228/15	PIOTR & MONIKA KAMYCKI	2171 HILLFIELD CRT	7	Refused



## 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

SUMIT SHUKLA

on Thursday June 11, 2015

Sumit Shukla is the owner of Lot 15, Registered Plan M-335, located and known as 1138 Garden Road, zoned R2-4 - Residential. The applicant requests the consent of the Committee to the conveyance of a parcel of land having a frontage of approximately 14.06 m (46.12 ft.) and an area of approximately 1,071.00 m<sup>2</sup> (11,528.52 ft<sup>2</sup>). The effect of the application is to create a new residential lot fronting onto Glen Road.

The lands are also the subject to Minor Variance files "A"267/15 & "A"268/15.

Mr. H. Madan, authorized agent, attended and presented the application to convey a parcel of land for the creation of a new residential property for the development of a new two storey dwelling. Mr. Madan advised the Committee the conveyed lots would be reasonably comparable and compatible with surrounding property lot sizes, and that the proposed dwellings would also be compatible and comparable in characteristic, design and form of dwellings and properties within the neighbourhood. He stated that the newly created parcels and dwellings will be designed in a way that would not have a major impact on the street and the neighbourhood.

The Committee asked the authorized agent if the property owner had pursued the possible purchase of additional lands on Glen Road to increase the lot frontage.

Mr. Madan advised that the property owner had pursued this with the adjacent neighbour but there was no interest from the neighbour to sell. He noted his client will continue to pursue negotiations with the owner of the adjacent parcel to see if additional lands can be acquired to increase the lot frontage on Glen Road.

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 (June 11, 2015),  
City of Mississauga, Transportation and Works Department (June 4, 2015),  
City of Mississauga, Community Services Department, Park Planning (June 8, 2015),  
Region of Peel, Environment, Transportation and Planning Services (June 8, 2015),

A letter was received from B. & J. Maciag, property owners at 1135 Glen Road, stating their objection to the requested variances. They expressed their concern with respect to the creation of a new lot impeding on the privacy of other properties adjacent to the subject property, as well as the size of the proposed lots. They requested that the Committee refuse the subject application.

A letter was received from Ms. S. Boyle, property owner of 1260 Glen Road, stating her objection to the requested variances. She expressed her concern with respect to the creation

of the new lots, specifically, their size, allowable space for the construction of dwellings, and their overall impact on the neighbourhood's character and function. She requested that the Committee refuse the subject application.

A petition of objection was received from the property owners of 1135, 1149, 1169 and 1210 Glen Road, stating their objection to the requested variances. They expressed their concern with respect to the effect that the additional residential lot will have on increasing traffic and pedestrian safety. They also stated that the creation of the new lots would not keep with the existing character of the neighbourhood. They requested that the Committee refused the subject application.

A letter was received from M. & K. Laurie, the property owners at 1159 Glen Road expressing an interest in the application.

A letter was received from Mr. B. Howe, property owner of 1179 Glen Road, stating his objection to the requested variances. He expressed concerns with respect to the effect that the additional residential lot will have on railway proximity guidelines, as well as the safety and noise vibration impacts on the subject property. He requested that the Committee refuse the subject application.

Mr. J. Maciag, the property owner of 1135 Glen Road, attended and expressed his objection to the subject application. Mr. Maciag indicated that the proposal is inconsistent and incompatible with other properties within the neighbourhood. He also stated that he will not enter into an agreement with the applicant for the purchase of the parcel of land at the westerly edge of the subject property. Additionally he stated that adjacent neighbourhoods are identifiably different than the neighbourhood in which the subject property and his neighbour lie. He requested that the Committee refuse the subject application.

Mr. B. Howe, property owner of 1179 Glen Road, attended and expressed his objection to the subject application. Mr. Howe indicated that the proposal is incompatible with the existing urban form and characteristics of the neighbourhood. He expressed his concern with the setback and proximity of the proposal to the railway. Additionally, he stated that the application is not in conformance with the *Mississauga Official Plan*, as a portion of the subject property is designated *Greenbelt*. He requested that the Committee refuse the subject application.

Mr. J. Lee, a planner with the City of Mississauga, Planning and Building Department attended and confirmed that there is a small portion of the subject property that is designated as *Greenbelt*. Mr. Lee further explained his rationale regarding the lot frontage study undertaken advising that the parcels north of the railway tracks on Glen and Garden Roads are identifiably different than parcels south of the tracks. He further indicated that the parcels north of the tracks contain lot frontages and areas larger than those in the south.

Mr. Madan confirmed that the proposed conveyed and retained lands are in conformance with the *Mississauga Official Plan* and that there are no restrictions on the property in regards to the *Greenbelt* designation on the subject property. Mr. Madan noted that the lots sizes do not deviate substantially from lot sizes throughout the adjacent neighbourhood. Mr. Madan clarified that he has consulted with a noise engineer to determine the appropriateness of the setback to the railway and the appropriate measures to mitigate noise and ensure safety for the proposed development.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Madan and having reviewed the plans and comments received, is not satisfied that the proposed lot frontage of the lot fronting Glen Road and the overall lot area of the lot fronting onto Garden Road maintains the character of the lots in the immediate neighbourhood and would not conform to the Official Plan in this instance as indicated through the Planning Departments comments



File: "B" 023/15  
WARD 2

and lot study provided. The proposed lot area for the lot fronting onto Garden Road would effectively be significantly smaller than any other lot on that street which would significantly change the character of Garden Road.

The Committee, having regard to those matters under subsection 51(24) of the Planning Act R.S.O. 1990, as amended, resolves to refuse to grant the consent in that the lands do not conform with the Official Plan policies and the dimensions and shapes of the proposed lots are not in character with the surrounding neighbourhood.

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


Application Refused.

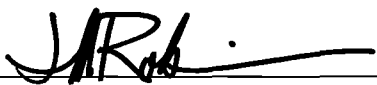
Dated at the City of Mississauga on June 18, 2015.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE JULY 12, 2015.

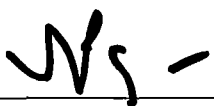
Date of mailing is June 22, 2015.

  
S. PATRIZIO (CHAIR)


  
D. GEORGE

  
J. ROBINSON

  
D. KENNEDY

  
J. PAGE

  
D. REYNOLDS

  
P. QUINN

I certify this to be a true copy of the Committee's decision given on June 18, 2015.

  
DAVID L. MARTIN, SECRETARY-TREASURER

NOTES:

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

SUMIT SHUKLA

on Thursday June 11, 2015

Sumit Shukla is the owner of Lot 15, Registered Plan M-335, located and known as 1138 Garden Road, zoned R2-4 - Residential. The applicant requests the Committee to authorize a minor variance to permit the creation of a lot, being the conveyed lands of Consent applications "B"023/15, and to permit the construction of a new dwelling on the conveyed lands proposing:

1. a lot frontage of 14.06 m (46.12 ft.) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 22.50 m (73.81 ft.) in this instance;
2. a setback of 9.92 m (32.54 ft.) from a dwelling to a railway right-of-way; whereas By-law 0225-2007, as amended, requires a minimum setback of 30.00 m (98.42 ft.) from a dwelling to a railway right-of-way in this instance; and,
3. a height of 7.60 m (24.93 ft.) to the eaves of the proposed dwelling; whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40 m (20.99 ft.) for a dwelling in this instance.

Mr. H. Madan, authorized agent, attended and presented the application requesting relief for the proposed "severed" parcel of land having a reduced lot frontage, reduced setback for the new dwelling from the railway and increased eaves height. Mr. Madan advised that the proposed dwelling has been sited in consideration of the existing railway right of way and their engineers have indicated that a dwelling can be adequately accommodated at this location with noise mitigation measures. He further noted that the eaves request is a result of the existing grading of the property. Mr. Madan advised that the lot frontage request is a result of his client's purchase of a parcel of land that fronts onto Glen Road that merged with the property that currently fronts onto Garden Road. He indicated that there is sufficient frontage and area to adequately provide access to the proposed lot and the remainder of the lot is in compliance with the lot frontage requirement. He further noted that his client has pursued the purchase of additional lands on Glen Road but with no success; however, his client would still pursue this in the future.

The Committee reviewed the information 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 applications be refused.

### 2.0 BACKGROUND

**Mississauga Official Plan**

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

**Discussion:**

Section 16.1.2.1 of Mississauga Official Plan states that,

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 proposed along the periphery of a draft plan of subdivision, or which are subject to a consent application, will generally represent the greater of:

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

**Zoning By-law 0225-2007**

**Zoning:** "R2-4", Residential; "R2-2", Residential

**3.0 OTHER APPLICATIONS**

☒ **Pre-Zoning Review** File: PZONE 14-4154

**Discussion:**

The intent of the Zoning By-law regarding dwelling setback to a railway right-of-way is to ensure that development of sensitive land uses can mitigate potential nuisance and safety concerns.

**4.0 COMMENTS**

For 'A' 267/15 and 'A' 268/15, based on a review of the Pre-Zoning Review application, we advise that the variances as requested are correct.

In regards to Section 16.1.2.1 of the Official Plan, we note that for lots within 120 m (393.70 ft.) of the severed lands, the average frontage is 31 m (101.71 ft.) and the average area is 1094 m<sup>2</sup> (11775.7 sq. ft.) while the severed lot would have frontage of 14.06 m (46.13 ft.) and an area of 1071 m<sup>2</sup> (11528.10 ft.). For lots within 120 m (393.70 ft.) of the retained lands, the average frontage is 28.65 m (94.00 ft.) and the average area is 1971 m<sup>2</sup> (21215.70 ft.) while the retained lot would have frontage of 22.50 m (73.82 ft.) and an area of 1112 m<sup>2</sup> (11969.50 ft.).

This Department has concerns with the requested consent to sever the property as it would result in a lot fronting onto Garden Road which would be significantly smaller and therefore not in keeping with the character of the other lots on Garden Road.

Further, we note that dwellings have been constructed within the required railway right-of-way setback within the area. However, we would have concerns with further intensification of lots within close proximity to the railway.

Based on the preceding information, we recommend that the applications 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 will be addressed through under Consent Application 'B' 23/15."



## MISSISSAUGA

File: "A" 267/15  
WARD 2

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

**"Comment:**

- We note that there is an existing Region of Peel sanitary easement through the subject lands. Certain restrictions apply with respect to easement as per the documents registered on title.
- Please note that severing the lands may adversely affect the existing location of the water and sanitary sewer services, if any exist. The result of this may require the applicant to install new water / sanitary servicing connections to either the severed or retained lands in compliance with the Ontario Building Code. The applicant may require the creation of private water / sanitary sewer servicing easements. An upgrade of your existing service may be required. For more information, please call our Site Servicing Technicians at 905.791.7800 x7973. **Please note that site servicing approvals will be required prior to building permit.**

**Condition:**

- Existing infrastructure/easements dedicated to the Region of Peel for the purpose of sanitary sewer and/or watermain, on the severed or retained portions must be maintained or relocated to the satisfaction to the Region of Peel.
- Arrangements satisfactory to the Region of Peel - Public Works Department shall be made with respect to servicing the severed and retained parcels.."

A letter was received from J. & B. Maciag, property owners at 1135 Glen Road, stating their objection to the requested variances. They expressed their concern with respect to the creation of a new lot impeding on the privacy of other properties adjacent to the subject property, as well as the size of the proposed lots. They requested that the Committee refuse the subject application.

A letter was received from Ms. S. Boyle, property owner at 1260 Glen Road, stating her objection to the requested variances. She expressed her concern with respect to the creation of the new lots, specifically, their size, allowable space for the construction of dwellings, and their overall impact on the neighbourhood's character and function. She requested that the Committee refuse the subject application.

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Mr. J. Maciag, a resident of 1135 Glen Road, attended and expressed his objection to the subject application. Mr. Maciag indicated that the proposal is inconsistent and incompatible with other properties within the neighbourhood. He also stated that he will not enter into an agreement with the applicant for the purchase of the parcel of land at the westerly edge of the subject property. Additionally he stated that adjacent neighbourhoods are identifiable different than the neighbourhood in which the subject property and his neighbour lie. He requested that the Committee refuse the subject application.



## MISSISSAUGA

File: "A" 267/15  
WARD 2

Mr. B. Howe, a resident of 1179 Glen Road, attended and expressed his objection to the subject application. Mr. Howe indicated that the proposal is incompatible with the existing urban form and characteristics of the neighbourhood. He expressed his concern with the setback and proximity of the proposal to the railway. Additionally, he stated that the application is not in conformance with the *Mississauga Official Plan*, as a portion of the subject property is designated *Greenbelt*. He requested that the Committee refuse the subject application.

Mr. J. Lee, a planner with the City of Mississauga, Planning and Building Department attended and confirmed that there is a small portion of the subject property that is designated as *Greenbelt*. Mr. Lee further explained his rationale regarding the lot frontage study undertaken advising that the parcels north of the railway tracks on Glen and Garden Roads are identifiably different than parcels south of the tracks. He further indicated that the parcels north of the tracks contain lot frontages and areas larger than those in the south.

Mr. Madan confirmed that the proposed conveyed and retained lands are in conformance with the *Mississauga Official Plan* and that there are no restrictions on the property in regards to the *Greenbelt* designation on the subject property. Mr. Madan noted that the lots sizes do not deviate substantially from lot sizes throughout the adjacent neighbourhood. Mr. Madan clarified that he has consulted with a noise engineer to determine the appropriateness of the setback to the railway and the appropriate measures to mitigate noise and ensure safety for the proposed development.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Madan, Mr. Lee and having reviewed the plans and comments received, is not satisfied that the request is desirable for the appropriate further development of the subject property. The Committee was not satisfied that the proposed reduced lot frontage and significant reduction in railway setback maintains the general intent and purpose of the Zoning By-law. The Committee noted that the proposed dwelling could be designed to meet the required eaves height in this instance.

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

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





File: "A" 267/15  
WARD 2

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

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

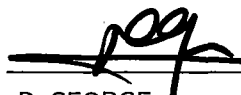
Application Refused.


Dated at the City of Mississauga on June 18, 2015.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE JULY 8, 2015.

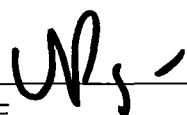
Date of mailing is June 22, 2015.

  
S. PATRIZIO (CHAIR)

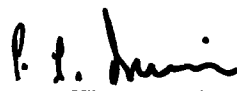
  
D. GEORGE

  
J. ROBINSON

  
D. KENNEDY

  
J. PAGE

  
D. REYNOLDS

  
P. QUINN

I certify this to be a true copy of the Committee's decision given on June 18, 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  
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IN THE MATTER OF AN APPLICATION BY

SUMIT SHUKLA

on Thursday June 11, 2015

Sumit Shukla is the owner of Lot 15, Registered Plan M-335, located and known as 1138 Garden Road, zoned R2-4 - Residential. The applicant requests the Committee to authorize a minor variance to permit the creation of a lot, being the retained lands of Consent applications "B"023/15, and to permit the construction of a new dwelling on the retained lands proposing:

1. a setback of 6.96 m (22.83 ft.) from a dwelling to a railway right-of-way; whereas By-law 0225-2007, as amended, requires a minimum setback of 30.00 m (98.42 ft.) from a dwelling to a railway right-of-way in this instance; and,
2. a height of 7.33 m (24.04 ft.) to the eaves of the proposed dwelling; whereas By-law 0225-2007, as amended, permits a maximum eaves height of 6.40 m (20.99 ft.) for a dwelling in this instance.

Mr. H. Madan, authorized agent, attended and presented the application requesting relief for the proposed "retained" parcel of land having a reduced setback for the new dwelling from the railway and increased eaves height. Mr. Madan advised that the proposed dwelling has been sited in consideration of the existing railway right of way and their engineers have indicated that a dwelling can be adequately accommodated at this location with noise mitigation measures. He further noted that the eaves request is a result of the existing grading of the property.

The Committee reviewed the information 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 applications be refused.

### 2.0 BACKGROUND

#### ***Mississauga Official Plan***

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

**Discussion:**

Section 16.1.2.1 of Mississauga Official Plan states that,

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 proposed along the



## MISSISSAUGA

File: "A" 268/15  
WARD 2

periphery of a draft plan of subdivision, or which are subject to a consent application, will generally represent the greater of:

a. the average lot frontage and lot area of residential lots on both sides of the same street within 120 m of the subject property. In the case of a corner lot, lots on both streets within 120 m will be considered; or

b. the requirements of the Zoning By-law.

### *Zoning By-law 0225-2007*

*Zoning:* "R2-4", Residential; "R2-2", Residential

### 3.0 OTHER APPLICATIONS

☒ *Pre-Zoning Review* File: PZONE 14-4154

#### *Discussion:*

The intent of the Zoning By-law regarding dwelling setback to a railway right-of-way is to ensure that development of sensitive land uses can mitigate potential nuisance and safety concerns.

### 4.0 COMMENTS

For 'A' 267/15 and 'A' 268/15, based on a review of the Pre-Zoning Review application, we advise that the variances as requested are correct.

In regards to Section 16.1.2.1 of the Official Plan, we note that for lots within 120 m (393.70 ft.) of the severed lands, the average frontage is 31 m (101.71 ft.) and the average area is 1094 m<sup>2</sup> (11775.7 sq. ft.) while the severed lot would have frontage of 14.06 m (46.13 ft.) and an area of 1071 m<sup>2</sup> (11528.10 ft.). For lots within 120 m (393.70 ft.) of the retained lands, the average frontage is 28.65 m (94.00 ft.) and the average area is 1971 m<sup>2</sup> (21215.70 ft.) while the retained lot would have frontage of 22.50 m (73.82 ft.) and an area of 1112 m<sup>2</sup> (11969.50 ft.).

This Department has concerns with the requested consent to sever the property as it would result in a lot fronting onto Garden Road which would be significantly smaller and therefore not in keeping with the character of the other lots on Garden Road.

Further, we note that dwellings have been constructed within the required railway right-of-way setback within the area. However, we would have concerns with further intensification of lots within close proximity to the railway.

Based on the preceding information, we recommend that the applications 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 will be addressed through under Consent Application 'B' 23/15."

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

#### *"Comment:*

- We note that there is an existing Region of Peel sanitary easement through the subject lands. Certain restrictions apply with respect to easement as per the documents registered on title.
- Please note that severing the lands may adversely affect the existing location of the water and sanitary sewer services, if any exist. The result of this may require the applicant to install new water / sanitary servicing connections to either the severed or retained lands in compliance with the Ontario Building Code. The applicant may



## MISSISSAUGA

File: "A" 268/15  
WARD 2

require the creation of private water / sanitary sewer servicing easements. An upgrade of your existing service may be required. For more information, please call our Site Servicing Technicians at 905.791.7800 x7973. Please note that site servicing approvals will be required prior to building permit.

### Condition:

- Existing infrastructure/easements dedicated to the Region of Peel for the purpose of sanitary sewer and/or watermain, on the severed or retained portions must be maintained or relocated to the satisfaction to the Region of Peel.  
Arrangements satisfactory to the Region of Peel - Public Works Department shall be made with respect to servicing the severed and retained parcels."

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Mr. J. Maciag, the property owner of 1135 Glen Road, attended and expressed his objection to the subject application. Mr. Maciag indicated that the proposal is inconsistent and incompatible with other properties within the neighbourhood. He also stated that he will not enter into an agreement with the applicant for the purchase of the parcel of land at the westerly edge of the subject property. Additionally he stated that adjacent neighbourhoods are identifiably different than the neighbourhood in which the subject property and his neighbour lie. He requested that the Committee refuse the subject application.

Mr. B. Howe, a resident of 1179 Glen Road, attended and expressed his objection to the subject application. Mr. Howe indicated that the proposal is incompatible with the existing urban form and characteristics of the neighbourhood. He expressed his concern with the setback and proximity of the proposal to the railway. Additionally, he stated that the application is not in conformance with the *Mississauga Official Plan*, as a portion of the subject property is designated *Greenbelt*. He requested that the Committee refuse the subject application.

Mr. J. Lee, a planner with the City of Mississauga, Planning and Building Department attended and confirmed that there is a small portion of the subject property that is designated as *Greenbelt*. Mr. Lee further explained his rationale regarding the lot frontage study undertaken advising that the parcels north of the railway tracks on Glen and Garden Roads are identifiably different than parcels south of the tracks. He further indicated that the parcels north of the tracks contain lot frontages and areas larger than those in the south.

Mr. Madan noted that the lots sizes do not deviate substantially from lot sizes throughout the adjacent neighbourhood. Mr. Madan clarified that he has consulted with a noise engineer to determine the appropriateness of the setback to the railway and the appropriate measures to mitigate noise and ensure safety for the proposed development.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Madan, Mr. Lee and having reviewed the plans and comments received, is not satisfied that the request is desirable for the appropriate further development of the subject property. The Committee was not satisfied that the proposed reduction in railway setback maintains the general intent and purpose of the Zoning By-law. The Committee noted that the proposed dwelling could be designed to meet the required eaves height in this instance.

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

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

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


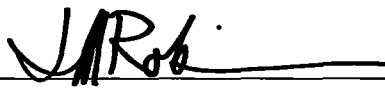
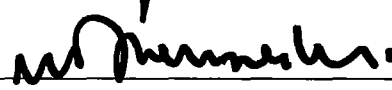
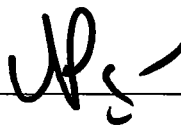
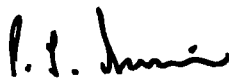
MOVED BY: P. Quinn      SECONDED BY: J. Page      CARRIED

Application Refused.

Dated at the City of Mississauga on June 18, 2015.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE JULY 8, 2015.

Date of mailing is June 22, 2015.

  
\_\_\_\_\_  
S. PATRIZIO (CHAIR)  
\_\_\_\_\_  
D. GEORGE  
\_\_\_\_\_  
J. ROBINSON  
\_\_\_\_\_  
D. KENNEDY  
\_\_\_\_\_  
J. PAGE  
\_\_\_\_\_  
D. REYNOLDS  
\_\_\_\_\_  
P. QUINN

I certify this to be a true copy of the Committee's decision given on June 18, 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

APPLEWOOD SHOPPING PLAZA LIMITED

on Thursday June 11, 2015

Applewood Shopping Plaza Limited is the owner of part of Lots 7 & 8, Concession 1, SDS, Lots 1 & 2 and parts of Lot 3-11, Registered Plan M-439 and part of Block A, Registered Plan M-520, located and known as 1077 North Service Road, zoned C2-1 - Commercial. The applicant requests the Committee to authorize a minor variance to permit the operation of a new restaurant and ancillary outdoor patio within Unit #13 of the development on the subject property being located within 60.00 m (196.85 ft.) to a Residential Zone; whereas By-law 0225-2007, as amended, requires a minimum separation distance of 60.00 m (196.85 ft.), measured in a straight line from the building containing the restaurant use to the lot line of a Residential Zone in this instance.

Mr. J. Sella Durai, the authorized agent, attended and presented the application to permit the operation of a new restaurant and ancillary patio within Unit #13 of the subject property. Mr. Sella Durai advised that the patio is located in front of the restaurant and that a restaurant and patio have been in operation for the past 40 years in the same unit. He also noted that the previous restaurant has not encountered any complaints from surrounding businesses or residents regarding the patio use.

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

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

### 1.0 RECOMMENDATION

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

### 2.0 BACKGROUND

#### *Mississauga Official Plan*

*Character Area:* Lakeview Neighbourhood  
*Designation:* Mixed Use

#### *Zoning By-law 0225-2007*

*Zoning:* "C2-1", Neighbourhood Commercial

### 3.0 OTHER APPLICATIONS

No other applications currently in process.

### 4.0 COMMENTS



## MISSISSAUGA

File: "A" 263/15  
WARD 1

Based on a review of the Minor Variance application and our records, we advise that the variance request should be amended as follows:

"The applicant requests the Committee to authorize a minor variance to permit an existing restaurant use within Unit #13 of the subject development, and ancillary outdoor patio; whereas By-law 0225-2007, as amended, does not make provisions for the patio use in this instance."

We note that the Committee previously approved a similar variance for the subject property under 'A' 536/06 to permit the previous restaurant within 60 m (196.85 ft.) from a residential zone and to permit the patio use. The application was approved on a temporary basis for five years, and expired on January 31, 2012. Further, the approval was subject to conditions relating to restrictions of music on the patio, requiring the doors to the patio to be a self-closing design, and the decision being made personal to "684918 Ontario Limited" operating as "California's Restaurant". At the time, this Department had no objection to the request, subject to the conditions under 'A' 287/99.

We note that since the approval of 'A' 287/99, the subject property has been rezoned to C2-1. The exception provisions of this zone eliminate the application of the 60 m (196.85 ft.) separation distance of restaurants, convenience restaurants and take-out restaurants to residential zones.

In regards to the requested variance, as amended, we note that the patio is currently existing. Further, based on the site plan drawing provided with the Minor Variance application, we note that the patio is located centrally on the site. We do not anticipate negative impacts on adjacent properties, subject to conditions #2 and #3 under 'A' 536/06. "

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

"This Department has no objections, comments or requirements with respect to C.A. 'A' 263/15."

No other persons expressed any interest in the application.

Mr. Sella Durai, 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 submission put forward by Mr. Sella Durai and having reviewed the plans and comments received, is satisfied that the amended request is desirable for the appropriate use of the subject property. The Committee noted that the application is appropriate as the retail plaza is undertaking redevelopment and the restaurant and patio will benefit 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" 263/15  
WARD 1

Accordingly, the Committee resolves to authorize and grant the amended request to permit the operation of a new restaurant and ancillary outdoor patio within Unit #13 of the development on the subject property being located within 60.00 m (196.85 ft.) of a Residential Zone; whereas By-law 0225-2007, as amended, requires a minimum separation distance of 60.00 m (196.85 ft.), measured in a straight line from the building containing the restaurant use to the lot line of a Residential Zone in this instance subject to the following conditions:

1. There shall be no live music be played on the patio; and,
2. There shall be no music be played on the patio past 11:30 pm daily.

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

Application Approved, on conditions as stated.


Dated at the City of Mississauga on June 18, 2015.

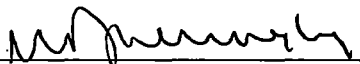
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE JULY 8, 2015.


Date of mailing is June 22, 2015.


  
S. PATRIZIO (CHAIR)

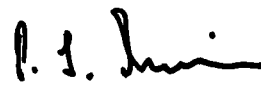
  
D. GEORGE

  
J. ROBINSON

  
D. KENNEDY

  
J. PAGE

  
D. REYNOLDS

  
P. QUINN

I certify this to be a true copy of the Committee's decision given on June 18, 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

YEVGENIYA TOR

on Thursday June 4, 2015

Yevgeniya Tor is the owner of Lot 69, Registered Plan C-19, located and known as 970 Aviation Road, zoned R3 - Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new detached dwelling on the subject property proposing:

1. a northerly side yard of 0.61 m (2.00 ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (3.93ft.) to the first storey, 1.81m (5.93ft.) to the second storey and 2.42m (7.93ft.) to the third storey in this instance,
2. a southerly side yard of 1.20 m (3.93 ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81m (5.93ft.) to the second storey and 2.42 m (7.93 ft.) to the third storey in this instance;
3. a lot coverage of 35.22% (114.72 m<sup>2</sup>) of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 35.00% (114.00 m<sup>2</sup>) of the lot area in this instance; and,
4. a soft landscaped area of 38.56% (24.45 m<sup>2</sup>) of the front yard; whereas By-law 0225-2007, as amended, requires a minimum soft landscaped area of 40.00% (25.37 m<sup>2</sup>) of the front yard in this instance.

Mr. O. Stoyanovskyy, authorized agent, attended and presented the application to permit the construction of a new detached dwelling on the subject property. Mr. Stoyanovskyy advised the Committee that the proposed development would be replacing the existing bungalow on the subject property on a narrow lot and redevelopment that meets the current Zoning By-laws would be difficult to meet. He stated that the dwelling is designed to meet the character of the surrounding neighbourhood and that he has designed the dwelling as appropriately as possible to adapt to the uniqueness of the lot.

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

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

### "1.0 RECOMMENDATION

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

### 2.0 BACKGROUND

**Mississauga Official Plan**

**Character Area:** Lakeview Neighbourhood  
**Designation:** Residential Low Density II

**Zoning By-law 0225-2007**

**Zoning:** "R3", Residential

**3.0 OTHER APPLICATIONS**

☒ **Building Permit** File: BP 15-4301

**4.0 COMMENTS**

Based on a review of the Building Permit application for the proposed three storey dwelling, we advise that variances #1, #2 and #4 as requested are correct. However, more information is required to verify the accuracy of the variance #3 and to determine whether additional variances will be required. We advise that the average grade calculations provided have not been calculated as per the Zoning By-law. Therefore, we are unable to determine if the height of the dwelling complies.

In regards to variance #1, we note that the subject property is relatively narrow at 7.69 m (25.23 ft.). The proposed dwelling would provide greater side yard setbacks than the current dwelling, which has minimal setbacks to the side lot lines. Further, the property to the north is zoned for commercial uses and contains two storey buildings. Given the configuration of the lot and the context of the site, we have no objection to the request.

In regards to variances #2 and #3, 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 (June 4, 2015):

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

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

"This property is in the vicinity of Albert Crookes Memorial Park. This former waste disposal site is inactive and is currently being used as a park. It is catalogued by the Ministry of Environment as #7068. Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required."

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Stoyanovskyy 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 request is minor in nature in this instance.

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

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

Application Approved.


Dated at the City of Mississauga on June 18, 2015.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE JULY 8, 2015.

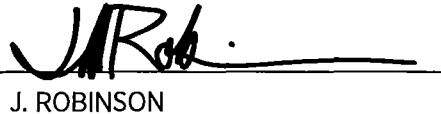
Date of mailing is June 22, 2015.



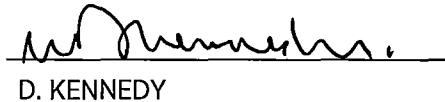
S. PATRIZIO (CHAIR)



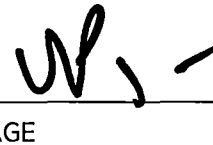
D. GEORGE



J. ROBINSON



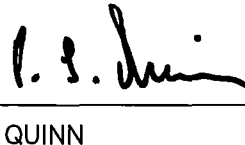
D. KENNEDY



J. PAGE



D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on June 18, 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

401704 ONTARIO INC. & ISKANDER INC

on Thursday June 11, 2015

401704 Ontario Inc. & Iskander Inc are the owners of part of Lot A, Concession 1, NDS, located and known as 2101 Dundas Street East, zoned C3-4 - Commercial. The applicants request the Committee to authorize a minor variance to permit the continued operation of the two (2) existing outdoor patios ancillary to the existing restaurant on the subject property, as previously by the Committee pursuant to Minor Variance 'A'198/07; whereas By-law 0225-2007, as amended, does not permit patio uses on the subject property in this instance.

Mr. M. Gharibo, authorized agent, attended and presented the application to permit the continued operation of two existing outdoor patios ancillary to the existing restaurant on the subject property. Mr. Gharibo advised the Committee that the operating business has been in operation for over sixteen years and have been before the Committee on two previous occasions, requesting the establishment of the patios. He noted that the latest Minor Variance application in 2007, included a condition of expiry of five years which expired in 2012. Mr. Gharibo requested the approval of both patios with no expiration date.

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

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

### "1.0 RECOMMENDATION

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

### 2.0 BACKGROUND

#### ***Mississauga Official Plan***

**Character Area:** Dixie Employment Area  
**Designation:** Mixed Use

#### ***Zoning By-law 0225-2007***

**Zoning:** "C3-4", General Commercial

### 3.0 OTHER APPLICATIONS

N/A

### 4.0 COMMENTS

The requested variance is required in order to permit the continued operation of 2 outdoor patios as previously approved by the committee under file A 198/07. The Planning and



## MISSISSAUGA

File: "A" 270/15  
WARD 3

Building is not aware of any complaints on the subject property regarding the patio operations. The patios are located on the corner of the lot facing Dundas Street and Southcreek Road. There is no anticipated negative impact on adjacent properties; Dundas is a wide, major roadway and the patio facing Southcreek Drive is adjacent to the back of a large building across the roadway.

As a result of the previous information the Planning and Building Department have no objections to the proposed variance."

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

"This department has no objections to the applicant's request to permit the continued operation of the 2 existing outdoor patios."

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Mr. Gharibo and having reviewed the plans and comments received, is satisfied that the request is desirable for the appropriate continued development of the subject property. The Committee stated that the proposal is appropriate and that the patios are aesthetically pleasing and add value to 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" 270/15  
WARD 3

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 June 18, 2015.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE JULY 8, 2015.

Date of mailing is June 22, 2015.

S. PATRIZIO (CHAIR)

D. GEORGE

J. ROBINSON

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on June 18, 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

DARIUSZ PIEKARSKI

on Thursday June 11, 2015

Dariusz Piekarski is the owner of part of Lot 7, Registered Plan M-485, located and known as 6329 Plowmans Heath, zoned RM1 - Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a one storey addition at the rear of the existing dwelling and a second storey addition above the existing garage on the subject property proposing:

1. a northerly side yard of 1.50 m (4.92 ft.); whereas By-law 0225-2007, as amended, requires a minimum northerly side yard of 1.81 m (5.93 ft.) in this instance;
2. a southerly side yard of 0.61 m (2.00 ft.); whereas By-law 0225-2007, as amended, requires a minimum southerly side yard of 1.20 m (3.93 ft.) measured to the first storey and 1.81 m (5.93 ft.) measured to the second storey in this instance; and,
3. a rear yard of 6.50 m (21.32 ft.); whereas By-law 0225-2007, as amended, requires a minimum rear yard of 7.50 m (24.60 ft.) in this instance.

Mr. D. Piekarski, the owner of the property, attended and presented the application for the construction of a one storey addition at the rear of the existing dwelling and a second storey above the existing garage. Mr. Piekarski advised the Committee that the existing home is too small for his current family size and the expansion would be more appropriately suited for his family. He explains to the Committee that proposed development will complement the neighbourhood's built form and character. Mr. Piekarski expressed to the Committee that he has shown his proposal to neighbours before the meeting and that a majority of them are in support of his application.

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

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

### 1.0 RECOMMENDATION

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

### 2.0 BACKGROUND

*Mississauga Official Plan*





## MISSISSAUGA

File: "A" 273/15  
WARD 9

**Character Area:** Meadowvale Neighbourhood  
**Designation:** Residential Low Density II

### ***Zoning By-law 0225-2007***

**Zoning:** "RM1", Residential

### **3.0 OTHER APPLICATIONS**

N/A

### **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 wish to apply for a pre-zoning review application and submit working drawings in order that a detailed zoning review may be completed. A minimum of four (4) weeks will be required to process a pre-zoning review application depending on the complexity of the proposal and the detail of the information submitted.

The northerly side yard variance, as well as the rear yard variance, arises as a result of irregular lot shape. The variances are required at a pinch points between the lot lines and the dwelling and are not present along the entire length of the northerly side yard or rear yard. The Planning and Building Department note that this significantly reduces any potential impact from reduced yard setbacks.

The Southerly side yard setback is an existing condition which is not proposed to change or worsen through the variance application. Based on the lot configuration the Planning and Building Department are of the opinion that building on the existing setback will not have adverse impacts on adjacent properties.

Considering the previous information the Planning and Building Department has no objection in principle to the requested variance, however the applicant may wish to defer to verify the accuracy of the variances through a Building Permit application."

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 the proposed one-storey addition will be addressed under the Building Permit process."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (June 8, 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."

A letter was received from the residents of 6309, 6311, 6314, 6315, 6316, 6317, 6321, 6323, 6327, 6339, 6346, 6347, 6348 & 6341 Plowmans Heath, expressing their support towards the subject application.

A letter was received from E. & P. Boere, residents of 6333 Plowmans Heath, expressing an objection to the subject application.



## MISSISSAUGA

File: "A" 273/15

WARD 9

Ms. Y. Simpson, a resident of 6346 Plowmans Heath, attended and expressed her support to the subject application. Ms. Simpson advised the Committee that she does not perceived any negative adverse effects of the proposal on the neighbour and the properties directly to the north and south of the subject property. Additionally, she stated that the proposal will provide reinvestment into the neighbourhood and support increased properties values.

Mr. J. Boere, resident of 6333 Plowmans Heath, attended and expressed his objection to the subject application. He stated that he objects to the second storey addition above the garage, suggesting that it alters the frontage of the street, changing the nature and character of its design. Additionally, he stated that if the addition is built, that it will create a taller, narrower corridor between his property and the subject property.

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Mr. Piekarski 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 stated that the impact of the proposal is minimal, support from neighbours has been provided and the proposed additions to the existing dwelling are appropriate and in character with development of other properties in the neighbourhood.

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

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



## MISSISSAUGA

File: "A" 273/15  
WARD 9

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

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

Application Approved.

Dated at the City of Mississauga on June 18, 2015.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE JULY 8, 2015.

Date of mailing is June 22, 2015.

S. PATRIZIO (CHAIR)

D. GEORGE

J. ROBINSON

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on June 18, 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

PIOTR & MONIKA KAMYCKI

on Thursday June 11, 2015

Piotr & Monika Kamycki are the owners of Lot 13, Registered Plan 917, located and known as 2171 Hillfield Court, zoned R1, Residential. The applicants request the Committee to authorize a minor variance to permit the construction of an accessory structure on the subject property proposing:

1. the accessory structure 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 accessory structure floor area of 12.52m<sup>2</sup> (134.76sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum floor area for an accessory structure of 10.00m<sup>2</sup> (107.64sq.ft.) in this instance,
3. an accessory structure height of 3.72m (12.20ft.); whereas By-law 0225-2007, as amended, permits a maximum accessory structure height of 3.00m (9.84ft.) in this instance,
4. a side yard to the 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,
5. a 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 (6613.75lbs.) registered grossweight; whereas By-law 0225-2007, as amended permits parking of a commercial vehicle less than or equal to 3 000.00 kg (6613.75lbs.) registered gross weight in a residential zone in this instance.

On May 7, 2015 Mr. P. and Ms. M. Kamycki, the owners of the subject property, attended and presented the subject application to the Committee. Mr. & Mrs. Kamycki requested that the Committee authorize variances to permit the existing accessory structure to remain on the subject property within the front yard on the subject property, which is prohibited under By-law 0225-2007. The owners stated that upon purchasing the home they were unaware of what constituted a front yard or a rear yard on the subject property. They also stated that they were unaware that approved variances were required for the construction of the accessory structure. They further requested the existing expansion of the driveway width to remain advising that they needed the expanded driveway in order to adapt to their changing



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family needs. Additionally, they also requested to permit a commercial vehicle on the subject property that exceeds the allowable weight limit in a residential zone, stating that the vehicle is used for personal use and not commercial use. They further indicated that the vehicle does not contain any decals or advertising indicating that it is for commercial or business use.

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

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

#### 1.0 RECOMMENDATION

The Planning and Building Department recommends that the application be deferred for the applicant to address concerns outlined below. Should Committee see merit in the application, we recommend that any approval be subject to the condition outlined below.

#### 2.0 BACKGROUND

##### ***Mississauga Official Plan***

**Character Area:** Cooksville Neighbourhood  
**Designation:** Residential Low Density I

##### ***Zoning By-law 0225-2007***

**Zoning:** "R1", Residential

##### **Discussion:**

The intent of the By-law restriction on driveway widths is to maximize opportunities for front yard landscaping while providing for a reasonable amount of parking; thereby, minimizing the effects of hard surfaced areas on the streetscape. The current driveway results in a front-yard that consists of hard surface area which over emphasizes motor vehicle parking, which does not reinforce nor enhance the character of the neighbourhood. Given the preceding information, variance #5 does not maintain the general intent and purpose of the Zoning By-law.

#### 3.0 OTHER APPLICATIONS

☒ ***Building Permit*** File: BP 14-2701

#### 4.0 COMMENTS

Based on a review of the Building Permit application for the proposed accessory structure, we advise that more information is required to verify the accuracy of the requested variances and to determine whether additional variances will be required.

Further, we advise that variance #7 should be amended as follows:

"7. to permit a commercial motor vehicle exceeding 3000 kg (6613.75 lbs.) registered gross weight; whereas By-law 0225-2007, as amended permits a commercial motor vehicle less than or equal to 3000 kg registered gross weight or 2600 kg vehicle curb weight and be less than 5.6 m in length and 2.0 m in height."

In regards to variance #1, we note that the subject property is uniquely shaped and configured, such that the accessory structure is located in the front yard, but for functional purposes is located in the side yard. Based on the context and shape of the lot, we have no objection to the request.

In regards to variances #2 and #4, it is our opinion that the requests are minor and therefore we have no objection.

In regards to variance #3, we note that due to its location, the accessory structure would be visible from most of the houses on Hillfield Court. In order to mitigate the potential impact of

the structure, we recommend that the applicant consider reducing the height or providing screening measures.

Notwithstanding the above, we note that based on the information provided, it appears that the accessory structure is located on an existing easement. As such, we recommend that the applicant remove the structure from encumbering the easement or alternatively, the applicant shall provide a letter from the dominant tenant in favour of the easement, indicating their satisfaction with the location of the structure.

In regards to variance #5, this Department has concerns with the proposed driveway width as it results in an excessive amount of hard surface area on the property which may over emphasize motor vehicle parking in the front yard. Therefore, we recommend that variance #5 be refused.

In regards to variance #6, based on the site plan provided with the minor variance application, we note that the walkway flares out towards the driveway. The flared out portion of the walkway is limited in size and therefore, in review of the site plan drawing provided, we have no objection to the request.

In regards to variance #7, based on discussions with the applicant, it is our understanding that the commercial motor vehicle is a pickup truck, which would be permitted on the property as-of-right if the vehicle was less than 3000 kg (6613.75 lbs) and if the required number of parking spaces were maintained. We advise that the intent of the Zoning By-law provisions restricting the parking of commercial vehicles over 3000 kg (6613.75 lbs) in residential zones is to ensure that larger and more impactful commercial vehicles such as truck trailers and cube vans do not have a negative impact to residential neighbourhoods.

Further, we note that based on the site plan provided, a board fence and retaining wall may be encroaching on the City owned right-of-way. The applicant should clarify the exact locations of these structures and may require an Encroachment Agreement with the City.

Based on the preceding information, we recommend that the application be deferred for the applicant to provide a satisfactory letter regarding the easement on the property and to clarify possible encroachments onto City lands. Should Committee see merit in the application without the benefit of this information, we recommend the following condition to ensure that the commercial vehicle does not have a negative impact to the neighbourhood:

1. The commercial vehicle permitted on the property will be limited to one pickup truck."

The City of Mississauga Transportation and Works Department commented as follows (May 1, 2015):

"From our recent site inspection of the property and our review of the Site Plan submitted we are advising that we have a number of issues which must be addressed prior to any approvals being granted. The existing accessory structure appears to be encroaching into the limits of an existing easement identified as Instrument No. VS180104 which we assume is a bell/hydro easement. In this regard a proper survey plan is to be submitted to confirm the extent of any encroachment and if it is determined that there is an encroachment then the shed would have to be relocated or alternatively satisfactory arrangements would have to be made with the appropriate utility company for the encroachment.

From our site inspection we observed that the shed has not been equipped with an eavestrough/downspout and some of the drainage from the shed's roof is currently directed towards the abutting property. In this regard we would request that this shed be equipped with the proper eavestrough/downspout and any drainage be directed so that the drainage would not have any impact on the adjacent lands.

From our site inspection and our review of the Site Plan submitted we also note that the applicant has constructed a concrete retaining wall and wood fence between the paved driveway and the existing municipal sidewalk which appears to be encroaching within the limits of the Hillfield Court municipal right-of-way. In this regard a proper survey plan will have to be provided to confirm any encroachments and if it is determined that the concrete



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retaining wall and wood fence encroaches then the items encroaching will have to be relocated or alternatively enter into the appropriate Encroachment Agreement with the City to seek approval for any encroachments over City lands.

It should also be noted that the owner has constructed a gated opening in the wood fence and in this regard the owner should be advised that no vehicular access will be permitted across the Hillfield Court municipal boulevard to access the subject property through this gate.

In view of the above noted concerns with regards to the shed encroaching into the limits of an easement, the drainage from the shed impacting on the abutting property and the wood fence and concrete retaining wall encroaching within the municipal right of way, we would request that this application be deferred until such time that our identified concerns have been addressed."

Mr. J. Scott, resident of 2160 Hillfield Court, requested that the Committee refuse the subject application on the basis that the development is undesirable for the community.

Ms. J. Aslack, resident of 2178 Stillmeadow Road, requested that the Committee refuse the application. Ms. Aslack stated that the applicants built a gate onto their front yard fence and are operating motor vehicles in the front yard through the gates. Ms. Aslack has concerns with the height and appearance of the accessory structure. The resident voiced concerns with the crowdedness of the property and the unappealing aesthetic of the property onto the neighbourhood.

Ms. N. McClenan, resident at 2140 Stillmeadow Road, requested that the Committee refuse the application, Ms. McClenan stated that she was concerned with the illegally built accessory structure and how it is unaesthetically appealing to the neighbouring community.

No other persons expressed any interest in the application.

The Committee expressed a concern with the proposal and suggested that the applicant request a deferral in order to address the Transportation and Works Department's comments before moving forward with the application.

Mr. and Ms. Kamycki concurred with the Committee and requested a deferral of the application so that they could address the comments of City staff and the Committee on the application.

The Committee consented to the request and deferred the application to the June 11, 2015 hearing.

On June 11, 2015 Mr. P. and Ms. M. Kamycki, the owners of the subject property, attended and presented the subject application further to the Committee. The owners requested that the Committee authorize variances to permit the existing oversized accessory structure to remain in the front yard on the subject property noting that they were proposing additional landscaping to buffer the accessory structure which will be utilized for residential purposes and not business related activities. The applicants advised the Committee that an encroachment agreement application has been submitted to the City of Mississauga regarding features of the proposal such as fencing and retaining walls that encroach onto City owned lands. They advised that the initial requirements issued by the City have been fulfilled by the applicants. The applicants advised the Committee that they have fulfilled requirements asked of them from their previous appearance before the Committee on May 7, 2015. They displayed plans to mitigate the negative adverse effect of the accessory structure onto the neighbourhood. Appropriate landscaping and urban design was proposed, mitigating the height of the shed. Ms. Kamycki continued to note that they were not able to park a vehicle in the garage due to the stone work on the garage and the size of their vehicles but did utilize the garage for storage of a motorcycle and household items. Ms. Kamycki noted that an additional variance was required for reduced soft landscaping within the front yard.

The Committee reviewed the information and plans submitted with the application and consented to amend the request to include the additional request for front yard landscaping relief.

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

**"1.0 RECOMMENDATION"**

The Planning and Building Department has no objection to requested variances #1 – 2, #4, and #6 – 7, subject to the outlined conditions. However, we recommend that variance #3 and #5 be refused.

**2.0 BACKGROUND**

***Mississauga Official Plan***

**Character Area:** Cooksville Neighbourhood  
**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 comments made for the May 7<sup>th</sup>, 2015 Committee of Adjustment Agenda are still applicable with regards to variances # 1, 2, and 4 – 7.

With regards to variance #3, it is our understanding that the shed does encroach onto the hydro easement, however the applicant is in possession of a letter with no objection to the encroachment.

The Planning and Building Department raises concerns with the proposed height of the accessory structure. Initial comments from the May 7<sup>th</sup>, 2015 agenda recommended that the applicant reduce the height of the accessory structure; considering the maintenance of the original height request and the impact of the accessory structure on the streetscape along Hillfield Court, the Planning and Building Department are of the opinion that variance #3 is not minor in nature and is not an appropriate or desirable development. The accessory structure is located at an already slightly elevated height which increases the appearance and impact on the rest of the court. Additionally the accessory structure is in the side yard facing directly onto the rest of Hillfield Court. As a result the Planning and Building Department recommend that requested variance #3 be refused.

With regards to additional encroachment issues, it is our understanding that the fence and retaining wall both encroach onto City lands. It is also our understanding that Transportation and Works will comment further on these issues and that the applicant has been in touch with the City to discuss encroachment agreements.

Considering the previous information, the Planning and Building Department have no objection to variances #1, 2, 4, 6, and 7, provided the following condition, as recommended in the comments for the May 7<sup>th</sup> agenda, apply:



1. "The commercial vehicle permitted on the property will be limited to one pickup truck."

Additionally the Planning and Building Department recommend that variances #3 and 5 be refused.

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

"Further to our comments submitted for the May 7, 2015 hearing of this application we are advising that we have recently been in contact with the owner and they have provided us a Survey Plan prepared by Avanti Surveying Inc. (revised on June 3, 2015) which shows that the frame shed encroaches into the limits of the hydro easement and that the concrete retaining wall and wood fence also encroach into City Lands. A letter dated May 14, 2015 has also been provided by Enersource which indicates that they have no objections to the encroachment. With regards to the concrete retaining wall and wood fence encroachment the owner has advised that they are already in the process of making arrangements with regards to entering into the appropriate Encroachment Agreement with the City to seek approval for any encroachment over City lands.

In view of the above, and should Committee see merit in the applicants request we would request 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. We would also request that a condition of approval be that the shed be equipped with an eavetrough and the downspout be located such that any drainage from the shed be directed such that it would not have any impact on the adjacent lands."

A letter was received from Enersource expressing no objection to the application.

A memorandum was received from Ward 7 Councillor N. Iannicca expressing concerns regarding the subject application. He requested the Committee to refuse approve the subject application.

Ms. H. Scott, property owner of 2170 Hillfield Court, attended and expressed her objection to the subject application. She views the application to propose negative change to the streetscape and overall neighbourhood. Ms. Scott stated that the accessory structure was built illegally, without permit and that the subject property's proposal lacks adequate soft landscaping. Finally, Ms. Scott suggested that the subject property poses as a nuisance to the neighbourhood, generating noise, dust and overbearing occupancy of on-street parking

Mr. G. Gary, property owner at 2178 Stillmeadow Road, attended and expressed his objection to the subject application. He advised that the commercial vehicle was too large for the subject property and requested additional landscaping to buffer the appearance of the shed from his property.

Ms. J. Bush, property owner at 2157 Hillfield Court, attended and expressed her objection to the subject application. She expressed a concern with the proposed accessory structure and views that the mitigation of the appearance of the shed from the neighbourhood will pose a negative effect on the aesthetics of the court.

Ms. N. McClenan, property owner at 2140 Stillmeadow Road, attended and expressed her continued objection to the subject application. She expressed her concern with the commercial vehicle and the safety it poses on the neighbourhood.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. P. and Ms. M. Kamycki and having reviewed the plans and comments received, is not satisfied that the amended request is desirable for the appropriate further development of the subject property. The Committee noted that the subject property is uniquely located and oriented and are of the opinion that the accessory structure is appropriate both on scale, size and location on the subject property was not appropriate and could be accommodated in another location on the property. The Committee further noted that the proposed driveway width and walkway connection was significant in scale and did not meet the overall intent of the by-law and contributed to the reduced landscape area within the front yard. The Committee further advised that the commercial vehicle was significant in size and the underutilization of the garage for the parking of vehicles further exacerbated the combination of the requests for driveway width, commercial vehicle size and reduced landscaped area.

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

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



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Accordingly, the Committee resolves to deny the amended request to permit the construction of an accessory structure on the subject property proposing:

1. the accessory structure 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 accessory structure floor area of 12.52m<sup>2</sup> (134.76sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum floor area for an accessory structure of 10.00m<sup>2</sup> (107.64sq.ft.) in this instance,
3. an accessory structure height of 3.72m (12.20ft.); whereas By-law 0225-2007, as amended, permits a maximum accessory structure height of 3.00m (9.84ft.) in this instance,
4. a side yard to the 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,
5. a 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,
7. to permit a commercial motor vehicle exceeding 3 000.00 kg (6613.75lbs.) registered grossweight; whereas By-law 0225-2007, as amended permits parking of a commercial vehicle less than or equal to 3 000.00 kg (6613.75lbs.) registered gross weight in a residential zone in this instance; and,
8. a 17.81% soft landscape area in the front yard; whereas By-law 0225-2007, as amended, requires a minimum 40% soft landscaped area within the front yard in this instance.

MOVED BY: D. George

SECONDED BY: P. Quinn

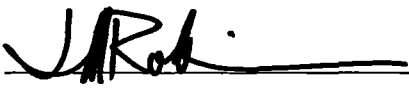
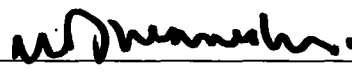

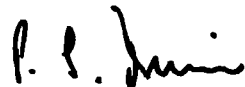
CARRIED

Application Refused.

Dated at the City of Mississauga on June 18, 2015.

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Date of mailing is June 22, 2015.

  
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I certify this to be a true copy of the Committee's decision given on June 18, 2015.

  
DAVID L. MARTIN, SECRETARY-TREASURER

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

NOTES:

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