



COMMITTEE OF ADJUSTMENT AGENDA

Location: COUNCIL CHAMBER
Hearing: JUNE 18, 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-24/15	ESTATE OF BENEDETTO DEMEO	12 PINE AVE N	1	Approved
B-25/15	DIV (MEADOWPINE) LIMITED	2455 MEADOWPINE BLVD	9	Approved
<u>NEW APPLICATIONS - (MINOR VARIANCE)</u>				
A-275/15	CHARANJIT AND NARINDER SINGH	2360 LUCKNOW DR	5	Aug. 13 Peremptory
A-276/15	JEDIDA HOLDINGS INC	3392 MAVIS RD	6	July 9
A-277/15	DOUGLAS & LOUISE VANDERWEES	1549 TYANDAGA CRT	2	Approved
A-278/15	ADMIRA & EMIN BUZIMKIC	1279 MOBRIDGE CRT	2	Approved
A-279/15	HORNER DEVELOPMENT LIMITED & RIALTO APARTMENTS LTD	1645 – 1665 QUEENSWAY E	1	Approved
A-280/15	PINDER REAL ESTATE DEVELOPERS INC	2290 DOULTON DR	8	Approved
A-281/15	PINDER REAL ESTATE DEVELOPERS INC	2270 DOULTON DR	8	Approved
A-282/15	ORLANDO CORPORATION	7655 TRANMERE DR	5	Approved
<u>DEFERRED APPLICATIONS - (MINOR VARIANCE)</u>				
A-348/14	CITY OF MISSISSAUGA	0 SHAWANAGA TR	8	Approved
A-349/14	NORA MICHELL	2275 SHAWANAGA TR	8	Approved
A-184/15	2321497 ONTARIO INC	6625 KESTREL RD	5	July 9
A-200/15	KHALID ABU ZAED	6985 SECOND LINE WEST	11	July 2
A-202/15	2070825 ONTARIO INC	5330 BRADCO BLVD	5	Withdrawn

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

ESTATE OF BENEDETTO DEMEO

on Thursday June 18, 2015

Estate Of Benedetto Demeo is the owner of Lot 42, Registered Plan 419, located and known as 12 Pine Avenue North, zoned RM-7 - Residential. The applicant requests the consent of the Committee to the conveyance of a parcel of land having a frontage of 7.62 m (25.00 ft.) and an area of approximately 347.47 m² (3740.13 ft²). The effect of the application is to create a new residential lot fronting onto Pine Avenue North.

Mr. B. Cromie, the authorized agent, attended and presented the application to partition the lot into two separate properties for the development of a pair of semidetached dwellings. Mr. Cromie advised the Committee that the proposed conveyed and retained lands and the semidetached dwellings that would be constructed would comply with the requirements of the Zoning By-law.

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 12, 2015),
City of Mississauga, Transportation and Works Department (June 11, 2015),
City of Mississauga, Community Services Department, Park Planning (June 17, 2015),
Region of Peel, Environment, Transportation and Planning Services (June 16, 2015),

Ms. C. McFadden, a resident of 6 Pine Avenue North, attended and indicated that the increase in lot coverage resulting from the proposed semidetached dwellings would exacerbate the existing drainage problems within the surrounding area as the existing servicing infrastructure was insufficient to accommodate the additional storm water runoff. Ms. McFadden noted that the proposed semidetached dwellings did not maintain the character of the neighbourhood.

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. Cromie consented to the imposition of the proposed conditions.

The Committee, after considering the submissions put forward by Mr. Cromie, the comments received and the recommended conditions, is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the municipality. The Committee indicated that drainage related concerns would be addressed by the Transportation and Works Department through the associated condition of approval.

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.
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 June 11, 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 June 17, 2015.


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

Application Approved on conditions as stated.

Dated at the City of Mississauga on June 25, 2015.

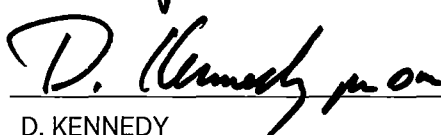
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE JULY 19, 2015.


Date of mailing is June 29, 2015.



S. PATRIZIO

D. GEORGE

J. ROBINSON (CHAIR)

D. KENNEDY

J. PAGE

ABSENT

D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on June 25, 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 June 29, 2016.

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

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

DIV (MEADOWPINE) LIMITED

on Thursday June 18, 2015

DIV (Meadowpine) Limited is the owner of Lots 40-43, Registered Plan M-852, located and known as 2455 Meadowpine Boulevard, zoned E2-24 - Employment. The applicant requests the consent of the Committee to the conveyance of a parcel of land having a frontage of 83.24m (273.10 ft.) and an area of approximately 1.457ha (3.60ac). The effect of the application is to create a new lot fronting onto Meadowpine Boulevard for employment purposes.

Mr. M. Fasken, the authorized agent, attended and presented the application for the conveyance of land for the creation of a new lot for employment purposes. Mr. Fasken advised the Committee that the subject application was identical to a previous application that had been approved by the Committee and explained that he was unable to fulfill the conditions of provisional consent within the required legislative time. Mr. Fasken confirmed that an existing building had not been demolished before the provisional consent expiration date to satisfy one of the required conditions.

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 12, 2015),
City of Mississauga, Transportation and Works Department (June 11, 2015),
City of Mississauga, Community Services Department, Park Planning (June 17, 2015),
The Ministry of Transportation (May 29, 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. Fasken consented to the imposition of the proposed conditions.

The Committee, after considering the submissions put forward by Mr. Fasken, 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.
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 June 11, 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 June 17, 2015.

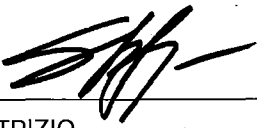
MOVED BY: S. Patrizio SECONDED BY: D. George CARRIED

Application Approved on conditions as stated.

Dated at the City of Mississauga on June 25, 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 19, 2015.

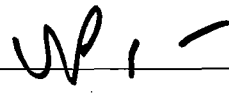
Date of mailing is June 29, 2015.


S. PATRIZIO



D. GEORGE


J. ROBINSON (CHAIR)

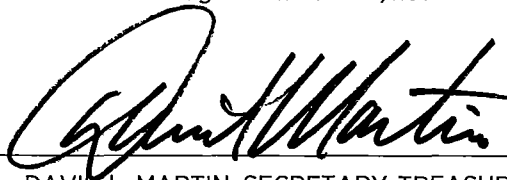

D. KENNEDY


J. PAGE

ABSENT
D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on June 25, 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 June 29, 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

DOUGLAS & LOUISE VANDERWEES

on Thursday June 18, 2015

Douglas & Louise Vanderwees are the owners of Lot 7, Registered Plan 847 & Part of Lot 5, Registered Plan 408, located and known as 1549 Tyandaga Court, zoned R2-1 - Residential. The applicants request the Committee to authorize a minor variance to permit the construction of a second story addition to the existing dwelling proposing:

1. a southerly side yard of 1.41m (4.63 ft.), whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.81m (5.94 ft.) for a two storey dwelling in this instance; and
2. a combined width of side yards of 3.87m (12.70 ft.), whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 5.04m (16.54 ft.) in this instance.

Mr. D. Brown, the authorized agent, attended and presented the application to construct a second storey addition and alterations to the front porch and façade of the dwelling resulting in a deficiency in the side yard widths. Mr. Brown advised the Committee that a portion of the angular front wall of the dwelling would be altered to be a straight wall which resulted in a decreased side yard width.

Mr. Brown noted that the proposed second storey addition would be located over the existing one storey portion of the dwelling and that the addition would be accessed through the existing second storey above the garage.

Mr. Brown confirmed that his client had shared the proposal with the neighbour and presented a series of letter of support from these neighbours.

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

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

1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan



MISSISSAUGA

File: "A" 277/15
WARD 2

Character Area:
Designation:

Clarkson-Lorne Park Neighbourhood
Residential Low Density I

Zoning By-law 0225-2007

Zoning: "R2-1", Residential

3.0 OTHER APPLICATIONS

☒ Site Plan File: SPM 15-27 W2

4.0 COMMENTS

Based on a review of the Site Plan application for the proposed second storey addition, we advise that more information is required to verify the accuracy of the requested variance or to determine whether additional variances will be required.

In regards to the requested variances, we note that the subject property is uniquely shaped. Further, we note that the applicant is proposing a second storey addition that would maintain the existing building footprint. In this instance, the variances are required at a pinch point located at the southwestern corner of the dwelling, while other portions of the side yard would comply with the By-law requirement.

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

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

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 15/27. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (June 16, 2015):

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

A letter was received from L. Russell, a resident of 1541 Tyandaga Court, confirming that she had no objections to the subject application.

A letter was received from L. Gauer, a resident of 1542 Tyandaga Court, confirming that he had no objections to the subject application.

A letter was received from D. & L. White, a resident of 1546 Tyandaga Court, confirming that they had no objections to the subject application.

A letter was received from R. Morris, a resident of 1553 Tyandaga Court, confirming that she had no objections to the subject application.

A letter was received from A. & S. Bassett, a resident of 1554 Tyandaga Court, confirming that they had no objections to the subject application.

A letter was received from J. & R. Clement, a resident of 1557 Tyandaga Court, confirming that they had no objections to the subject application.

A letter was received from D. McQuarrie, a resident of 1400 Indian Road, confirming that he had no objections to the subject application.



MISSISSAUGA

File: "A" 277/15
WARD 2

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Mr. Brown and having reviewed the plans and comments received, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee indicated that the deficiency in the required side yards were partially the result in the angular side lot lines. The Committee was satisfied that roofline adequately deemphasized the massing of the second storey addition.

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" 277/15
WARD 2

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: P. Quinn SECONDED BY: J. Page CARRIED

Application Approved on condition as stated.

Dated at the City of Mississauga on June 25, 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 15, 2015.

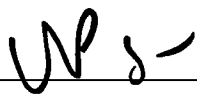
Date of mailing is June 29, 2015.


S. PATRIZIO


D. GEORGE


J. ROBINSON (CHAIR)


D. KENNEDY


J. PAGE

ABSENT
D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on June 25, 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

ADMIRA & EMIN BUZIMKIC

on Thursday June 18, 2015

Admira & Emin Buzimkic are the owners of Lot 6, Registered Plan 623, located and known as 1279 Mobridge Court, zoned R2-4 - Residential. The applicants request the Committee to authorize a minor variance to permit the construction of a new two storey dwelling on the subject property proposing:

1. a combined width of side yards of 5.28m (17.32 ft.); whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 6.60m (21.65 ft.) in this instance;
2. a gross floor area – infill residential of 425.95m² (4,584.89 sq. ft.); whereas By-law 0225-2007, as amended, permits a maximum gross floor area – infill residential of 415.52m² (4,472.62 sq. ft.) in this instance; and,
3. a driveway width of 6.79m (22.27 ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (19.68 ft.) in this instance.

Mr. D. Brown, the authorized agent, attended and presented the application to permit the construction of a new dwelling on the subject property. Mr. Brown advised the Committee that the subject property backed onto a watercourse and that the location of the proposed new dwelling would provide the necessary separation distance to this watercourse. He noted that the positioning of the dwelling would be similar to the existing dwelling on the property. Mr. Brown indicated that the overage in gross floor area was the result of a glass solarium at the rear of the dwelling and that this solarium was recessed away from the side wall of the dwelling to minimize any massing or privacy impacts on the adjacent neighbour. It was Mr. Brown's opinion that the overage in gross floor area was appropriate enabled a very desirable vista of the environmental features of the rear yard from within the solarium.

Mr. Brown noted that the second storey floor area would be located within the roof line of the proposed dwelling and suggested that this design element would greatly reduce the massing appearance of the two storey dwelling and minimize the effects of the reduced combined width of the side yards. Mr. Brown noted that the proposed dwelling would provide the same approximate side yard widths as the preceding dwelling that was on the property and noted that it was the inclusion of a second storey that increased the requirement of the side yard widths.

Mr. Brown advised the Committee that relief to the Zoning By-law would be required for the proposed driveway and that the additional driveway width was required to adequately access both doors of the proposed two car garage. He confirmed that at the driveway would taper in width towards the street.



File: "A" 278/15
WARD 2

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

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

"1.0 RECOMMENDATION"

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

2.0 BACKGROUND

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: "R2-4", Residential

3.0 OTHER APPLICATIONS

☒ *Site Plan* File: SPI 15-9 W2

4.0 COMMENTS

Based on a review of the Site Plan application for the proposed detached dwelling, we advise that more information is required to verify the accuracy of the requested variance or to determine whether additional variances will be required.

In regards to variance #1, we note that the proposed dwelling would comply with the individual side yards. Further, the side lot lines are not parallel and therefore, towards the rear portion of the dwelling, the combined width of side yards would be in compliance with the By-law requirement.

In regards to variance #2 and #3, it is our opinion that the requests are minor.

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

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

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 15/09. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (June 16, 2015):

"The subject land is located within area the Regional Official Plan (ROP) designates as a Core Area of the Greenlands System in Peel, under Policy 2.3.2. Within this designation, ROP policies seek to protect environmental resources. The Region relies on the environmental expertise of the 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 City staff 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 (June 1, 2015):

"SITE CHARACTERISTICS:

The subject property is adjacent to Lornewood Creek and is traversed by the associated valley slope. 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 also located within a City of Mississauga Natural Areas Survey designated as CL22 and the Region of Peel Core Greenlands feature.

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 development of a new two storey dwelling on the subject property proposing:

1. A combined width of side yards of 5.28m (17.32ft); whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 6.60m (21.65ft) in this instance;
2. A gross floor area – infill residential of 425.95m² (4584.89sq.ft); whereas By-law 0225-2007, as amended, permits a maximum gross floor area – infill residential of 415.52m² (4472.62sq.ft) in this instance; and,
3. A driveway width of 6.79m (22.27ft); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (19.68ft) in this instance.

COMMENTS:

CVC has reviewed the proposed development through Site Plan application (SP 15/009). Outstanding CVC concerns/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."

Ms. J. Townley, a resident of 1125 Springhill Drive, attended and expressed her concerns with the subject application. Ms. Townley advised the Committee that she was the resident of an abutting property and suggested that the location of the windows on the façade of the proposed dwelling that abutted her property would be invasive to her privacy and that the solarium at the rear of the property would have an undesirable view into her back yard. She noted additional concerns with tree preservation, shadowing and the placement of the air conditioning unit.

No other persons expressed any interest in the application.

Mr. Brown advised the Committee that financial securities would be held by the municipality and hoarding would be installed in order to preserve any mature trees on the property that were intended to be retained. He explained that the tree that Ms. Townley was concerned about straddled the property line and was considered a shared tree pursuant to a recent survey. Mr. Brown indicated it was the intention of his client to preserve this tree.

Mr. Brown noted that a reconfiguration of the windows was inappropriate and noted that the placement of the windows did not result in any negative overlook or privacy conditions that were not typical of residential suburban development.



MISSISSAUGA

File: "A" 278/15
WARD 2

Mr. Brown noted that the side yard width calculations resulted in the curved lot frontage and angular lot side lot lines. He suggested that the proposed dwelling was appropriate for the size and shape of the subject property.

The Committee after considering the submissions put forward by Mr. Brown and having reviewed the plans and comments received, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee indicated that the massing of the dwelling was greatly mitigated by the second storey being located within the roofline of the dwelling. They noted that the subject property was awkward in shape resulting in side yard requirements that were inappropriate for the redevelopment of the lot. The Committee accepted Mr. Brown's opinion that the placement of windows on the dwelling did not create any negative overlook or privacy conditions that were not typical of residential suburban development.

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" 278/15
WARD 2

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: S. Patrizio SECONDED BY: D. George CARRIED

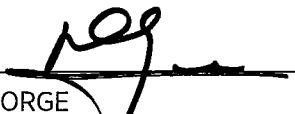
Application Approved on condition as stated.

Dated at the City of Mississauga on June 25, 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 15, 2015.

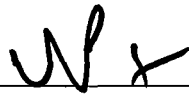
Date of mailing is June 29, 2015.


S. PATRIZIO


D. GEORGE


J. ROBINSON (CHAIR)


D. KENNEDY


J. PAGE

ABSENT
D. REYNOLDS

DISSENTED
P. QUINN

I certify this to be a true copy of the Committee's decision given on June 25, 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

**HORNER DEVELOPMENTS LIMITED
AND RIALTO APARTMENTS LTD.**

on Thursday June 18, 2015

Horner Developments Limited And Rialto Apartments Ltd. are the owners of Part of Lots 3 and 4, Concession 1, South of Dundas Street located and known as 1645-1665 Queensway East, zoned E2 -16 – Employment & G1 – Greenbelt. The applicants request the Committee to authorize a minor variance to permit the construction of a two storey office building on the subject property proposing a landscape buffer of 1.45m (4.76 ft.) along Queensway East; whereas By-law 0225-2007, as amended, requires a minimum landscape buffer of 4.50m (14.76 ft.) in this instance.

Mr. B. Smith, a representative of the property owner, attended and presented the application to permit the construction of a new two storey office building on the subject property proposing a reduction in the landscape buffer width. Mr. Smith advised the Committee that the subject property was currently developed with two industrial buildings and that the proposed office building would be constructed on the easterly end of the property. He explained that a portion of the property had been expropriated by the Region of Peel for road widening purposes resulting in an insufficient amount of land left for the necessary landscape buffer width. Mr. Smith noted that parking could be eliminated in order to provide the necessary landscape buffer width but suggested that any reduction in parking would be less desirable than a modest reduction in the landscape buffer width.

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

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

"1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Dixie Employment Area
Designation: Business Employment, Greenbelt

Zoning By-law 0225-2007

Zoning: "E2-16", Employment; "G1", Greenbelt

3.0 OTHER APPLICATIONS

☒ *Site Plan*

File: SP 13-90 W1 - Satisfactory

4.0 COMMENTS

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

"The applicant requests the Committee to authorize a minor variance to permit the construction of a two storey office building on the subject property proposing;

1. an existing, unaltered, portion of landscaped buffer to remain abutting Queensway East, having a width of 1.45m (4.76 ft.); whereas By-law 0225-2007, as amended, requires a landscaped buffer to have a minimum width of 4.50m (14.76 ft.) in this instance; and
2. an altered portion of landscaped buffer abutting Queensway East, have a width of 4.05m (13.29 ft.); whereas By-law 0225-2007, as amended, requires a landscaped buffer to have a minimum width of 4.50 m (14.76 ft.) in this instance."

We note that the Region of Peel has recently expropriated a 2.60 m strip of the subject property along Queensway East for the purposes of road widening. This resulted in a deficient landscape buffer, which is proposed to be recognized at 1.45 m (4.76 ft.) for the majority of the property along Queensway East. For the southeast portion of the property with a Site Plan application in process, the proposed landscape buffer will be 4.05 m (13.29 ft.).

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

As the landscape buffer deficiencies have been caused by the Region's recent expropriation, we have no objection to the requested variances, as amended."

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

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 13/090. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (June 16, 2015):

"The subject land is located within area the Regional Official Plan (ROP) designates as a Core Area of the Greenlands System in Peel, under Policy 2.3.2. Within this designation, ROP policies seek to protect environmental resources. The Region relies on the environmental expertise of the 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 City staff 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.

As per Region of Peel Storm Sewer Design Criteria 2.0, no additional storm drainage shall be conveyed to the Region of Peel's Right of Way. Furthermore, "No grading will be permitted within any Region of Peel Right-of-Way to support adjacent development".

As per Region of Peel Storm Sewer Design Criteria 3.0 "Post-Development flows must be equal to or less than Pre-Development levels".



MISSISSAUGA

File: "A" 279/15
WARD 1

Please be advised that traffic comments have been provided through the site plan (SP-13-090)."

Toronto Region Conservation commented as follows (June 16, 2015):

"This letter will acknowledge receipt of the above noted application (received on June 1, 2015). Toronto and Region Conservation Authority (TRCA) staff have reviewed the above noted application, and as per the "Living City Policies for Planning and Development within the Watersheds of the TRCA" (LCP), provides the following comments as part of TRCA's commenting role under the Planning Act, the Authority's delegated responsibility of representing the provincial interest on natural hazards encompassed by Section 3.1 of the Provincial Policy Statement (PPS, 2014); TRCA's Regulatory Authority under Ontario Regulation 166/06, Development, Interference with Wetlands and Alterations to Shorelines and Watercourses; and our Memoranda of Understanding (MOU) with the Region of Peel and City of Mississauga, wherein we provide technical environmental advice.

PURPOSE OF THE APPLICATION

It is our understanding that the purpose of this Minor Variance Application is to permit the construction of a two storey office building on the subject property proposing a landscape buffer of 1.45 m (4.76 ft.) along Queensway East; whereas By-law 0225-2007, as amended, requires a minimum landscape buffer of 4.50 m (14.76 ft.) in this instance.

APPLICABLE TRCA POLICIES AND REGULATION

The northern portion of the subject property is located within a TRCA Regulated Area of the Etobicoke Creek Watershed. Based on a review of submitted materials it is our understanding that the proposed two storey office building is located outside of the regulated portion of the site. In addition it appears the proposed works associated with this application do not impact any significant natural feature and/or hazard lands. As such, a permit is not required from the TRCA pursuant to Ontario Regulation 166/06, and our policy interests do not appear to be affected.

Please be advised that TRCA staff has an interest in any future development on the subject property and future development may be subject to a TRCA permit.

RECOMMENDATION

On this basis, TRCA staff has no objection to the Minor Variance Application as currently submitted."

A cover letter was received from B. Horosko, a Solicitor for the property owner.

Ms. L. Francisco, a resident of 2244 Nida Court, attended and noted her concerns with any reduction of landscaping and setbacks on the subject property. She noted additional concerns with traffic along the Queensway East.

No other persons expressed any interest in the application.

Mr. Smith 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. Smith and having reviewed the plans and comments received, is satisfied that the amended request is desirable for the appropriate further development of the subject property. The Committee was satisfied that the reduced landscape buffer was preferable to the elimination of parking to provide the necessary buffer width.

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" 279/15
WARD 1

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

Accordingly, the Committee resolves to authorize and grant the amended request to permit the construction of a two storey office building on the subject property proposing:

1. an existing, unaltered, portion of landscaped buffer to remain abutting Queensway East, having a width of 1.45m (4.76 ft.); whereas By-law 0225-2007, as amended, requires a landscaped buffer to have a minimum width of 4.50m (14.76 ft.) in this instance; and
2. an altered portion of landscaped buffer abutting Queensway East, have a width of 4.05m (13.29 ft.); whereas By-law 0225-2007, as amended, requires a landscaped buffer to have a minimum width of 4.50 m (14.76 ft.) in this instance.

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

Application Approved, as amended.

Dated at the City of Mississauga on June 25, 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 15, 2015.

Date of mailing is June 29, 2015.


S. PATRIZIO


J. ROBINSON (CHAIR)


J. PAGE


P. QUINN


D. GEORGE


D. KENNEDY

ABSENT
D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on June 25, 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

PINDER REAL ESTATE DEVELOPERS INC

on Thursday June 18, 2015

Pinder Real Estate Developers Inc. is the owner of Part of Lot 2, Registered Plan 331, located and known as 2290 Doulton Drive, zoned R1-5 - 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. two attached garages on the subject property; whereas By-law 0225-2007, as amended, only permits one attached or one detached garage on the subject property in this instance,
2. a total garage floor area of 117.05m² (1259.91 sq. ft.); whereas By-law 0225-2007, as amended, permits a maximum garage area of 75.00m² (807.29 sq. ft.) in this instance,
3. a maximum driveway width of 29.26m (95.99 ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50m (27.88 ft.) in this instance,
4. an accessory structure (pool cabana) with a floor area of 76.55m² (823.98 sq. ft.); whereas By-law 0225-2007, as amended, permits an accessory structure with a maximum floor area of 10.00m² (107.64 sq. ft.) in this instance; and,
5. an accessory structure (pool cabana) height of 6.43m (21.10 ft.); whereas By-law 0225-2007, as amended, permits an accessory structure height of 3.00m (9.84 ft.) in this instance.

Mr. W. Hicks, the authorized agent, attended and presented the application to construct a new dwelling and accessory structure on the subject property. Mr. Hicks advised the Committee that the subject dwelling would contain two separate attached garages with one garage being oversized. He requested to amend the application to reduce the floor area of the oversized garage to 83.00 m² (893.43 sq. ft.). Mr. Hicks noted that the proposed driveway would contain a large paved courtyard feature which resulted in a misleading maximum driveway width. He noted that the balance of the driveway that would be used to access the garages would comply with the Zoning By-law.

Mr. Hicks advised the Committee that the proposed accessory structure within the rear yard was significantly setback from the rear lot line and would provide adequate separation distance to the adjacent properties to the rear. Mr. Hicks noted that there would be an adequate retention of the mature vegetation on the subject property to preserve privacy and help screen the dwelling and accessory structure from view.

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



File: "A" 280/15
WARD 8

The City of Mississauga Planning and Building Department commented as follows (June 16, 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 for the Site Plan application to ensure that all required variances have been accurately identified.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Sheridan Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: "R1-5", Residential

3.0 OTHER APPLICATIONS

☒ *Site Plan* File: SPI 14-79 W8

4.0 COMMENTS

Based on a review of the Site Plan application for the proposed two storey dwelling, we advise that variances #1, #3 and #4 are correct. However, we require additional information to verify the accuracy of variances #2 and #5 and to determine whether additional variances will be required.

In regards to variances #1 and #2, we note that although two garages are being proposed, the property would maintain one access and driveway. Further, due to the size of the lot, the dwelling can accommodate two garages without the garages becoming a prominent feature of the dwelling. In addition, only one of the garages would be facing the street.

In regards to variance #3, we note that the driveway width would apply to the area leading to the garage, combined with the permeable paving area in front of the dwelling. We note that the majority of the driveway, including the portion near the road would comply with the By-law requirement. Further, we note that there are trees near the front of the property that would provide screening of the driveway.

In regards to variance #4 and #5, we note that the proposed cabana would have adjacent trees to provide screening and would be located with sufficient setbacks from the rear and side lot lines. Further, due to the size of the lot, the prominence of the cabana would be mitigated.

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

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

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 14/79. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (June 16, 2015):

"The subject land is located within area the Regional Official Plan (ROP) designates as a Potential Natural Area and Corridor (PNAC) of the Greenlands Systems in Peel, under Policy 2.3.2.10. 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



File: "A" 280/15
WARD 8

Greenlands Systems in Peel and their potential impacts on the natural environment. Regional Planning staff therefore, request that City staff consider comments from the CVC and incorporate their conditions of approval appropriately.

Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. Please note that site servicing approvals will be required prior to building permit(s).

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."

A letter was received from H. R. R. Bain, a resident of 1735 Blythe Road, stating an objection to the requested variances.

A letter was received from E. O'Neil & D. Linehan, residents of 2265 Otami Trail, stating an objection to the requested variances.

A letter was received from J. Deighton, a resident of 2230 Doulton Drive, stating an objection to the requested variances.

Ms. J. Deighton, a resident of 2230 Doulton Drive, and attended and expressed her concerns with the size and height of the proposed accessory structure and with the retention of the mature vegetation on the subject property.

No other persons expressed any interest in the application.

The Committee consented to the request to amend the application with respect to the floor area of the second garage and, after considering the submissions put forward by Mr. Hicks 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" 280/15
WARD 8

Accordingly, the Committee resolves to authorize and grant the amended request to permit the construction of a new two storey dwelling on the subject property proposing:

1. two attached garages on the subject property; whereas By-law 0225-2007, as amended, only permits one attached or one detached garage on the subject property in this instance,
2. a total garage floor area of 83.00 m² (893.43 sq. ft.); whereas By-law 0225-2007, as amended, permits a maximum garage area of 75.00m² (807.29 sq. ft.) in this instance,
3. a maximum driveway width of 29.26m (95.99 ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50m (27.88 ft.) in this instance,
4. an accessory structure (pool cabana) with a floor area of 76.55m² (823.98 sq. ft.); whereas By-law 0225-2007, as amended, permits an accessory structure with a maximum floor area of 10.00m² (107.64 sq. ft.) in this instance; and,
5. an accessory structure (pool cabana) height of 6.43m (21.10 ft.); whereas By-law 0225-2007, as amended, permits an accessory structure height of 3.00m (9.84 ft.) in this instance.

MOVED BY: J. Page

SECONDED BY: D. George


CARRIED

Application Approved, as amended.

Dated at the City of Mississauga on June 25, 2015.

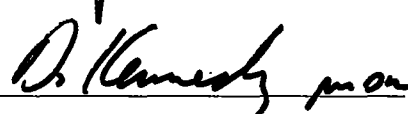
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE JULY 15, 2015.


Date of mailing is June 29, 2015.


S. PATRIZIO


D. GEORGE


J. ROBINSON (CHAIR)


D. KENNEDY


J. PAGE

ABSENT
D. REYNOLDS

DISSENTED

P. QUINN

I certify this to be a true copy of the Committee's decision given on June 25, 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

PINDER REAL ESTATE DEVELOPERS INC

on Thursday June 18, 2015

Pinder Real Estate Developers Inc. is the owner of Part of Lot 2, Registered Plan 331, located and known as 2270 Doulton Drive, zoned R1-5 - 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 garage area of 85.00m² (914.93 sq. ft.) on the subject property; whereas By-law 0225-2007, as amended, permits a maximum garage area of 75.00m² (807.29 sq. ft.) on the subject property in this instance;
2. a maximum driveway width of 16.33m (53.58 ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 8.50m (27.88 ft.) in this instance;
3. two accessory structures (pool cabana and outdoor fireplace) on the subject property; whereas By-law 0225-2007, as amended, permits a maximum of one accessory structure on the subject property in this instance;
4. an accessory structure (pool cabana) with a floor area of 50.50m² (543.59 sq. ft.); whereas By-law 0225-2007, as amended, permits an accessory structure with a maximum floor area of 10.00m² (107.64 sq. ft.) in this instance; and,
5. an accessory structure (pool cabana) height of 6.20m (20.34ft.); whereas By-law 0225-2007, as amended, permits an accessory structure height of 3.00m (9.84 ft.) in this instance.

Mr. W. Hicks, the authorized agent, attended and presented the subject application to construct a new two storey dwelling and two accessory structures on the subject property. Mr. Hicks advised the Committee that the proposed driveway was calculated at a unique angle resulting in an oversized driveway width. He explained that the driveway width was required to adequately access each parking space within the garage.

Mr. Hicks indicated that a covered porch and fireplace would be constructed at the rear of the dwelling and noted that the fireplace was a free standing structure and therefore was considered an accessory structure. He noted that a second accessory structure would be constructed within the rear yard and that this structure would be setback significantly from the rear lot line providing adequate separation distance to the adjacent property to the rear. Mr. Hicks noted that there would be an adequate retention of the mature vegetation on the subject property to preserve privacy and help screen the dwelling and accessory structure from view.

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

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

"1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Sheridan Neighbourhood
Designation: Designation

Zoning By-law 0225-2007

Zoning: "R1-5", Residential

3.0 OTHER APPLICATIONS

☒ Site Plan File: SPI 14-103 W8

4.0 COMMENTS

Based on a review of the Site Plan application for the proposed detached dwelling, we advise that more information is required to verify the accuracy of the requested variances and to determine whether additional variances will be required.

In regards to variance #1, we note that the garage would be located at the side of the dwelling, mitigating potential impact to the streetscape. As the lot is relatively large and can accommodate a garage of the requested size, the garage would not become a prominent feature of the dwelling.

In regards to variance #2, based on the site plan drawing submitted with the minor variance application, we are satisfied with the width and configuration of the driveway. The widest portion has been calculated as the area adjacent to the garage, taken diagonally across the front of the garage to the edge of the hammerhead. This portion of the driveway would be set back from the road, and the portion of the driveway close to the road appears to comply with the 8.50 m (27.88 ft.) requirement. Therefore, we have no objection to the request.

In regards to variance #3, we note that the fireplace is not attached to the dwelling and therefore, it is interpreted as an accessory structure. In review of the drawings, we are satisfied that given the technical nature of the variance, there are no adverse impacts created on the neighbouring properties.

In regards to variances #4 and #5, we note that the proposed cabana would have adjacent trees to provide screening and would be located with sufficient setbacks from the rear and side lot lines. Further, due to the size of the lot, the prominence of the cabana would be mitigated.

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

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

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 14/03. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process."



MISSISSAUGA

File: "A" 281/15
WARD 8

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (June 16, 2015):

"The subject land is located within area the Regional Official Plan (ROP) designates as a Potential Natural Area and Corridor (PNAC) of the Greenlands Systems in Peel, under Policy 2.3.2.10. 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 Greenlands Systems in Peel and their potential impacts on the natural environment. Regional Planning staff therefore, request that City staff consider comments from the CVC and incorporate their conditions of approval appropriately.

Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. Please note that site servicing approvals will be required prior to building permit(s).

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."

A letter was received from H. R. R. Bain, a resident of 1735 Blythe Road, stating an objection to the requested variances.

A letter was received from E. O'Neil & D. Linehan, residents of 2265 Otami Trail, stating an objection to the requested variances.

A letter was received from J. Deighton, a resident of 2230 Doulton Drive, stating an objection to the requested variances.

Ms. J. Deighton, a resident of 2230 Doulton Drive, and attended and expressed her concerns with the size and height of the proposed accessory structure and with the retention of the mature vegetation on the subject property.

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Mr. Hicks and having reviewed the plans and comments received, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee indicated that the oversized driveway was required in order to adequately access the garage.

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" 281/15
WARD 8

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 June 25, 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 15, 2015.

Date of mailing is June 29, 2015.


S. PATRIZIO


D. GEORGE


J. ROBINSON (CHAIR)


D. KENNEDY


J. PAGE

ABSENT
D. REYNOLDS

DISSENTED
P. QUINN

I certify this to be a true copy of the Committee's decision given on June 25, 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

ORLANDO CORPORATION

on Thursday June 18, 2015

Orlando Corporation is the owner of Part of Block 3, Registered Plan M-754, located and known as 7655 Tranmere Drive, zoned E3 - Employment. The applicant requests the Committee to authorize a minor variance to permit the establishment of a new business operation on the subject property including warehousing and distribution of bus parts, bus repair and bus sales and rentals, proposing 163 parking spaces on site for the subject operation; whereas By-law 0225-2007, as amended, requires a minimum of 197 parking spaces for the subject business operation on the subject property in this instance.

Mr. L. Malito, authorized agent, attended and presented the application to permit the warehousing, distribution, repairs and rentals of passenger buses within the existing one storey industrial building on the subject property. Mr. Malito advised the Committee that the property had been formerly occupied by a manufacturing tenant and that the proposed use was compatible with the surrounding uses in the area. Mr. Malito noted that the existing parking supply would comply with the requirements of the Zoning By-law if the parking was calculated based on a percentage of the floor area dedicated to each use rather than being calculated using the parking ratio for the most restrictive use that would occur. He confirmed that the operation was not open to the public, that clients would not attend the site and that the operation would employ approximately 30 people. Mr. Malito suggested that the anticipated functional parking demand would be substantially less than the Zoning By-law requirement.

Mr. Malito indicated that he was experiencing some challenges with the requirements of the Toronto and Region Conservation. He noted he had received conflicting information with respect to if a permit or review was required from Toronto and Region Conservation staff. He noted that no new construction or paving was proposed and suggested that the proposed parking reduction would not have any impact on any environmental features adjacent to the property.

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

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

1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: "E3", Industrial

3.0 OTHER APPLICATIONS

☒ *Certificate of Occupancy* File: C 15-4835

4.0 COMMENTS

The Planning and Building Department is currently processing a Certificate of Occupancy application for the proposed Warehouse/Distribution Facility & Motor Vehicle Repair Facility - Commercial Motor Vehicle use under file 15-4835. Based on the review of the Certificate of Occupancy application we advise that the variance request should be amended as follows:

1. "The applicant requests the Committee to authorize a minor variance to permit the establishment of a Warehouse/Distribution Facility & Motor Vehicle Repair Facility - Commercial Motor Vehicle use on the subject property proposing 163 parking spaces on site for the subject operation; whereas By-law 0225-2007, as amended, requires a minimum of 197 parking spaces for the subject business operation on the subject property in this instance."

We note that a parking study was prepared and submitted by Orlando Corporation in support of the reduction in parking requested in the variance application. City of Mississauga Policy Planning Staff have reviewed the parking justification study and are in support of the conclusions of the report.

As a result of the previous information, the Planning and Building Department have no objection to the requested variance; however, the committee may wish to personalize the variance to Prevost, the future tenant, to ensure that a change in tenant would not create an undesirable parking situation in the future."

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

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

Toronto Region Conservation commented as follows (June 17, 2015):

"This letter will acknowledge receipt of the above noted application (received on June 1, 2015). Toronto and Region Conservation Authority (TRCA) staff have reviewed the above noted application, and as per the "Living City Policies for Planning and Development within the Watersheds of the TRCA" (LCP), provides the following comments as part of TRCA's commenting role under the Planning Act, the Authority's delegated responsibility of representing the provincial interest on natural hazards encompassed by Section 3.1 of the Provincial Policy Statement (PPS, 2014); TRCA's Regulatory Authority under Ontario Regulation 166/06, Development, Interference with Wetlands and Alterations to Shorelines and Watercourses; and our Memoranda of Understanding (MOU) with the Region of Peel and City of Mississauga, wherein we provide technical environmental advice.

PURPOSE OF THE APPLICATION

It is our understanding that the purpose of this Minor Variance Application is to permit the construction of a two storey office building on the subject property proposing a landscape



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buffer of 1.45 m (4.76 ft.) along Queensway East; whereas By-law 0225-2007, as amended, requires a minimum landscape buffer of 4.50 m (14.76 ft.) in this instance.

APPLICABLE TRCA POLICIES AND REGULATION

The northern portion of the subject property is located within a TRCA Regulated Area of the Etobicoke Creek Watershed. Based on a review of submitted materials it is our understanding that the proposed two storey office building is located outside of the regulated portion of the site. In addition it appears the proposed works associated with this application do not impact any significant natural feature and/or hazard lands. As such, a permit is not required from the TRCA pursuant to Ontario Regulation 166/06, and our policy interests do not appear to be affected.

Please be advised that TRCA staff has an interest in any future development on the subject property and future development may be subject to a TRCA permit.

RECOMMENDATION

On this basis, TRCA staff has no objection to the Minor Variance Application as currently submitted."

Toronto Region Conservation commented as follows (June 18, 2015):

"With respect to TRCA staff's comment letter dated June 17, 2015, for the above noted Minor Variance application, TRCA wishes to amend our recommendation to conditional approval subject to the applicant obtaining a permit from the TRCA. After further internal discussion and engineering analysis, TRCA confirms that based on our updated hydrology modelling, the flood flows through the creek at the rear of the property have increased. This will likely result in an increase in the limits of the floodplain for this creek. However, our floodplain mapping update for this area will not be completed until later this year. As such, the TRCA is requiring that the applicant obtain a permit from the Authority so that we can adequately assess the flood hazard on the site and how it may affect the proposed development.

We understand that the applicant has applied for an Occupancy Permit and Building Permit from the City. We recognize that the TRCA permit will be required prior to issuance of the municipal building permit. We have committed to working with the applicant in an expeditious manner in an effort to resolve our regulatory issues and assist the applicant to the best of our ability to meet their timelines for occupancy."

No other persons expressed any interest in the application.

Mr. Malito 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. Malito 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 accepted that the anticipated parking demand would be sufficiently accommodated by the existing parking supply and that the surplus tandem parking spaces would likely be unused. The Committee noted that no new construction or paving was to occur on the subject property and was satisfied that no impact would occur to the adjacent environmental features.

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.



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Accordingly, the Committee resolves to authorize and grant the amended request to permit the establishment of a Warehouse/Distribution Facility & Motor Vehicle Repair Facility - Commercial Motor Vehicle use on the subject property proposing 163 parking spaces on site for the subject operation; whereas By-law 0225-2007, as amended, requires a minimum of 197 parking spaces for the subject business operation on the subject property in this instance.

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

Dated at the City of Mississauga on June 25, 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 15, 2015.

Date of mailing is June 29, 2015.

S. PATRIZIO

D. GEORGE

J. ROBINSON (CHAIR)

D. KENNEDY

J. PAGE

ABSENT

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on June 25, 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

CITY OF MISSISSAUGA

on Thursday June 18, 2015

City Of Mississauga is the owner of Block A, Registered Plan M-206, located and known as 0 Shawanaga Trail, zoned G1 - Greenbelt. The applicant requests the Committee to authorize a minor variance to permit:

1. 115.00 m² (1237.89 sq. ft.) of residential amenity space within a portion of the G1 - Greenbelt zone adjacent to the rear lot line of the property located at 2275 Shawanaga Trail; whereas By-law 0225-2007, as amended, does not permit residential amenity space within G1- Greenbelt lands in this instance; and,
2. a deck, fence, retaining wall and walkway within the G1 - Greenbelt zone adjacent to the rear lot line of the property located at 2275 Shawanaga Trail; whereas By-law 0225-2007, as amended, does not permit decks, fences, retaining walls and walkways within G1 - Greenbelt lands in this instance.

On October 23, 2014, Mr. G. Broll, the authorized agent, attended and requested a deferral to resolve the several outstanding concerns identified by the Planning and Building Department and the Community Services Department. Mr. Broll noted that ongoing discussions with the residents in the neighborhood would continue during the interim of the deferral.

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

The City of Mississauga Planning and Building Department commented as follows (October 23, 2014):

"1.0 RECOMMENDATION

The Planning and Building Department recommends that the application be deferred, as per the comments below.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Sheridan Neighbourhood
Designation: Greenbelt & Residential Low Density I

Discussion

We note that the subject lands are designated Greenbelt under the Mississauga Official Plan. Lands designated Greenbelt are generally associated with natural hazards and/or natural areas where development is restricted to protect people and property from damage and to



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provide for the protection, enhancement and restoration of the Natural Area System. Furthermore, the subject lands are designated as a Natural Area in the Mississauga Official Plan and are subject to environmental policies, which state that "Natural Areas will be protected, enhanced and restored".

Zoning By-law 0225-2007

Zoning: "G1", Greenbelt & "R1" Residential

Discussion

We advise that the subject lands are zoned G1 - Greenbelt and permit the following uses: Flood Control, Stormwater Management, Erosion Management, Natural Heritage Features and Areas Conservation.

3.0 OTHER APPLICATIONS

No other applications currently in process.

4.0 COMMENTS

We note that the proposed use on the City owned lands is not explicitly permitted under the applicable Official Plan policies and Zoning By-law regulations. Further, we note that it appears that a Pool Enclosure Permit was issued in 1979, however, a record of the file is not available. It is our understanding that the Community Services Department is requesting deferral of the application in order to allow for further review. On this basis, we support the request for deferral to allow for an opportunity for this Department to explore options for this matter."

The City of Mississauga Transportation and Works Department commented as follows (October 17, 2014):

"Information submitted with this application indicates that the applicant is requesting to permit a deck, fence, retaining wall and walkway within the G1- Greenbelt Zone which we understand was related to an approved Pool Permit Number HC 79355466 dated October 29, 1979. The September 23, 2014 letter submitted by Glen Schnarr & Associates Inc. also indicates that the owner of 2275 Shawanaga Trail (Nora Michell) is proposing to enter into an Encroachment Agreement with the City of Mississauga which will consist of a 115m² of encroachment area.

Acknowledging that the owner of 2275 Shawanaga Trail has indicated that they would be willing to enter into the appropriate Encroachment Agreement for the encroachment area, this section is not aware of any correspondence which confirms that the structures encroaching and possibly the pool are not located in an area which may be subject to erosion or slope instability. In view of the above, and should Committee see merit in the applicant's request we would request the following two conditions of approval. The first condition of approval would be that a Geotechnical Engineer confirms the long term stability of the existing slope by providing the appropriate Geotechnical/Slope Stability Report in order to provide geotechnical comments for the feasibility of the proposed encroachments into the City's G1-Greenbelt Zone. Secondly we would request that a condition of approval be that the required Encroachment Agreement be entered into with the City of Mississauga for any encroachments for the existing structures within City owned lands."

The City of Mississauga Community Services Department, Park Planning Section commented as follows (October 23, 2014):

"The subject lands at 2275 Shawanaga Trail submitted an application for Encroachment Agreement on May 13th, 2011, which originally requested an encroachment area of 360 m². On September 19th, 2011 Community Services agreed to support an encroachment agreement with a significantly reduced encroachment area as this Department recognized and respected the existing conditions of the site and support would be given via an amended encroachment area that included only the existing concrete pool edge, wooden deck and relocated fence

and timber retaining wall structure to remain on City property. An amended plan was submitted on June 14, 2012 showing a revised encroachment area, which included a total area of 115 m².

This Department notes that given the timeline and duration from the initial identification of the encroachment to the application for Minor Variance that staff would like an opportunity to review the proposal furthermore. Therefore the Community Services Department requests a deferral of the application."

The Credit Valley Conservation commented as follows (October 15, 2014):

"SITE CHARACTERISTICS:

The subject property is adjacent to a valley slope associated with the Credit River and is within a CVC Regulated Area subject to the Development, Interference with Wetlands, and Alterations to Shorelines & Watercourses Regulation (Ontario Regulation 160/06). Additionally, the property is within a City of Mississauga Natural Areas Survey (NAS) and within an area designated as Core Greenlands by the Region of Peel.

PROPOSAL:

It is our understanding the application generally requests the Committee to authorize a minor variance to permit 115.00 m² (1237.89 sq. ft.) of residential amenity space within a portion of the G1 zone (City owned lands) and certain existing structures (deck, fence, retaining wall and walkway) within the G1 zone adjacent to the rear lot line of the property (within City owned lands).

COMMENTS:

BASIS FOR REQUESTED VARIANCE

It is noted in the submission the basis for the requested variance(s) is that removal of the deck, fence, retaining wall and walkway on the City owned G1 lands will result in more harm to off-site lands. CVC staff does not agree with this statement as it appears there is opportunity to remove the structures located on the City owned lands and restore the area without any residual negative impacts.

PROPOSED STRUCTURES WITHIN CREDIT RIVER VALLEY – ON CITY OWNED LANDS ZONE G1

CVC staff conducted a site visit to the subject property on October 8, 2014. The Top of Bank appears to be generally located at the rear lot line of 2275 Shawanaga Trail. Portions of the deck, fence, retaining wall associated with the pool appears to be below the Top of Bank and within the valley associated with the Credit River. Furthermore, the existing structures and pool are located in an area where it may be subject to slope instability and erosion.

Additionally, CVC does not have record of issuing a permit for the existing works within the City owned lands – it should be noted CVC staff are not in a position to issue a permit to recognize the existing structures as they are within the valley (beyond top of bank) and may be within a slope/erosion hazard.

It is our understanding the subject G1 lands were identified as valleylands, zoned for protection from development and conveyed to the City for hazardland management and natural heritage protection through previous planning approvals. As discussed with City staff, CVC staff does not support permissions (e.g. planning or permitting approvals), encroachment agreements and/or the transfer of ownership of municipally owned Greenbelt and hazardlands into private ownership based on the following:

- There is an increase in the risks to life and property, including increased liability to the municipality (permitting encroachment) and landowners;
- An increase in the likelihood of slope failure, erosion and maintenance requirements in the area;

- The potential for an increase in the extent of slope failure and barrier to access for maintenance purposes;
- The loss of the City's ability and effectiveness to implement hazardland management and natural area enhancement initiatives; and
- Precedent setting for similar encroachments, requests for encroachment or request for transfer of ownership of municipal owned hazardous land and natural areas throughout the City of Mississauga.

RECOMMENDATION:

Based on the above, it is CVC's recommendation this application be denied and the existing structures be removed from City owned property.

It should be noted CVC staff does not support the issuance of a CVC permit to recognize the existing structures to bring them into compliance. Additionally, CVC staff has requested deferral of the associated Minor Variance (A 14/39) to permit existing structures on the adjacent property (2275 Shawanaga Trail) until it is confirmed they are located outside any slope instability/erosion areas and further discussion has occurred."

A letter was received from S. Ferguson & D. MacMillan, residents of 2301 Shawanaga Trail, stating their objection to the requested variances. They expressed concerns regarding the encroachment of a residential amenity space on to the Greenbelt lands. They requested the Committee to refuse the subject application.

A letter was received from T. W. Bain, a resident of 2307 Shawanaga Trail, expressing an interest in the subject application.

A number of residents were in attendance.

No other persons expressed any interest in the application.

The Committee consented to the request and deferred the application to the January 22, 2015 hearing.

On January 22, 2015, Mr. G. Broll, authorized agent, attended and presented the application to permit an encroachment of a residential amenity space including a deck, fence, retaining wall and walkway onto the municipally owned greenbelt lands that were adjacent to the rear yard of 2275 Shawanaga Trail.

Mr. Broll advised the Committee that this application would formalize existing site condition that had been in existence for approximately 35 years. He noted that the source of confusion with respect to the rear lot and resultant encroachments were caused by an error in a permit for a pool that was legally obtained in 1979. Mr. Broll explained that a wooden deck, a retaining wall and a fence encroached into municipally owned lands and that these items were required for the safe use of the rear yard and pool.

Mr. Broll advised the Committee that a slope stability study that analyzed the long term stability of the existing slope remained outstanding.

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

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

"1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Sheridan Neighbourhood
Designation: Greenbelt & Residential Low Density I

Zoning By-law 0225-2007

Zoning: "G1", Greenbelt & "R1" Residential

3.0 OTHER APPLICATIONS

No other applications currently in process.

4.0 COMMENTS

We note that for application 'A' 348/14, variance #1 should be eliminated as the extent of the subject encroachment area will be determined through the associated Encroachment Agreement application.

We further note that for application 'A' 349/14, variance #2 should be amended as follows:

"2. ...to permit a freestanding uncovered deck to remain within the rear yard proposing a setback of 0.00 m (0.00 ft.) to the rear lot line; whereas Zoning By-law 0225-2007, as amended, requires a minimum setback of 1.50 m (4.92 ft.) to the rear lot line in this instance."

We advise that according to our electronic records, a Pool Enclosure permit was issued for the subject property in 1979, however a physical copy of this record is not available. The applicant has submitted an application for an Encroachment Agreement for the works associated with the pool located on City lands.

This Department does not support the use of the encroachment area as residential amenity space, preferring valley lands to be left as much as possible in a natural state. However, given the prior approval of the pool by the City, we support the applicant's request, as the existing works within the Greenbelt lands are integral to the pool. The ultimate location of fencing within the encroachment area will be determined by the Community Services Department through the Encroachment Agreement application. Further, a Slope Stability Study has been requested that will assist in ensuring the protection of the valley slope."

The City of Mississauga Transportation and Works Department commented as follows (January 15, 2015):

"Information submitted with this application indicates that the applicant is requesting to permit a deck, fence, retaining wall and walkway within the G1-Greenbelt Zone which we understand was related to an approved Pool Permit Number HC-79355466 dated October 29, 1979. The September 23, 2014 letter submitted by Glen Schnarr & Associates Inc. also indicates that the owner of 2275 Shawanaga Trail (Nora Michell) is proposing to enter into an Encroachment Agreement with the City of Mississauga which will consist of a 115m² of encroachment area.

Acknowledging that the owner of 2275 Shawanaga Trail has indicated that they would be willing to enter into the appropriate Encroachment Agreement for the encroachment area, this section is not aware of any correspondence which confirms that the structures encroaching and possibly the pool are not located in an area which may be subject to erosion or slope instability. In view of the above, and should Committee see merit in the applicant's request we would request that a condition of approval be that a Geotechnical Engineer confirms the long term stability of the existing slope by providing the appropriate Geotechnical/Slope Stability Report in order to provide geotechnical comments for the feasibility of the proposed encroachments into the City's G1-Greenbelt Zone."

The City of Mississauga Community Services Department, Park Planning Section commented as follows (January 19, 2015):

"The Community Services Department – Park Planning section has reviewed the above noted minor variance application and provide the following background information for the Committee:

- The owners of 2275 Shawanaga Trail submitted an application for Encroachment an Agreement on May 13th, 2011, originally requesting an encroachment area of 360 m².
- On September 19th, 2011, the Community Services Department agreed to support an encroachment agreement for a significantly reduced encroachment area, recognizing possible environmental issues.
- Support of an amended encroachment area would include only the existing concrete pool edge, wooden deck, relocated fence and timber retaining wall structure to remain on City property.
- An amended plan was submitted on June 14, 2012 showing a revised encroachment area of 115 m².
- Prior to entering into an encroachment agreement with the City, the applicant is required to seek Committee of Adjustment approval.

Should the Committee see merit in the application, this Department wishes to impose the following condition.

The applicant shall submit a Geotechnical/Slope Stability Report prepared by a qualified Geotechnical Engineer confirming whether or not the structures encroaching onto City land can safely remain in place."

A letter was received from D. Lazzarato, resident of 2265 Shawanaga Trail, stating an interest in the subject application.

Mr. D. Lazzarato, a resident of 2265 Shawanaga Trail, attended and stated his objection to the subject application. Mr. Lazzarato explained that the wooden deck in the rear yard of the subject property that encroached on to the City lands had been built a few years ago and was not a historical site condition. He noted that compliance with the Zoning by-law was necessary for the protection of the environmental features of the abutting valley lands. He explained that the adjacent properties in the surrounding area had previously made similar requests to purchase or encroach into the adjacent municipally owned lands and that these requests had been refused. Mr. Lazzarato noted that the subject application was similar in nature and should be refused.

Mr. S. Ferguson, resident of 2301 Shawanaga Trail, attended and stated his objection to the subject application. He noted that he had made a similar request to the Committee for his property but was required to comply with the Zoning by-law requirements. He noted that the subject application was similar in nature and should be refused.

Mr. J. Fajarczuk, a representative of the resident at 2285 Shawanaga Trail, attended and stated his objection to the subject application. He noted that his father resided within the neighborhood and had made a similar request for a gazebo to be located on the adjacent municipal lands and that this request was declined. He noted that the subject application was similar in nature and should be refused.

Ms. P. Bain, a resident of 2307 Shawanaga Trail, attended and stated her objection to the subject application. She requested the Committee to refuse the subject application.

Mr. M. Shilton, a Planner for the Community Services Department – Park Planning, attended and confirmed that the applicant had revised the proposal to significantly reduce the encroachment area from the initial proposal. He noted that removal of the amenities on the subject lands would cause further damage the lands and suggested that the maintenance of the existing conditions was appropriate. He noted that a review of an outstanding slope



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stability study would provide further insight in to the appropriateness of the subject application.

No other persons expressed any interest in the application.

The Committee indicated its concerns with the expansive wooden deck that was located within the municipally owned lands. The Committee requested for the applicant to revise the plans further to minimize encroachments on to the municipal lands and consider the removal of the wooden deck. The Committee noted that additional time was required for staff to review the slope stability study.

The Committee deferred the application to the May 7, 2015, hearing.

On May 7, 2015, Mr. G. Broll, the authorized agent, attended and requested a deferral of the application to allow additional time to finalize an active encroachment agreement with the municipality for the existing encroachments.

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 has no objection to the requested variances, as amended, subject to the condition outlined below.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Sheridan Neighbourhood
Designation: Greenbelt; Residential Low Density I

Zoning By-law 0225-2007

Zoning: "G1", Greenbelt; "R1", Residential

3.0 OTHER APPLICATIONS

No other applications currently in process.

4.0 COMMENTS

For 'A' 348/14, based on a review of the Minor Variance application, we advise that the variance request should be amended as follows:

"The applicant requests the Committee to authorize a minor variance to permit 115.0 m² (1237.89 sq. ft.) of residential amenity space, including an existing deck, fence, retaining wall and walkway within a portion of the G1 - Greenbelt zone adjacent to the rear lot line of the property located at 2275 Shawanaga Trail; whereas By-law 0225-2007, as amended, does not permit residential amenity spaces, decks, fence, retaining walls, or walkways within G1 - Greenbelt lands in this instance."

Further, for 'A' 349/14, based on a review of the Minor Variance application, we advise that variance #2 should be amended as follows:

"2. to permit a freestanding uncovered deck to remain within the rear yard proposing a setback of 0.00m (0.00 ft.) to the rear lot line; whereas By-law 0225-2007, as amended, requires a minimum setback of 1.50 m (4.92 ft.) to the rear lot line in this instance."

When this application was previously heard by the Committee on January 22, 2015, the Committee indicated that the plans should be revised such that the encroachment onto the City lands was minimal. In this regard, it is our understanding that through consultation with



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Community Services staff, the applicant is proposing to construct a fence around the existing wooden deck to restrict access and use of the remainder of the encroachment. We recommend that the Committee impose a condition to limit the residential amenity space to within the fenced area.

We advise that according to our electronic records, a Pool Enclosure permit was issued for the subject property in 1979. However, a physical copy of this record is not available. The applicant has submitted an application for an Encroachment Agreement for the works associated with the pool located on City lands.

We note that a Slope Stability Opinion Letter was submitted dated May 1, 2015 which states that the structures are not located within the long term stable slope line. It is our understanding that staff from the City's Transportation and Works and Community Services Departments have reviewed the letter and are satisfied with its conclusions.

Although this Department does not typically support significant encroachments into Greenbelt lands, given the prior approval of the pool by the City, we have no objection to the requested variances, subject to a condition that the residential amenity space be limited to the encroachment area within the fence."

The City of Mississauga Transportation and Works Department commented as follows (May 5, 2015):

"Information submitted with this application indicates that the applicant is requesting to permit a deck, fence, retaining wall and walkway within the G1-Greenbelt Zone which we understand was related to an approved Pool Permit Number HC-79355466 dated October 29, 1979. The September 23, 2014 letter submitted by Glen Schnarr & Associates Inc. also indicates that the owner of 2275 that the owner of 2275 Shawanaga Trail (Nora Michell) is proposing to enter into an Encroachment Agreement with the City of Mississauga which will consist of a 115m² of encroachment area.

The owner of 2275 Shawanaga Trail has indicated that they are willing to enter into an Encroachment Agreement for the encroachment area, however in our previous comments we indicated that this section was not aware of any correspondence which confirmed that the structures encroaching and possibly the pool area were not located within an area which may be subject to erosion or slope instability. In our comments provided for the January 22, 2015 hearing we requested that should Committee see merit in the applicant's request we would recommend that a condition of approval be that a Geotechnical Engineer confirms the long term stability of the existing slope by providing the appropriate Geotechnical/Slope Stability Report to determine the feasibility of the proposed encroachments into the City's G1-Greenbelt Zone.

The City has recently received/reviewed a copy of a Slope Stability Opinion Letter dated May 1, 2015 prepared by Crozier & Associates Consulting Engineers which concludes that based on a desktop assessment for this property, the retaining wall, pool structure and deck do not lie within the Long Term Stable Slope Line as determined through the CVC's Slope Stability Determination Guidelines. The Opinion Letter states that the valley slope was densely vegetated with grass, shrubs and small to large trees from the fence line and below the top of bank to the toe of slope. It was also indicated that the Credit River was located over 500m away and there were no obvious signs of overall slope instability (or erosion) observed along the valley corridor.

In view of the above, and should Committee see merit in the applicant's request we would have no objections to the request provided that a condition of approval be that the owner of 2275 Shawanaga Trail (Nora Michell) enter into the required Encroachment Agreement with the City of Mississauga which we understand will contain an encroachment area of approximately 115 m²."



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The City of Mississauga Community Services Department, Culture Division commented as follows (May 5, 2015):

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

The owner of 2275 Shawanaga Trail has requested an Encroachment Agreement from the City of Mississauga to allow a 115m² encroachment area consisting of a portion of the concrete and wooden pool deck, a timber retaining wall, a fence, landscaping and maintained lawn to remain on City lands.

The Community Services Department has agreed to enter into such an agreement on the condition that a qualified Geotechnical Engineer confirm the long term stability of the existing slope, and that the applicant apply for and receive Committee of Adjustment approval of Minor Variances to permit the existing structures to remain in place on both the applicants land, and the City's land.

The applicant has submitted an opinion letter from a qualified geotechnical engineer stating that the retaining wall, pool structure and deck do not lie within the Long Term Stable Slope Line, and that they can safely remain in place. This Department, in consultation with the Transportation and Works Department, finds the opinion letter acceptable for the purpose of entering into an Encroachment Agreement to permit the above noted encroachment to remain in place.

As such, this Department has no objection to the approval of the above noted applications."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (May 4, 2015):

"The proposed development is located within proximity of the Core Areas of the Greenlands System, as identified on Schedule A of the Region's Official Plan. With this designation, ROP policies seek to protect environmental resources. The Region relies on the environmental expertise of Credit Valley Conservation Authority (CVC) staff for the review of development applications located within or adjacent to Greenlands Systems in Peel and their potential impacts on the natural environment. Regional staff therefore request that City staff consider comments from the CVC and incorporate their conditions of approval appropriately."

Credit Valley Conservation commented as follows (May 6, 2015):

"General Comments

For clarification, the component of the subject minor variance of interest to CVC are the requested reduced rear yard setbacks for the existing structures to the G1 zone. The opinion letter provided from Crozier & Associates dated May 1, 2015 concludes the existing retaining wall, pool structure and deck on the subject property are outside of the Long Term Stable Slope. Although it was our expectation a full geotechnical analysis was to be undertaken, based on the information provided CVC staff is prepared to accept the letter subject to the findings being confirmed by a qualified Geotechnical Engineer.

Final Recommendation

Please note that CVC staff continues to not support the related minor variance A 14/348 as the works are located beyond top of bank on publically owned Greenlands (zoned G1).

No other persons expressed any interest in the application.

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

On June 18, 2015, Mr. G. Broll, the authorized agent, attended and presented the application to permit the existing encroachments to remain on the municipally owned lands. Mr. Broll



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explained that pool and deck area had been constructed with a permit and had been in existence since 1979. He noted that an error had been made either during the permitting or construction process and that a portion of the necessary decking had been constructed onto municipal land. Mr. Broll confirmed that the responsibility of who made the error had been lost to history and was irrelevant to the nature of the application. Mr. Broll advised the Committee that the encroachment had come to the attention of the municipality in approximately 2011 and that an encroachment permit and agreement had been attempted to be obtained but was inhibited by various areas of noncompliance with the Zoning By-law.

Mr. Broll explained several negotiations had occurred between his client and municipal and conservation staff and that a reduced encroachment area had been agreed upon. He identified that the area of encroachment had been reduced with the perimeter fence being scaled back to closely match the rear lot line. Mr. Broll noted that a portion of the deck and retaining walls would remain on municipal lands and explained that these were required for slop stability purposes and for the functionality of the pool

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

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

1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Sheridan Neighbourhood
Designation: Greenbelt; Residential Low Density I

Zoning By-law 0225-2007

Zoning: "G1", Greenbelt; "R1", Residential

3.0 OTHER APPLICATIONS

No other applications currently in process.

4.0 COMMENTS

For 'A' 348/14, based on a review of the Minor Variance application, we advise that the variance request should be amended as follows:

"The applicant requests the Committee to authorize a minor variance to permit the existing deck and retaining walls to remain within a portion of the G1 - Greenbelt zone adjacent to the rear lot line of the property located at 2275 Shawanaga Trail; whereas By-law 0225-2007, as amended, does not permit decks or retaining walls within G1 - Greenbelt lands in this instance."

Further, for 'A' 349/14, based on a review of the Minor Variance application, we advise that variance #2 should be amended as follows:

"2. to permit a freestanding uncovered deck to remain within the rear yard proposing a setback of 0.00m (0.00 ft.) to the rear lot line; whereas By-law 0225-2007, as amended, requires a minimum setback of 1.50 m (4.92 ft.) to the rear lot line in this instance."

When these applications were previously before the Committee on May 7, 2015, the agent requested a deferral to allow his client to enter into an encroachment agreement with the City for the deck and retaining walls to remain on City lands. Since that time, this Department is in receipt of draft encroachment and draft maintenance agreements.



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Based on a review of the draft agreements, it is our understanding that the encroachment area has been reduced to approximately 37 m² (398.27 sq. ft.) and would only include portions of the wooden deck adjacent to the pool. The applicant would be required to maintain the existing timber retaining wall but would not be permitted to use the maintenance area for any other purposes. Lastly, we note that the agreement is for a five year term, with two options to renew for five years each, for a total of 15 years.

We advise that according to our electronic records, a Pool Enclosure permit was issued for the subject property in 1979. However, a physical copy of this record is not available. We note that a portion of the concrete pool would also encroach onto the City lands.

Further, we note that a Slope Stability Opinion Letter was submitted dated May 1, 2015 which states that the structures are not located within the long term stable slope line. It is our understanding that staff from the City's Transportation and Works and Community Services Departments have reviewed the letter and are satisfied with its conclusions.

Although this Department does not typically support encroachments onto City owned Greenbelt lands, given the reduction in the encroachment area, the provisions of the agreements restricting the use of the maintenance area, and the prior approval of the pool by the City, we have no objection to the requests, subject to the following conditions:

1. The applicant shall enter into an executed encroachment agreement and maintenance agreement with the City of Mississauga within six months of the Committee of Adjustment approval;
2. The variances will only be valid while the encroachment agreement and maintenance agreement are in force."

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

"Please refer to our comments submitted for the May 7, 2015 hearing of this application as those comments are still applicable."

The City of Mississauga Community Services Department, Park Planning Section commented as follows (June 17, 2015):

"The owner of 2275 Shawanaga Trail has requested an Encroachment Agreement from the City of Mississauga to allow a 37m² encroachment area consisting of a portion of the existing concrete and wooden pool deck, a fence and maintained lawn to remain on City lands.

The Community Services Department has agreed to enter into such an agreement on the condition that a qualified Geotechnical Engineer confirm the long term stability of the existing slope, and that the applicant apply for and receive Committee of Adjustment approval of Minor Variances to permit the existing structures to remain in place on both the applicant's land, and the City's land.

The applicant has submitted an opinion letter from a qualified geotechnical engineer stating that the retaining wall, pool structure and deck do not lie within the Long Term Stable Slope Line, and that they can safely remain in place. This Department, in consultation with the Transportation and Works Department, finds the opinion letter acceptable for the purpose of entering into an Encroachment Agreement to permit the above noted encroachment to remain in place.

When these applications were previously before the Committee on May 7, 2015, the agent requested a deferral to allow the drafting of the Encroachment Agreement to progress to a point where the applicant's maintenance responsibilities were clarified. The agreement is now near completion. As per the agreement, the encroachment area has been reduced to approximately 37m² and includes a portion of the concrete and wooden deck adjacent to the pool, as well as a fence which must meet City standards. The retaining wall will be permitted to exist beyond the location of the fence and will be maintained by the applicant as per the

terms and conditions of the Encroachment Agreement. The applicant will not have access to these lands for any other purpose.

The Community Services Department has no objection to the approval of the above noted Minor Variance applications."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (June 16, 2015):

"The subject land is located within area the Regional Official Plan (ROP) designates as a Core Area of the Greenlands System in Peel, under Policy 2.3.2. Within this designation, ROP policies seek to protect environmental resources. The Region relies on the environmental expertise of the 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 City staff 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 (June 17, 2015):

"Further to our correspondence provided on May 7, 2015, CVC staff has received a Geotechnical Letter of Opinion prepared by Haddad Geotechnical Inc. dated June 16, 2015.

General Comments

For clarification, the component of the subject minor variance of interest to CVC are the requested reduced rear yard setbacks for the existing structures to the G1 zone. The opinion letter provided from Haddad Geotechnical Inc. concludes that the existing slope is in stable condition and that the existing pool structure does not endanger the integrity of the existing slope subject to the recommendations provided.

Final Recommendation

Please note that CVC staff continues to not support the related minor variance A 14/348 as the works are located beyond top of bank on publically owned Greenlands (zoned G1)."

No other persons expressed any interest in the application.

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

Mr. Broll 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. Broll and having reviewed the plans and comments received, is satisfied that the amended request is desirable for the appropriate further development of the subject property. The Committee was satisfied that the encroachment area had been reduced to the minimal amount of area required to maintain the necessary pool decking and retaining wall. The Committee was satisfied that there was no evidence of any damage on the environmental lands caused by the encroachments.

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

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

Accordingly, the Committee resolves to authorize and grant the amended request to permit the existing deck and retaining walls to remain within a portion of the G1 - Greenbelt zone



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adjacent to the rear lot line of the property located at 2275 Shawanaga Trail; whereas By-law 0225-2007, as amended, does not permit decks or retaining walls within G1 - Greenbelt lands in this instance.

This decision is subject to the following conditions:

1. The applicant shall enter into an executed encroachment agreement and maintenance agreement with the City of Mississauga within six months of the Committee of Adjustment approval.
2. The variances will only be valid while the encroachment agreement and maintenance agreement are in force.
3. The applicant shall submit the outstanding \$600 deferral fees to the Committee of Adjustment office.

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

Application Approved, as amended, on conditions as stated.

Dated at the City of Mississauga on June 25, 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 15, 2015.


Date of mailing is June 29, 2015.


S. PATRIZIO



D. GEORGE


J. ROBINSON (CHAIR)


D. KENNEDY


J. PAGE

ABSENT
D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on June 25, 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

NORA MICHELL

on Thursday June 18, 2015

Nora Michell is the owner of Lot 37, Registered Plan M-206, located and known as 2275 Shawanaga Trail, zoned R1 – Residential. The applicant requests the Committee to authorize a minor variance to permit:

1. the existing deck and walkway to remain located within the rear yard of the subject property proposing a setback of 0.00 m (0.00 ft.) to lands zoned G1- Greenbelt; whereas By-law 0225-2007, as amended, required a minimum setback of 5.00 m (16.40 ft.) to lands zoned G1 – Greenbelt in this instance;
2. to permit a freestanding uncovered deck to remain within the rear yard proposing a setback of 0.00 m (0.00 ft.) to the rear lot line; whereas By-law 0225-2007, as amended, requires a minimum setback of 1.20 m (3.93 ft.) to the rear lot line in this instance;
3. the existing pool to remain located within the rear yard of the subject property proposing a setback of 0.70 m (2.29 ft.) measured from the interior wall of the pool to the rear lot line; whereas By-law 0225-2007, as amended, requires a minimum setback of 1.50 m (4.92 ft.) measured from the interior wall of the pool to the rear lot line in this instance;
4. the existing pool to remain located within the rear yard of the subject property proposing a setback of 0.70 m (2.29 ft.) measured from the interior wall of the pool to lands zoned G1- Greenbelt; whereas By-law 0225-2007, as amended, requires a minimum setback of 5.00 m (16.40 ft.) measured from the interior wall of the pool to lands zoned G1- Greenbelt in this instance; and,
5. the existing dwelling to remain on the subject property proposing an easterly side yard of 3.60 m (11.81 ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 4.20 m (13.77 ft.) in this instance.

On October 23, 2014, Mr. G. Broll, the authorized agent, attended and requested a deferral to resolve the several outstanding concerns identified by the Planning and Building Department and the Community Services Department. Mr. Broll noted that ongoing discussions with the residents in the neighborhood would continue during the interim of the deferral.

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

The City of Mississauga Planning and Building Department commented as follows (October 23, 2014):

"1.0 RECOMMENDATION

The Planning and Building Department recommends that the application be deferred, as per the comments below.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Sheridan Neighbourhood
Designation: Greenbelt & Residential Low Density I

Discussion

We note that the subject lands are designated Greenbelt under the Mississauga Official Plan. Lands designated Greenbelt are generally associated with natural hazards and/or natural areas where development is restricted to protect people and property from damage and to provide for the protection, enhancement and restoration of the Natural Area System. Furthermore, the subject lands are designated as a Natural Area in the Mississauga Official Plan and are subject to environmental policies, which state that "Natural Areas will be protected, enhanced and restored".

Zoning By-law 0225-2007

Zoning: "G1", Greenbelt & "R1" Residential

Discussion

We advise that the subject lands are zoned G1 - Greenbelt and permit the following uses: Flood Control, Stormwater Management, Erosion Management, Natural Heritage Features and Areas Conservation.

3.0 OTHER APPLICATIONS

No other applications currently in process.

4.0 COMMENTS

We note that the proposed use on the City owned lands is not explicitly permitted under the applicable Official Plan policies and Zoning By-law regulations. Further, we note that it appears that a Pool Enclosure Permit was issued in 1979, however, a record of the file is not available. It is our understanding that the Community Services Department is requesting deferral of the application in order to allow for further review. On this basis, we support the request for deferral to allow for an opportunity for this Department to explore options for this matter."

The City of Mississauga Transportation and Works Department commented as follows (October 17, 2014):

"Information submitted with this application indicates that the applicant is requesting to permit a deck, fence, retaining wall and walkway within the G1- Greenbelt Zone which we understand was related to an approved Pool Permit Number HC 79355466 dated October 29, 1979. The September 23, 2014 letter submitted by Glen Schnarr & Associates Inc. also indicates that the owner of 2275 Shawanaga Trail (Nora Michell) is proposing to enter into an Encroachment Agreement with the City of Mississauga which will consist of a 115m² of encroachment area.

Acknowledging that the owner of 2275 Shawanaga Trail has indicated that they would be willing to enter into the appropriate Encroachment Agreement for the encroachment area, this section is not aware of any correspondence which confirms that the structures encroaching and possibly the pool are not located in an area which may be subject to erosion or slope instability. In view of the above, and should Committee see merit in the applicant's



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request we would request the following two conditions of approval. The first condition of approval would be that a Geotechnical Engineer confirms the long term stability of the existing slope by providing the appropriate Geotechnical/Slope Stability Report in order to provide geotechnical comments for the feasibility of the proposed encroachments into the City's G1-Greenbelt Zone. Secondly we would request that a condition of approval be that the required Encroachment Agreement be entered into with the City of Mississauga for any encroachments for the existing structures within City owned lands."

The Credit Valley Conservation commented as follows (October 15, 2014):

"SITE CHARACTERISTICS:

The subject property is adjacent to a valley slope associated with the Credit River and is within a CVC Regulated Area subject to the Development, Interference with Wetlands, and Alterations to Shorelines & Watercourses Regulation (Ontario Regulation 160/06). Additionally, the property is within a City of Mississauga Natural Areas Survey (NAS) and within an area designated as Core Greenlands by the Region of Peel.

PROPOSAL:

It is our understanding the application generally requests the Committee to authorize a minor variance to permit for certain existing structures (decks, walkway and pool) to remain within the minimum setback of 5 metres to a G1 zone, as well as a reduced side yard setback for the existing dwelling.

COMMENTS:

PROPOSED REDUCED SIDE YARD SETBACK

CVC has no concerns related to permitting the existing dwelling to remain on the subject property with a reduced easterly side yard setback.

PROPOSED REDUCED REAR YARD SETBACK TO G1 ZONE

It is noted in the submission the basis for the requested reduced rear yard setback is that the removal of the deck, fence, retaining wall and walkway will result in more harm to off-site lands. At this time, CVC staff does not agree with this statement as there appears to be opportunity to remove the structures (or portions of the structures) and implement a restoration strategy which would benefit the subject property and adjacent Greenlands.

CVC staff conducted a site visit to the site on October 8, 2014. The Top of Bank appears to be located approximately at the rear lot line of the subject property. Portions of the deck, fence, retaining wall appears to be below the Top of Bank and within the valley associated with the Credit River. Furthermore, the existing structures and portions of the pool may also be located in an area subject to slope instability and erosion. CVC does not have record of issuing a permit for the existing works within and/or adjacent to the valley – it should be noted CVC staff are currently not in a position to issue a permit to recognize the existing structures as they may be within the slope/erosion hazard and beyond top of bank.

RECOMMENDATION:

Based on the above, and recognizing the structures currently exist, it is CVC staff's recommendation this application be deferred until such time it has been confirmed the existing structures are located outside of the valley and associated slope and erosion hazards. In this regard, CVC staff recommends the following prior to any approvals being granted for this application:

- A geotechnical analysis of the adjacent slope be undertaken include, but not limited to:
- Identify the location of the long term stable slope limit;
- Provide recommendations to mitigate existing impacts (including effectiveness and maintenance requirements for existing retaining wall and other structures);
- Provide recommendations to remediate, restore and/or enhance the slopes as it relates to stability and potential erosion.

- Provide recommendations related to an appropriate access allowance or mechanism to access adjacent slopes if/when maintenance may be required.

Finally, the above recommendation applies only to the structures located on the subject lands (2275 Shawanaga Trail) and not portions of the structures located on the adjacent City owned lands (Minor Variance application A 14/38). It should be noted CVC staff currently does not support the related Minor Variance (A 14/38) as the works are located beyond top of bank (and potentially within a slope/erosion hazard), on publicly owned Greenlands (zoned G1) and the opportunity to remove the structures and restore the valley exists (see CVC comments A 14/38, dated October 15, 2014)."

A letter was received from S. Ferguson & D. MacMillan, residents of 2301 Shawanaga Trail, stating their objection to the requested variances. They expressed concerns regarding the encroachment of a residential amenity space on to the Greenbelt lands. They requested the Committee to refuse the subject application.

A number of residents were in attendance.

No other persons expressed any interest in the application.

The Committee consented to the request and deferred the application to the January 22, 2015 hearing.

On January 22, 2015, Mr. G. Broll, authorized agent, attended and presented the application to permit an encroachment of a residential amenity space including a deck, fence, retaining wall and walkway onto the municipally owned greenbelt lands that were adjacent to the rear yard of 2275 Shawanaga Trail.

Mr. Broll advised the Committee that this application would formalize existing site condition that had been in existence for approximately 35 years. He noted that the source of confusion with respect to the rear lot and resultant encroachments were caused by an error in a permit for a pool that was legally obtained in 1979. Mr. Broll explained that a wooden deck, a retaining wall and a fence encroached into municipally owned lands and that these items were required for the safe use of the rear yard and pool.

Mr. Broll advised the Committee that a slope stability study that analyzed the long term stability of the existing slope remained outstanding.

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

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

"1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Sheridan Neighbourhood
Designation: Greenbelt & Residential Low Density I

Zoning By-law 0225-2007

Zoning: "G1", Greenbelt & "R1" Residential

3.0 OTHER APPLICATIONS

No other applications currently in process.

4.0 COMMENTS

We note that for application 'A' 348/14, variance #1 should be eliminated as the extent of the subject encroachment area will be determined through the associated Encroachment Agreement application.

We further note that for application 'A' 349/14, variance #2 should be amended as follows:

"2: ...to permit a freestanding uncovered deck to remain within the rear yard proposing a setback of 0.00 m (0.00 ft.) to the rear lot line; whereas Zoning By-law 0225-2007, as amended, requires a minimum setback of 1.50 m (4.92 ft.) to the rear lot line in this instance."

We advise that according to our electronic records, a Pool Enclosure permit was issued for the subject property in 1979, however a physical copy of this record is not available. The applicant has submitted an application for an Encroachment Agreement for the works associated with the pool located on City lands.

This Department does not support the use of the encroachment area as residential amenity space, preferring valley lands to be left as much as possible in a natural state. However, given the prior approval of the pool by the City, we support the applicant's request, as the existing works within the Greenbelt lands are integral to the pool. The ultimate location of fencing within the encroachment area will be determined by the Community Services Department through the Encroachment Agreement application. Further, a Slope Stability Study has been requested that will assist in ensuring the protection of the valley slope."

The City of Mississauga Transportation and Works Department commented as follows (January 15, 2015):

"Information submitted with this application indicates that the applicant is requesting to permit a deck, fence, retaining wall and walkway within the G1-Greenbelt Zone which we understand was related to an approved Pool Permit Number HC-79355466 dated October 29, 1979. The September 23, 2014 letter submitted by Glen Schnarr & Associates Inc. also indicates that the owner of 2275 Shawanaga Trail (Nora Michell) is proposing to enter into an Encroachment Agreement with the City of Mississauga which will consist of a 115m² of encroachment area.

Acknowledging that the owner of 2275 Shawanaga Trail has indicated that they would be willing to enter into the appropriate Encroachment Agreement for the encroachment area, this section is not aware of any correspondence which confirms that the structures encroaching and possibly the pool are not located in an area which may be subject to erosion or slope instability. In view of the above, and should Committee see merit in the applicant's request we would request that a condition of approval be that a Geotechnical Engineer confirms the long term stability of the existing slope by providing the appropriate Geotechnical/Slope Stability Report in order to provide geotechnical comments for the feasibility of the proposed encroachments into the City's G1-Greenbelt Zone."

Mr. D. Lazzarato, a resident of 2265 Shawanaga Trail, attended and stated his objection to the subject application. Mr. Lazzarato explained that the wooden deck in the rear yard of the subject property that encroached on to the City lands had been built a few years ago and was not a historical site condition. He noted that compliance with the Zoning by-law was necessary for the protection of the environmental features of the abutting valley lands. He explained that the adjacent properties in the surrounding area had previously made similar requests to purchase or encroach into the adjacent municipally owned lands and that these requests had been refused. Mr. Lazzarato noted that the subject application was similar in nature and should be refused.

Mr. S. Ferguson, resident of 2301 Shawanaga Trail, attended and stated his objection to the subject application. He noted that he had made a similar request to the Committee for his



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property but was required to comply with the Zoning by-law requirements. He noted that the subject application was similar in nature and should be refused.

Mr. J. Fajarczuk, a representative of the resident at 2285 Shawanaga Trail, attended and stated his objection to the subject application. He noted that his father resided within the neighborhood and had made a similar request for a gazebo to be located on the adjacent municipal lands and that this request was declined. He noted that the subject application was similar in nature and should be refused.

Ms. P. Bain, a resident of 2307 Shawanaga Trail, attended and stated her objection to the subject application. She requested the Committee to refuse the subject application.

Mr. M. Shilton, a Planner for the Community Services Department – Park Planning, attended and confirmed that the applicant had revised the proposal to significantly reduce the encroachment area from the initial proposal. He noted that removal of the amenities on the subject lands would cause further damage the lands and suggested that the maintenance of the existing conditions was appropriate. He noted that a review of an outstanding slope stability study would provide further insight in to the appropriateness of the subject application.

No other persons expressed any interest in the application.

The Committee indicated its concerns with the expansive wooden deck that was located within the municipally owned lands. The Committee requested for the applicant to revise the plans further to minimize encroachments on to the municipal lands and consider the removal of the wooden deck. The Committee noted that additional time was required for staff to review the slope stability study.

The Committee deferred the application to the May 7, 2015, hearing.

On May 7, 2015, Mr. G. Broll, the authorized agent, attended and requested a deferral of the application to allow additional time to finalize an active encroachment agreement with the municipality for the existing encroachments.

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 has no objection to the requested variances, as amended, subject to the condition outlined below.

2.0 BACKGROUND

Mississauga Official Plan

<i>Character Area:</i>	Sheridan Neighbourhood
<i>Designation:</i>	Greenbelt; Residential Low Density I

Zoning By-law 0225-2007

<i>Zoning:</i>	"G1", Greenbelt; "R1", Residential
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3.0 OTHER APPLICATIONS

No other applications currently in process.

4.0 COMMENTS

For 'A' 348/14, based on a review of the Minor Variance application, we advise that the variance request should be amended as follows:

"The applicant requests the Committee to authorize a minor variance to permit 115.0 m² (1237.89 sq. ft.) of residential amenity space, including an existing deck, fence, retaining wall and walkway within a portion of the G1 - Greenbelt zone adjacent to the rear lot line of the property located at 2275 Shawanaga Trail; whereas By-law 0225-2007, as amended, does not permit residential amenity spaces, decks, fence, retaining walls, or walkways within G1 - Greenbelt lands in this instance."

Further, for 'A' 349/14, based on a review of the Minor Variance application, we advise that variance #2 should be amended as follows:

"2. to permit a freestanding uncovered deck to remain within the rear yard proposing a setback of 0.00m (0.00 ft.) to the rear lot line; whereas By-law 0225-2007, as amended, requires a minimum setback of 1.50 m (4.92 ft.) to the rear lot line in this instance."

When this application was previously heard by the Committee on January 22, 2015, the Committee indicated that the plans should be revised such that the encroachment onto the City lands was minimal. In this regard, it is our understanding that through consultation with Community Services staff, the applicant is proposing to construct a fence around the existing wooden deck to restrict access and use of the remainder of the encroachment. We recommend that the Committee impose a condition to limit the residential amenity space to within the fenced area.

We advise that according to our electronic records, a Pool Enclosure permit was issued for the subject property in 1979. However, a physical copy of this record is not available. The applicant has submitted an application for an Encroachment Agreement for the works associated with the pool located on City lands.

We note that a Slope Stability Opinion Letter was submitted dated May 1, 2015 which states that the structures are not located within the long term stable slope line. It is our understanding that staff from the City's Transportation and Works and Community Services Departments have reviewed the letter and are satisfied with its conclusions.

Although this Department does not typically support significant encroachments into Greenbelt lands, given the prior approval of the pool by the City, we have no objection to the requested variances, subject to a condition that the residential amenity space be limited to the encroachment area within the fence."

The City of Mississauga Transportation and Works Department commented as follows (May 5, 2015):

"Information submitted with this application indicates that the applicant is requesting to permit a deck, fence, retaining wall and walkway within the G1-Greenbelt Zone which we understand was related to an approved Pool Permit Number HC-79355466 dated October 29, 1979. The September 23, 2014 letter submitted by Glen Schnarr & Associates Inc. also indicates that the owner of 2275 that the owner of 2275 Shawanaga Trail (Nora Michell) is proposing to enter into an Encroachment Agreement with the City of Mississauga which will consist of a 115m² of encroachment area.

The owner of 2275 Shawanaga Trail has indicated that they are willing to enter into an Encroachment Agreement for the encroachment area, however in our previous comments we indicated that this section was not aware of any correspondence which confirmed that the structures encroaching and possibly the pool area were not located within an area which may be subject to erosion or slope instability. In our comments provided for the January 22, 2015 hearing we requested that should Committee see merit in the applicant's request we would recommend that a condition of approval be that a Geotechnical Engineer confirms the long term stability of the existing slope by providing the appropriate Geotechnical/Slope Stability



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Report to determine the feasibility of the proposed encroachments into the City's G1-Greenbelt Zone.

The City has recently received/reviewed a copy of a Slope Stability Opinion Letter dated May 1, 2015 prepared by Crozier & Associates Consulting Engineers which concludes that based on a desktop assessment for this property, the retaining wall, pool structure and deck do not lie within the Long Term Stable Slope Line as determined through the CVC's Slope Stability Determination Guidelines. The Opinion Letter states that the valley slope was densely vegetated with grass, shrubs and small to large trees from the fence line and below the top of bank to the toe of slope. It was also indicated that the Credit River was located over 500m away and there were no obvious signs of overall slope instability (or erosion) observed along the valley corridor.

In view of the above, and should Committee see merit in the applicant's request we would have no objections to the request provided that a condition of approval be that the owner of 2275 Shawanaga Trail (Nora Michell) enter into the required Encroachment Agreement with the City of Mississauga which we understand will contain an encroachment area of approximately 115 m²."

The City of Mississauga Community Services Department, Culture Division commented as follows (May 5, 2015):

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

The owner of 2275 Shawanaga Trail has requested an Encroachment Agreement from the City of Mississauga to allow a 115m² encroachment area consisting of a portion of the concrete and wooden pool deck, a timber retaining wall, a fence, landscaping and maintained lawn to remain on City lands.

The Community Services Department has agreed to enter into such an agreement on the condition that a qualified Geotechnical Engineer confirm the long term stability of the existing slope, and that the applicant apply for and receive Committee of Adjustment approval of Minor Variances to permit the existing structures to remain in place on both the applicants land, and the City's land.

The applicant has submitted an opinion letter from a qualified geotechnical engineer stating that the retaining wall, pool structure and deck do not lie within the Long Term Stable Slope Line, and that they can safely remain in place. This Department, in consultation with the Transportation and Works Department, finds the opinion letter acceptable for the purpose of entering into an Encroachment Agreement to permit the above noted encroachment to remain in place.

As such, this Department has no objection to the approval of the above noted applications."

Credit Valley Conservation commented as follows (May 6, 2015):

"Further to our correspondence provided on May 6, 2015, CVC staff has had further technical discussion with the applicant's consultants and provides the following revised comments:

General Comments

For clarification, the component of the subject minor variance of interest to CVC are the requested reduced rear yard setbacks for the existing structures to the G1 zone. The opinion letter provided from Crozier & Associates dated May 1, 2015 concludes the existing retaining wall, pool structure and deck on the subject property are outside of the Long Term Stable Slope. Although it was our expectation a full geotechnical analysis was to be undertaken, based on the information provided CVC staff is prepared to accept the letter subject to the findings being confirmed by a qualified Geotechnical Engineer.

Final Recommendation

CVC staff recommends conditional approval of the minor variance, subject to the following condition:

Condition #1: that a qualified Geotechnical Engineer provides confirmation the conclusions of the submitted slope stability opinion letter are appropriate – and the existing structures are located outside the slope and erosion hazard associated with the adjacent valleyland."

No other persons expressed any interest in the application.

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

On June 18, 2015, Mr. G. Broll, the authorized agent, attended and presented the application to permit the existing encroachments to remain on the municipally owned lands.

Mr. Broll explained that pool and deck area had been constructed with a permit and had been in existence since 1979. He noted that an error had been made either during the permitting or construction process and that a portion of the necessary decking had been constructed onto municipal land. Mr. Broll confirmed that the responsibility of who made the error had been lost to history and was irrelevant to the nature of the application. Mr. Broll advised the Committee that the encroachment had come to the attention of the municipality in approximately 2011 and that an encroachment permit and agreement had been attempted to be obtained but was inhibited by various areas of noncompliance with the Zoning By-law.

Mr. Broll explained several negotiations had occurred between his client and municipal and conservation staff and that a reduced encroachment area had been agreed upon. He identified that the area of encroachment had been reduced with the perimeter fence being scaled back to closely match the rear lot line. Mr. Broll noted that a portion of the deck and retaining walls would remain on municipal lands and explained that these were required for slope stability purposes and for the functionality of the pool

Mr. Broll noted that it had been discovered during the surveying of the property that a portion of the side yard abutting the dwelling was deficient. He suggested relief to this matter was inconsequential.

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

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

"1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Sheridan Neighbourhood
Designation: Greenbelt; Residential Low Density I

Zoning By-law 0225-2007

Zoning: "G1", Greenbelt; "R1", Residential

3.0 OTHER APPLICATIONS

No other applications currently in process.

4.0 COMMENTS

For 'A' 348/14, based on a review of the Minor Variance application, we advise that the variance request should be amended as follows:

"The applicant requests the Committee to authorize a minor variance to permit the existing deck and retaining walls to remain within a portion of the G1 - Greenbelt zone adjacent to the rear lot line of the property located at 2275 Shawanaga Trail; whereas By-law 0225-2007, as amended, does not permit decks or retaining walls within G1 - Greenbelt lands in this instance."

Further, for 'A' 349/14, based on a review of the Minor Variance application, we advise that variance #2 should be amended as follows:

"2. to permit a freestanding uncovered deck to remain within the rear yard proposing a setback of 0.00m (0.00 ft.) to the rear lot line; whereas By-law 0225-2007, as amended, requires a minimum setback of 1.50 m (4.92 ft.) to the rear lot line in this instance."

When these applications were previously before the Committee on May 7, 2015, the agent requested a deferral to allow his client to enter into an encroachment agreement with the City for the deck and retaining walls to remain on City lands. Since that time, this Department is in receipt of draft encroachment and draft maintenance agreements.

Based on a review of the draft agreements, it is our understanding that the encroachment area has been reduced to approximately 37 m² (398.27 sq. ft.) and would only include portions of the wooden deck adjacent to the pool. The applicant would be required to maintain the existing timber retaining wall but would not be permitted to use the maintenance area for any other purposes. Lastly, we note that the agreement is for a five year term, with two options to renew for five years each, for a total of 15 years.

We advise that according to our electronic records, a Pool Enclosure permit was issued for the subject property in 1979. However, a physical copy of this record is not available. We note that a portion of the concrete pool would also encroach onto the City lands.

Further, we note that a Slope Stability Opinion Letter was submitted dated May 1, 2015 which states that the structures are not located within the long term stable slope line. It is our understanding that staff from the City's Transportation and Works and Community Services Departments have reviewed the letter and are satisfied with its conclusions.

Although this Department does not typically support encroachments onto City owned Greenbelt lands, given the reduction in the encroachment area, the provisions of the agreements restricting the use of the maintenance area, and the prior approval of the pool by the City, we have no objection to the requests, subject to the following conditions:

1. The applicant shall enter into an executed encroachment agreement and maintenance agreement with the City of Mississauga within six months of the Committee of Adjustment approval;
2. The variances will only be valid while the encroachment agreement and maintenance agreement are in force."

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

"Please refer to our comments submitted for the May 7, 2015 hearing of this application as those comments are still applicable."

The City of Mississauga Community Services Department, Park Planning Section commented as follows (June 17, 2015):

"The owner of 2275 Shawanaga Trail has requested an Encroachment Agreement from the City of Mississauga to allow a 37m² encroachment area consisting of a portion of the existing concrete and wooden pool deck, a fence and maintained lawn to remain on City lands.

The Community Services Department has agreed to enter into such an agreement on the condition that a qualified Geotechnical Engineer confirm the long term stability of the existing slope, and that the applicant apply for and receive Committee of Adjustment approval of Minor Variances to permit the existing structures to remain in place on both the applicant's land, and the City's land.

The applicant has submitted an opinion letter from a qualified geotechnical engineer stating that the retaining wall, pool structure and deck do not lie within the Long Term Stable Slope Line, and that they can safely remain in place. This Department, in consultation with the Transportation and Works Department, finds the opinion letter acceptable for the purpose of entering into an Encroachment Agreement to permit the above noted encroachment to remain in place.

When these applications were previously before the Committee on May 7, 2015, the agent requested a deferral to allow the drafting of the Encroachment Agreement to progress to a point where the applicant's maintenance responsibilities were clarified. The agreement is now near completion. As per the agreement, the encroachment area has been reduced to approximately 37m² and includes a portion of the concrete and wooden deck adjacent to the pool, as well as a fence which must meet City standards. The retaining wall will be permitted to exist beyond the location of the fence and will be maintained by the applicant as per the terms and conditions of the Encroachment Agreement. The applicant will not have access to these lands for any other purpose.

The Community Services Department has no objection to the approval of the above noted Minor Variance applications."

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

"Further to our correspondence provided on May 7, 2015, CVC staff has received a Geotechnical Letter of Opinion prepared by Haddad Geotechnical Inc. dated June 16, 2015.

General Comments

For clarification, the component of the subject minor variance of interest to CVC are the requested reduced rear yard setbacks for the existing structures to the G1 zone. The opinion letter provided from Haddad Geotechnical Inc. concludes that the existing slope is in stable condition and that the existing pool structure does not endanger the integrity of the existing slope subject to the recommendations provided.

Final Recommendation

CVC staff are satisfied with the opinion letter and have no objection to the approval of this minor variance by the Committee at this time. The recommendations provided in Comment 6 under Comments and Recommendations within the letter must be followed. "

No other persons expressed any interest in the application.

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

Mr. Broll 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. Broll and having reviewed the plans and comments received, is satisfied that the amended request is desirable for the appropriate further development of the subject property. The Committee was satisfied that the encroachment area had been reduced to the minimal amount of area required to maintain the necessary pool decking and retaining wall.

The Committee was satisfied that there was no evidence of any damage on the environmental lands caused by the encroachments.

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

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

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

1. the existing deck and walkway to remain located within the rear yard of the subject property proposing a setback of 0.00 m (0.00 ft.) to lands zoned G1- Greenbelt; whereas By-law 0225-2007, as amended, required a minimum setback of 5.00 m (16.40 ft.) to lands zoned G1 – Greenbelt in this instance;
2. to permit a freestanding uncovered deck to remain within the rear yard proposing a setback of 0.00m (0.00 ft.) to the rear lot line; whereas By-law 0225-2007, as amended, requires a minimum setback of 1.50 m (4.92 ft.) to the rear lot line in this instance;
3. the existing pool to remain located within the rear yard of the subject property proposing a setback of 0.70 m (2.29 ft.) measured from the interior wall of the pool to the rear lot line; whereas By-law 0225-2007, as amended, requires a minimum setback of 1.50 m (4.92 ft.) measured from the interior wall of the pool to the rear lot line in this instance;
4. the existing pool to remain located within the rear yard of the subject property proposing a setback of 0.70 m (2.29 ft.) measured from the interior wall of the pool to lands zoned G1- Greenbelt; whereas By-law 0225-2007, as amended, requires a minimum setback of 5.00 m (16.40 ft.) measured from the interior wall of the pool to lands zoned G1- Greenbelt in this instance; and,
5. the existing dwelling to remain on the subject property proposing an easterly side yard of 3.60 m (11.81 ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 4.20 m (13.77 ft.) in this instance.

This decision is subject to the following conditions:

1. The applicant shall enter into an executed encroachment agreement and maintenance agreement with the City of Mississauga within six months of the Committee of Adjustment approval.
2. The variances will only be valid while the encroachment agreement and maintenance agreement are in force.
3. The applicant shall submit the outstanding \$600 deferral fees to the Committee of Adjustment office.


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

Application Approved, as amended, on conditions as stated.

Dated at the City of Mississauga on June 25, 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 15, 2015.


Date of mailing is June 29, 2015.


S. PATRIZIO


D. GEORGE


J. ROBINSON (CHAIR)

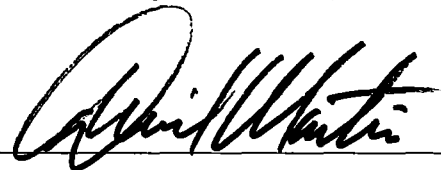

D. KENNEDY


J. PAGE

ABSENT
D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on June 25, 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.