



COMMITTEE OF ADJUSTMENT AGENDA

Location: COUNCIL CHAMBER

Hearing: MAY 21, 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 - (MINOR VARIANCE)</u>				
A-237/15	NORMAN & JULIA MAH	156 INDIAN VALLEY TR	1	Approved
A-238/15	ARCHDIOCESE OF TORONTO	0 THOMAS ST	9	Approved
A-239/15	2412910 ONTARIO INC	2800 SKYMARK AVE	5	Approved
A-240/15	OUTFIELD HOLDINGS LIMITED & SITZER GROUP HOLDINGS NO.1 LIMIT	1450 RATHBURN RD W, 4035, 4075 & 4141 DIXIE RD	3	June 4
A-241/15	GREG & NANCY RIPTON	1289 CERMEL DR	2	Approved
A-242/15	MIKE LAURIE	1159 GLEN RD	2	Approved
A-243/15	FRANCISCO PEIXOTO	1491 TROTWOOD AVE	1	July 2
A-244/15	BRIWEN HOLDINGS INC	1837 ROMANI CRT	5	Approved
A-245/15	ANGELA GIRGIS	6970 VICAR GATE	11	Approved
<u>DEFERRED APPLICATIONS - (MINOR VARIANCE)</u>				
A-012/15	ST. MARY ANTIOCHIAN ORTHODOX CHURCH	280 TRADERS BLVD E	5	Approved
A-202/15	2070825 ONTARIO INC	5330 BRADCO BLVD	5	June 18
A-220/15	ORLANDO CORPORATION	6005 ERIN MILLS PKY	11	Approved

COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

NORMAN & JULIA MAH

on Thursday May 21, 2015

Norman & Julia Mah are the owners of Part of Block F, Registered Plan B-09, located and known as 156 Indian Valley Trail, zoned R2-5, Residential. The applicant requests the Committee to authorize a minor variance to permit a one storey addition, two storey addition and a second storey addition to the existing dwelling proposing:

1. a dwelling depth of 21.72m (71.25ft.); whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (65.61ft.) in this instance,
2. a second accessory structure (outdoor fire place); whereas By-law 0225-2007, as amended, permits one accessory structure in this instance,
3. the second accessory structure having a height of 6.20m (20.34ft.); whereas By-law 0225-2007, as amended, permits a maximum accessory structure height of 3.00m (9.84ft.) in this instance,
4. to permit the existing driveway to remain having a width of 6.06m (19.88ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (19.68ft.) in this instance; and,
5. driveway hammerhead having a width of 4.89m (16.04ft.) and a depth of 4.44m (14.56ft.); whereas By-law 0225-2007, as amended, permits a driveway hammerhead having a width of 2.60m (8.53ft.) and a depth of 3.00m (9.84ft.) in this instance.

Mr. L. Rojenko, the authorized agent, attended and presented the application to permit the one storey addition, two storey addition and a second storey addition to the existing dwelling on the subject property. She noted the purpose of the renovation and described type of rooms that are to be constructed within the additions. Additionally, Ms. Rojenko clarified that the variance for the proposed hammerhead is an existing hammerhead on the subject property.

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

The City of Mississauga Planning and Building Department commented as follows (May 20, 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 in order to ensure that all required variances have been accurately identified.

2.0 BACKGROUND



File: "A" 237/15
WARD 1

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: "R2-5", Residential

3.0 OTHER APPLICATIONS

☒ Site Plan File: SPI 14-66 W1

4.0 COMMENTS

Based on a review of the Site Plan application, we advise that variance #1 is correct. However, we require additional information to verify the accuracy of variances #2-5 and to determine whether additional variances will be required. Staff have not received a resubmission to the Site Plan since the last review, which was completed in July of 2014.

In regards to variance #1, we note that the dwelling has been designed such that the excessive dwelling depth applies to a portion of the dwelling. In review of the site plan drawings and the minor nature of the request, we have no objection.

In regards to variance #2 and #3, it is our understanding that the applicant is proposing to construct an outdoor fireplace that requires a height of 6.20 m (20.34 ft.). We advise that the Zoning division interprets the outdoor fireplace structure as an accessory structure. Given this, we are of the opinion that the variances are minor in this instance and have no objection.

In regards to variance #4 and #5, we note that the driveway and hammerhead are existing conditions. The driveway request is minor and the hammerhead is sufficiently screened from the street by the trees at the front of the property.

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

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

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 14/66. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (May 19, 2015):

"Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required.

Please note that the Region relies on the environmental expertise of the Credit Valley Conservation (CVC) staff for the review of development applications located within, or adjacent to the Greenlands Systems in Peel and their potential impacts on the natural environment. The Region recommends that the City of Mississauga consider comments from the CVC and incorporate any of their conditions of approval appropriately."

No other persons expressed any interest in the application.

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



MISSISSAUGA

File: "A" 237/15
WARD 1

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

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



File: "A" 237/15
WARD 1

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

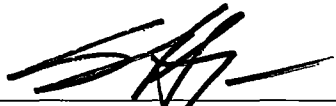
MOVED BY: J. Robinson SECONDED BY: D. Kennedy CARRIED

Application Approved.

Dated at the City of Mississauga on May 28, 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 JUNE 17, 2015.

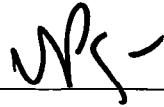
Date of mailing is June 1, 2015.



S. PATRIZIO (CHAIR)

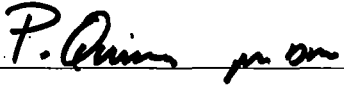
ABSENT
D. GEORGE


J. ROBINSON


D. KENNEDY


J. PAGE


D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on May 28, 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

THE ARCHDIOCESE OF TORONTO

on Thursday May 21, 2015

The Archdiocese of Toronto is the owner of Block 6 Registered Plan 43R19639, located and known as 0 Thomas Street, zoned RM4-68 - Residential. The applicant requests the Committee to authorize minor variances to permit the construction of a Place of Religious Assembly on the subject property proposing:

1. a rear yard setback of 5.70m (18.70 ft.) to the proposed Place of Religious Assembly, whereas By-law 0225-2007, as amended, requires a rear yard setback of 7.50m (24.60 ft.) in this instance;
2. a driveway aisle, or parking area, between the wall of any building or structure and lot line abutting Thomas Street and Oscar Peterson Boulevard, whereas, By-law 0225-2007, as amended, does not permit a driveway, aisle or parking area between the wall of any building or structure and lot line abutting Thomas Street and Oscar Peterson Boulevard; and
3. a building height of 21.00m (68.90 ft.), whereas By-law 0225-2007, as amended, permits a maximum height of 10.70m (35.10 ft.) in this instance.

Mr. J. Levac, the authorized agent, attended and presented the application to permit the construction of a Place of Religious Assembly. He noted to the Committee that the subject property has been before the Committee on a previous application, A-402/14, and that two of the three variances (variances #1 & 2) in the current application are to capture variances that were not accurately identified in application A-402/14 and that this application relates to a redesign of the subject building. Mr. Levac outlined to the Committee reasoning and justification for the variances and stated that the submitted site plan is satisfactory to the City of Mississauga and that no additional changes are needed.

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

The City of Mississauga Planning and Building Department commented as follows (May 19, 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 in order to clarify the requested variances and ensure that no further variances are required.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Churchill Meadows Neighbourhood
Designation: Residential Medium Density

Zoning By-law 0225-2007

Zoning: "RM4-67", Residential

3.0 OTHER APPLICATIONS

☒ *Site Plan* File: SP 14/99

4.0 COMMENTS

The Planning and Building Department is currently processing a Site Plan approval application for the proposed Place of Religious Assembly. Based on a review of the Site Plan approval application we advise that more information is required to verify the accuracy of the requested variances and determine whether additional variances will be required. The zoning department has indicated that variances #1 and #2 are correct; however variance #3 may need clarification.

This application follows up on a previous application, A-402/14, that was in front of the Committee and approved on November 20, 2014. Two of the three variances in the current application are to capture variances that were not accurately identified in application A-402/14.

Requested variance #1, dealing with a rear yard setback, is required because in the previous application the applicant was only granted a variance to 5.7m from a greenbelt zone whereas a rear yard setback was also required.

Requested variance #2 is required as a result of the driveway aisle being located between the building and Oscar Peterson Boulevard as well as between the building and Thomas Street; whereas the previous application only indicated Thomas Street. The current application also clarifies the proposal by including a parking area between the building and street as indicated by the drawings.

The applicant's proposal for the site has not changed in regards to variance #1 and #2 and as a result the Planning and Building department continues to have no objection to these variances as stated in the report for file A-402/14.

With regards to variances #3, the applicant is looking to increase the height of the building to 21m from the previously approved increase to 15m under A-402/14. The increase in height is required as a result of the applicant redesigning the roof of the structure and including an architectural feature at the peak. It is the opinion of the Planning and Building Department that this increase in height should not create negative massing impacts due to the design of the structure, and should still fit within the character of the neighbourhood as stated in the previous report. However, it has been noted by the Zoning department that the applicant may wish to clarify their height variance prior to moving forward, as a result of differences between different sets of submitted drawings.

Considering the following information, the Planning and Building Department has no objections to the variances, as requested, however the applicant may wish to defer in order to ensure that variance #3 is accurate."



MISSISSAUGA

File: "A" 238/15
WARD 9

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

"We are noting that any Transportation and Works Department concerns/requirements for the proposed place of religious assembly will be addressed through the Building Permit process."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (May 19, 2015):

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

The subject land is located adjacent to an area the Regional Official Plan (ROP) designates as Core Woodland, under Policy 2.3.2.2. Within this designation, ROP policies seek to protect environmental resources. The Region relies on the environmental expertise of the 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 Regional Planning staffs are unable to support final approval of this application until all environmental concerns have been addressed to the satisfaction of the Credit Valley Conservation Authority."

A letter was received from S. Moneta, property manager and agent for Peel Standard Condominium Corporation Plan No. 871, located at 3200 & 3250 Bentley Drive, 3395, 3375, 3355, 3335 Thomas Street, 5700 & 5750 Tosca Drive, and 5725 & 5755 Tenth Line stating his objection to the requested variances. He expressed his concerns with respect to variance #2, which would permit a driveway, or parking area, between the walls of any building or structures and lot lines on the subject property abutting Thomas Street and Oscar Peterson Boulevard. He stated that it may have a negative adverse effect on neighbourhood traffic. He requested the Committee to refuse the subject application.

No other persons expressed any interest in the application.

The Committee questioned Mr. Levac regarding parking and traffic issues identified by Sherwood Park Property Management Inc., on the neighbourhood.

Mr. Levac noted that there will be a minimal impact on neighbourhood traffic and parking conditions as the site's entrances and exits are set back from the intersection of Oscar Peterson Boulevard and Thomas Street and have been fully reviewed and approved by the Transportation and Works Department.

The Committee, after considering the submissions put forward by Mr. Levac having reviewed the plans and comments received, is satisfied that the request is desirable for the appropriate development of the subject property. The Committee noted that the proposed development would not have any adverse impact on traffic and parking within the neighbourhood. They noted that the setback at the rear is only to a portion of the building and the driveway request is technical to allow for pickup and drop off in the front of the church. They further noted that the height is only for a portion of the church and is appropriately designed in this instance and will have no impacts on adjacent properties.

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 variances are minor in nature in this instance.



File: "A" 238/15
WARD 9

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

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

Application Approved.

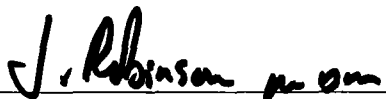
Dated at the City of Mississauga on May 28, 2015.


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Date of mailing is June 01, 2015.


S. PATRIZIO (CHAIR)

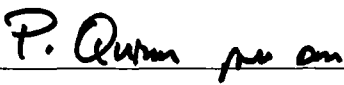
ABSENT
D. GEORGE


J. ROBINSON


D. KENNEDY


J. PAGE


D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on May 28, 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

2412910 ONTARIO INC.

on Thursday May 21, 2015

2412910 Ontario Inc. are the owners of Units 25 - 29, Level 1, Peel Condominium Plan 437 located and known as 2800 Skymark Avenue, zoned E1-1 - Employment. The applicant requests the Committee to authorize a minor variance to continue to permit the operation of an outdoor patio ancillary to the existing restaurant as previously approved, pursuant to Committee of Adjustment File 'A' 183/10; whereas By-law 0225-2007, as amended, does not make provisions for an outdoor patio use on the subject property in this instance.

Ms. V. Selvarajah, a Solicitor and authorized agent, attended and presented the application to permit the continued operation of an outdoor patio ancillary to the existing restaurant as previously approved. She noted that the business occupies units 25-29 of the subject property and that the outdoor patio; however, under various business names, has been in use for approximately 14 years and the new operator wished to continue to operate a patio in the same location as previously operated by previous restaurants with no changes proposed.

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

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

"1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Airport Corporate Centre
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: "E1-18", Employment in Nodes

3.0 OTHER APPLICATIONS

N/A

4.0 COMMENTS

The Planning and Building Department note that the Committee has approved a series of 4 similar variances for the subject property dating back to 2000. The most recently approved variance, A-183/10, was approved with the condition to be personal to the previous applicant. At the time the restaurant was operating as the "Hare and Firkin" and has since changed ownership and become "The Bull Pub and Grill". The restaurant use is similar in nature to that which was previously approved and as a result Planning Staff have no objection to the requested variance."

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

"This department has no objections to the applicants request to continue to permit the operation of the outdoor patio."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (May 19, 2015):

"Regional Planning staff note that the subject land is located adjacent to the Parkway Belt West Plan area. In this regard, Regional Planning staff advises that the applicant consider comments from the Ministry of Municipal Affairs and Housing (MMAH) and incorporate their conditions of approval appropriately."

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Ms. Selvarajah and having reviewed the plans and comments received, is satisfied that the request is desirable for the appropriate continued use of the subject property. The Committee noted that an outdoor patio has been at this location for a significant period of time and no issues have been brought forward regarding the patio operation. They noted a patio use is appropriate at this location and that no residential properties exist within the immediate area.

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

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



File: "A" 239/15
WARD 5

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

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

Application Approved.

Dated at the City of Mississauga on May 28, 2015.

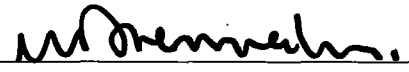
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Date of mailing is June 01, 2015.


S. PATRIZIO (CHAIR)


ABSENT
D. GEORGE


J. ROBINSON


D. KENNEDY


J. PAGE


D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on May 28, 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

2412910 ONTARIO INC.

on Thursday May 21, 2015

Greg & Nancy Ripton are the owners of Lot 11, Registered Plan M-129, located and known as 1289 Cermel Drive, zoned R2-4 - Residential. The applicants request the Committee to authorize minor variance to permit the construction of a one storey addition, two storey addition and a second storey addition to the existing dwelling proposing:

1. a 5.70m (18.70 ft.) front yard to the garage addition; whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m (24.60 ft.) in this instance;
2. a 2.90m (9.51 ft.) garage projection beyond the front wall of the first storey of the dwelling; whereas By-law 0225-2007, as amended, does not permit a garage projection beyond the front wall of the first storey of the dwelling in this instance;
3. a westerly side yard of 2.53m (8.30 ft.); whereas By-law 0225-2007, as amended requires a minimum side yard of 3.00m (9.84 ft.) in this instance; and
4. to permit a side yard of 0.10m (0.33 ft.) and a rear yard of 0.77m (2.53 ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard and rear yard of 1.20m (3.94 ft.) in this instance.

Mr. M. Galea, the authorized agent, attended and presented the application to permit the one storey addition, a two storey addition and a second storey addition to the existing dwelling on the subject property. The redevelopment of the home has positioned the applicant to request the minor variances. Mr. Galea advised that the subject property is located on a unique street within the Clarkson-Lorne Park neighbourhood and the subject application is within the context and character of the neighbourhood as well as adjacent properties. He noted that Planning and Building Department staff in their comments does not want the garages to be the dominant feature on the site. Mr. Galea advised of precedence of garage projections and driveway width from the immediate neighbourhood and noted that the garages will not be the dominant feature of the dwelling, despite the fact that the garage is visible from the street. He presented a plan showing location and approximate projections for neighbouring properties to the Committee. Mr. Galea also suggested that appropriate landscaping will be provided to mitigate adverse effects from the street and from adjacent properties. He also noted that the existing mature vegetation and landscaping will be the most dominant feature of the subject property versus the additions.

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

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

"1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

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

Discussion:

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

- a. preserve and enhance the generous front, rear and side yard setbacks;
- d. garages should be recessed or located behind the main face of the house. Alternatively, garages should be located in the rear of the property;
- e. ensure that new development has minimal impact on its adjacent neighbours with respect to overshadowing and overlook;

Zoning By-law 0225-2007

Zoning: "R2-4", Residential

Discussion:

The intent of the Zoning By-law restricting garage projections in this area of the City is to de-emphasize the garage as a feature of the dwelling.

3.0 OTHER APPLICATIONS

☒ *Pre-Zoning Review* File: PZONE 15-4694

4.0 COMMENTS

Based on a review of the Pre-Zoning Review application for the proposed additions, we advise that variances #1 and #3 are correct. However, variances #2 and #4 should be amended as follows:

"2. a 2.97 m (9.74 ft.) garage projection beyond the front wall of the first storey, whereas By-law 0225-2007, as amended, permits a maximum 0.0 m (0.0 ft.) projection of the garage beyond the front wall or exterior side wall of the first storey;"

"4. an existing accessory structure to remain in the rear yard proposing 0.10 m (0.33 ft.) setback to the interior side and 0.73 m (2.40 ft.) setback to the rear; whereas By-law 0225-2007, as amended, requires a minimum 1.2 m (3.94 ft.) setback for an accessory structure in this instance."

In regards to variances #1 and #2, we note that the property owner intends to construct a new mud room at the rear of the garage. In order to accommodate parking of vehicles in the garage, an addition is required to the front, resulting in the projection. It is our opinion that the proposal can be redesigned to accommodate a mud room in the dwelling while limiting any garage projection.



MISSISSAUGA

File: "A" 241/15
WARD 2

In regards to variance #3, we note that the additions at the rear align with the westerly side of the dwelling. However, the existing dwelling does not align with the lot lines on the property, causing the side yard deficiency. Although we do not have a concern with the variance in principle, we note that a balcony is being proposed above the one storey addition, where the side yard to the westerly neighbour at 1299 Cermel Drive is the smallest. We recommend that the applicant reconsider the proposed balcony at the rear of the dwelling to ensure that it does not create a negative overlook condition.

In regards to variance #4, we note that the accessory structure is existing. However, it is our opinion that the structure can be relocated to provide a greater side yard setback than the requested 0.10 m (0.33 ft.).

Based on the preceding information, the requested variances do not maintain the general intent and purpose of the Official Plan or Zoning By-law. "

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

"We are noting that any Transportation and Works Department concerns/requirements for the proposed additions will be addressed through the Building Permit Process."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (May 19, 2015):

"Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required."

A letter was received from S. & M. Lawrence, residents of 1299 Cermel Drive, stating their support for the application, provided two suggestions are taken into consideration.

A letter was received from M. Riccio, resident of 1290 Cermel Drive, stating her support for the application.

No other persons expressed any interest in the application.

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

The Committee consented to the request and, after considering the submission put forward by Mr. Galea 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 noted that mature existing vegetation and overall size of the lot assisted in reducing the overall massing of the proposed additions. They noted that the additions are modest and in keeping with character of other dwellings in the neighbourhood and the proposed setbacks to the accessory structure are appropriate as the structure is well screened from neighbours. The Committee also noted support from adjacent neighbours was received.

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 construction of a one storey addition, a two storey addition and a second storey addition to the existing dwelling proposing:

1. a 5.70m (18.70 ft.) front yard to the garage addition; whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m (24.60 ft.) in this instance;
2. a 2.97m (9.74 ft.) garage projection beyond the front wall of the first storey of the dwelling; whereas By-law 0225-2007, as amended, permits a maximum 0.00m (0.00ft.) projection of the garage beyond the front wall of the first storey of the dwelling in this instance;
3. a westerly side yard of 2.53m (8.30 ft.); whereas By-law 0225-2007, as amended requires a minimum side yard of 3.00m (9.84 ft.) in this instance; and
4. an existing accessory structure to remain in the rear yard proposing a 0.10m (0.33ft.) interior side yard and a 0.73m (2.40ft.) rear yard; whereas By-law 0225-2007, as amended, requires a minimum 1.20m (3.94ft.) interior side yard and rear yard for an accessory structure in this instance.

MOVED BY: P. Quinn

SECONDED BY: J. Robinson

CARRIED




File: "A" 241/15
WARD 2

Application Approved, as amended.

Dated at the City of Mississauga on May 28, 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 JUNE 17, 2015.

Date of mailing is June 01, 2015.


S. PATRIZIO (CHAIR)


J. ROBINSON

DISSENTED
J. PAGE


P. QUINN

ABSENT
D. GEORGE


D. KENNEDY


D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on May 28, 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

MIKE LAURIE

on Thursday May 21, 2015

Mike Laurie is the owner of Lot 4, Registered Plan M-996, located and known as 1159 Glen Road, zoned R2-2 - Residential. The applicant requests the Committee to authorize minor variances to permit the construction of a second storey addition to the existing dwelling proposing:

1. a lot coverage of 31% of the lot area; whereas Bylaw 0225-2007, as amended, permits a maximum lot coverage of 30% of the lot area in this instance,
2. a gross floor area (GFA) – infill residential of 504.73m² (5432.87 sq.ft.); whereas Bylaw 0225-2007, as amended a maximum gross floor area (GFA) – infill residential of 382.08m² (4112.67 sq.ft.) in this instance,
3. a combined side yards of 7.33 m (24.05 ft.); whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 8.24m (27.03 ft.) in this instance,
4. a front yard to porch stairs of 5.45m (17.88 ft.); whereas By-law 0225-2007, as amended, requires a front yard of 5.90m (19.36 ft.) to the porch inclusive of stairs in this instance,
5. an eaves height of 7.49m (24.57 ft.); whereas Bylaw 0225-2007, as amended, permits a maximum eaves height of 6.4m (20.99 ft.) in this instance; and,
6. a northerly side yard of 2.00m (6.56 ft.) to the second storey addition; whereas Bylaw 0225-2007, as amended, requires a minimum side yard of 2.41m (7.91 ft.) to the second storey in this instance.

Mr. I. MacLaren, the authorized agent, attended and presented the application to permit the construction of a second storey addition. He stated that a majority of homes within the immediate neighbourhood are either 2 storeys or contain a 1.5 storey element and comprising a variety of architectural styles, but are contain the same type of massing. Mr. MacLaren suggested that there will be no negative impact on the street from the increase in height as the design of the proposed dwelling will be designed to mitigate its adverse effects. He stated that the increase in GFA from the second storey addition is appropriate intensification.

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

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

1.0 RECOMMENDATION

The Planning and Building Department recommends that the application be deferred for the applicant to redesign the dwelling to address issues outlined below.

2.0 BACKGROUND

Mississauga Official Plan



MISSISSAUGA

File: "A" 242/15
WARD 2

Character Area:
Designation:

Clarkson-Lorne Park Neighbourhood
Residential Low Density I

Discussion:

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

- c. encourage new housing to fit the scale and character of the surrounding area, and take advantage of the features of a particular site, i.e. topography, contours, mature vegetation;
- i. house designs which fit with the scale and character of the local area, and take advantage of the particular site are encouraged. The use of standard, repeat designs is strongly discouraged; and
- j. the building mass, side yards and rear yards should respect and relate to those of adjacent lots.

In this instance, we note that although the proposed dwelling may be comparable in size to others on the street, and has been designed to mitigate the massing impact, it is our opinion that the gross floor area (GFA) being requested is excessive for the size of the lot and therefore does not maintain the general intent and purpose of the Official Plan.

Zoning By-law 0225-2007

Zoning: "R2-2", Residential

Discussion:

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

3.0 OTHER APPLICATIONS

☒ *Site Plan*

File: SPI 15-17 W2

4.0 COMMENTS

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

In regards to variances #1 and #4, it is our opinion that the requests are minor and therefore we have no objection to the requests.

In regards to variance #2, it is our opinion that the request is excessive and results in a dwelling that is too large for the lot. Further, we note that none of the dwellings within close proximity to the property on Glen Road or Garden Road have been constructed with variances to the By-law for GFA. We recommend that the applicant redesign the proposed dwelling to reduce the GFA to more appropriately take advantage of the features of this particular lot.

In regards to variance #3, we note that the proposal is for a two storey addition on top of an existing bungalow. The combined width of side yards has been established by the first storey, which will remain. Therefore, we have no objection to the request.



MISSISSAUGA

File: "A" 242/15
WARD 2

In regards to variances #5 and #6, based on a review of the front elevation drawings submitted with the minor variance application, it appears that a reduction in the GFA may eliminate the need for the variances.

Based on the preceding information, the requested variance for GFA does not maintain the general intent and purpose of the Official Plan or the Zoning By-law. Further, it is not minor in nature. We recommend that the applicant redesign the proposal to reduce the GFA."

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

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 15/017. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (May 19, 2015):

"This property is within the vicinity of Birchwood Park. This site was used for the disposal of flyash and bottom ash from the Lakeview Generating Station. Leachate has been detected. A park is located on the site. It is catalogued by the M.O.E as A220105."

Credit Valley Region Conservation commented as follows (May 8, 2015):

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

SITE CHARACTERISTICS:

The subject property is adjacent to the Birchwood Creek and its 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.

ONTARIO REGULATION 160/06:

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

PROPOSAL:

The applicant requests the Committee to authorize a minor variance to permit the construction of a second storey addition to the existing dwelling proposing:

1. A lot coverage of 31% of the lot area; whereas Bylaw 0225-2007, as amended, permits a maximum lot coverage of 30% of the lot area in this instance;
2. A gross floor area (GFA) – infill residential of 504.73m² (5432.87 sq.ft.); whereas Bylaw 0225-2007, as amended, a maximum of gross floor area (GFA) – infill residential of 382.08m² (4112.67 sq.ft.) in this instance;
3. A combined side yards of 7.33m (24.05 ft.); whereas Bylaw 0225-2007, as amended, requires a minimum combined width of side yards of 8.24m (27.03 ft.) in this instance;
4. A front yard to porch stairs of 5.45m (17.88 ft.); whereas Bylaw 0225-2007, as amended, requires a front yard of 5.90m (19.36 ft.) to the porch inclusive of stairs in this instance;
5. An eaves height of 7.49m (24.57 ft.); whereas Bylaw 0225-2007, as amended, permits a maximum eaves height of 6.4m (20.99 ft.) in this instance; and,
6. A northerly side yard of 2.00m (6.56 ft.) to the second storey addition; whereas Bylaw 0225-2007, as amended, requires a minimum side yard of 2.41m (7.91 ft.) to the second storey in this instance.

COMMENTS:

Through a previous site visit, it has been confirmed that the proposed addition and porch is setback adequately from any features of concern. As such, CVC has no concerns and no objection to the approval of the application by the Committee at this time.

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

A letter was received from B. Howe, resident of 1179 Glen Road, stating his support for the application.

A letter was received from M. Fedoriv, resident of 1169 Glen Road, stating his support for the application.

A letter was received from H. Sadowick, resident of 1164 Garden Road, stating his support for the application.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. MacLaren having reviewed the plans and comments received, is satisfied that the request is desirable for the appropriate use of the subject property. The Committee stated that the lot frontage is minor, the design of the dwelling is consistent with other dwellings on the street and it enhances the design standard of the neighbourhood. Additionally, the Committee stated that the massing is appropriate for the subject property and the neighbourhood.

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

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



File: "A" 242/15
WARD 2

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

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

Application Approved/


Dated at the City of Mississauga on May 28, 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 JUNE 17, 2015.


Date of mailing is June 1, 2015.


S. PATRIZIO (CHAIR)

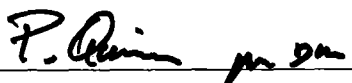
ABSENT
D. GEORGE


J. ROBINSON


D. KENNEDY


J. PAGE


D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on May 28, 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

BRIWEN HOLDINGS INC

on Thursday May 21, 2015

Briwen Holdings Inc. is the owner of Part of Lot 267, Registered Plan F-20, located and known as 1837 Romani Court, zoned E3-4 - Employment. The applicant requests the Committee to authorize a minor variance to permit the existing machinery and concrete pad to remain in the rear yard of the subject property proposing:

1. a rear yard of 1.00m (3.28 ft.); whereas By-law 0225-2007, as amended requires a minimum rear yard of 7.50m (24.60 ft.) in this instance; and
2. a side yard setback of 1.00m (3.28 ft.); whereas By-law 0225-2007, as amended requires a minimum interior side yard of 7.00m (22.97 ft.) in this instance.

Mr. W.E. Oughtred, the authorized agent, attended and presented the application to permit existing machinery and a concrete pad on the subject property. The variances are to legalize setbacks for a shredder unit for the savage yard operation that has existed on the subject property for the past 5 years. Mr. Oughtred advised that he is aware of opposition from the neighbouring properties. He noted that the complaint may have to do with noise and operation of the machine rather than its size and setback. Mr. Oughtred further described to the Committee what is permitted on the site, constraints that exist with the application and site specific zoning for the subject property.

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

The City of Mississauga Planning and Building Department commented as follows (May 19, 2015):

"1.0 RECOMMENDATION"

The Planning and Building Department has no objections to the proposed variances, however the applicant may wish to defer the application in order to ensure all variances are accurately identified.

"2.0 BACKGROUND"

Mississauga Official Plan

Character Area: Northeast Employment Area
Designation: Industrial

Zoning By-law 0225-2007

Zoning: "E3-4", Industrial

3.0 OTHER APPLICATIONS

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

4.0 COMMENTS

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

The subject property is located in, and primarily adjacent to lands that are zoned for salvage yard uses. The rear yard of the subject property backs onto an E3, Industrially zoned property, which is occupied by a warehouse use. The loading bay of the warehouse is directly adjacent to the subject lands. The subject property is fenced on both the rear and side yards where the variances are being requested.

One of the intents of setback policies is to create a separation distance between more intensive uses and more sensitive uses. Although the proposed use on the subject property is intensive in nature, the adjacent uses are similar and there should be no significant impact on adjacent lands. Additionally the variance requests relief for a concrete pad and machinery as opposed to a larger building, which will have reduced visual impacts. Based on images of the site, the proposed machinery does not appear to be of a significant height and should be primarily shielded by the fencing on the property.

Considering this information, the Planning and Building Department have no objections to the proposed variance. However, as indicated above, with no Building Permit application we are unable to determine the accuracy of the proposed variances and the applicant may wish to defer."

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

"This department has no objections to the applicant's request to permit the existing machinery and concrete pad to remain in the rear yard of the subject property."

A letter was received from the J. Blom of Attar Metals Inc., 1856 Romani Court expressing an interest in the application.

No other persons expressed any interest in the application.

The Committee asked the agent to comment on whether or not he is of the opinion that the machinery is considered an enclosed building or structure.

Mr. Oughtred responded that the City has determined that setbacks are required for the shredder and the machinery pad and that the machinery is not considered an enclosed building or structure, regardless of required setbacks.

The Committee, after considering the submissions put forward by Mr. Oughtred having reviewed the plans and comments received, is satisfied that the request is desirable for the appropriate use of the subject property. The Committee advised the subject use is established the proposed development not in the front yard, does not impose a large negative impact on the side yard and the site is enclosed with adequate solid fencing around the area of the machinery.

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" 244/15
WARD 5

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

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

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

Application Approved.

Dated at the City of Mississauga on May 28, 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 JUNE 17, 2015.

Date of mailing is June 1, 2015.

S. PATRIZIO (CHAIR)

ABSENT

D. GEORGE

J. ROBINSON

D. KENNEDY

J. PAGE

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on May 28, 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

ANGELA GIRGIS

on Thursday May 21, 2015

Angela Girgis is the owner of Part Lot 10, Concession 2 WHS, located and known as 6970 Vicar Gate, zoned R2-45 - Residential. The applicant requests the Committee to authorize minor variances to permit an accessory recreational room to the existing day care use in the existing accessory structure, providing a total of 16 parking spaces; whereas, By-law 0225-2007, as amended, does not permit the use in the accessory structure and requires a minimum of 17 parking spaces on site in this instance.

Mr. J. Levac, the authorized agent, attended and presented the application to permit the conversion of an accessory structure to provide for an accessory recreational room for the existing day care use on the subject property having a total of 16 parking spaces provided on site. Mr. Levac explained that the child care centre is located within an existing 2-storey heritage home and that the proposed recreational room use will be located in an existing 800 square foot detached garage at the southeast portion of the lot. The proposed renovations to the existing structure attempts to uphold the design of the heritage home that currently exists on the subject property. Mr. Levac advised that when converting the proposed 800 square foot building to an accessory use to the daycare, it triggers two additional variances being the use of the accessory building and additional parking required for the additional floor area. He advised that currently there are 13 parking spaces required for the existing day care use with 16 parking spaces available on site. With the introduction of the accessory building floor area, 4 additional parking spaces are required resulting in a total of 17 parking spaces required on site whereas only 16 parking spaces exist on the subject property. Mr. Levac explains that there have been no conflicts in parking on the site due to the hours and days of operation of the subject business on the subject property.

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

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

1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: "R2-45", Residential

3.0 OTHER APPLICATIONS

☒ *Certificate of Occupancy* File: C 15/4527

4.0 COMMENTS

The Planning and Building Department is currently processing a Certificate of Occupancy application for the proposed day care expansion. Based on the review of the Certificate of Occupancy application we advise that more information is required to verify the accuracy of the requested variance and determine whether additional variances will be required.

With regards to the requested parking variance, we note that Policy Planning has received a Parking Justification Letter which they have no concern with and have noted support of the variance. The conversion of the accessory structure into added daycare space will only be used for existing children attending the day care and will not require additional staff, or staff parking spaces. Weekend use may occur in conjunction with the main building; however, the parking spaces on site should be sufficient to accommodate these uses.

The use of the accessory structure for a recreational room accessory to the day care is minor and the conversion will not change the appearance of the building in a large way. The lot is completely fenced in the vicinity of where the accessory structure exists, with large tree cover surrounding it, and the entrance way faces towards the main building. This should all mitigate any potential noise concerns from a recreational use in an accessory building close to a lot line. As well, there are no lots directly adjacent to either lot line near the accessory structure.

In considering the previous information, the Planning and Building Department has no objection the requested variances; however the applicant may wish to defer in order to ensure they have accurately identified all required variances."

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

"Based on the information submitted with this application and our recent site inspection of this property we are advising that we have no objections to the applicant's request."

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

"The subject property is designated under the *Ontario Heritage Act*. The proposal does not adversely impact the property's heritage attributes. As such, there are no concerns."

A letter was received from R. Aranha, a resident of 610 Dolly Bird Lane, stating his support to the requested variances.

No other persons expressed any interest in the application.

Mr. Levac, after hearing the comments of the Committee and Planning and Building Department comments advised that he was prepared to proceed with the request.

The Committee, after considering the submissions put forward by Mr. Levac having reviewed the plans and comments received, is satisfied that the request is desirable for the appropriate use of the subject property. The Committee advised that they were satisfied with the presentation of Mr. Levac that adequate parking is present on site and there is neighbour support.



File: "A" 245/15
WARD 11

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

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

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

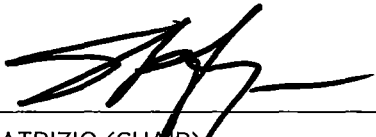
MOVED BY: P. Quinn SECONDED BY: J. Page CARRIED

Application Approved.

Dated at the City of Mississauga on May 28, 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 JUNE 17, 2015.


Date of mailing is June 01, 2015.


S. PATRIZIO (CHAIR)


ABSENT
D. GEORGE


J. ROBINSON


D. KENNEDY


J. PAGE


D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on May 28, 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

ANGELA GIRGIS

on Thursday May 21, 2015

St. Mary Antiochian Orthodox Church is the owner of part of Blocks 5 & 6, Registered Plan M-453 and part of Block 44, Registered Plan M-425, located and known as 280 Traders Boulevard East, zoned E2 - Employment. The applicant requests the Committee to authorize a minor variance to permit the construction of a Place of Religious Assembly proposing:

1. a total of 197 parking spaces on site; whereas By-law 0225-2007, as amended, requires a minimum of 225 parking spaces on site in this instance; and,
2. a building height of 19.63m (64.40ft.) for a portion of the church; whereas By-law 0225-2007, as amended, permits a maximum height to the top of the building of 10.70m (35.10ft.) in this instance.

On January 15, 2015, Mr. E. Hakim, a representative of the authorized agent, attended and requested for the subject application to be deferred to allow him sufficient time to perform a traffic utilization study on the property and to submit it to staff for review. He noted that additional modifications to the proposal may be considered 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 (January 13, 2015):

1.0 RECOMMENDATION

The Planning and Building Department recommends that the application be deferred for the applicant to submit the required Parking Utilization Study and Building Permit or Pre-Zoning Review application.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Gateway Employment Area
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: "E2", Employment

3.0 OTHER APPLICATIONS

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

4.0 COMMENTS



MISSISSAUGA

File: "A" 012/15
WARD 5

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

It is our understanding that the purpose of the request for a reduction in the parking area is for the preservation of a number of trees on the subject property. We advise that our Department is supportive of this intent; however, we would require further justification in the form of a Parking Utilization Study. On this basis, we would recommend that the application be deferred."

The City of Mississauga Transportation and Works Department commented as follows (January 7, 2015):

"We are noting that any Transportation and Works concerns/requirements for the proposed church will be addressed through the Building Permit process."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (January 12, 2015):

"Please be advised that service connection sizes must be in compliance with the Ontario Building Code and Region of Peel Design Criteria. Site servicing approvals are required prior to the issuance of a building permit."

No other persons expressed any interest in the application.

The Committee consented to the request and deferred the application to the March 5, 2015 hearing.

On March 5, 2015, Mr. N. Rico, a representative of the authorized agent, attended and presented the application to permit the construction of a Place of Religious Assembly on the subject property. Mr. Rico noted that during the interim of the deferral a Parking Utilization Study had been provided to staff for review.

Mr. Rico advised the Committee that the site had a varied topography, with the grade considerably higher towards the south side of the property. He noted that the site had a considerable amount of vegetation. He noted that for the proposed construction of a church on the subject property, a portion along the southern boundary of the property would not be utilized for development to ensure preservation of trees in that area. He confirmed that an Arborist Report and Vegetation Inventory had been provided to staff for review.

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

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

1.0 RECOMMENDATION

The Planning and Building Department recommends that the application be deferred for staff to review the Parking Utilization Study, and for Zoning staff to review the Building Permit application.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Gateway Employment Area
Designation: Business Employment



File: "A" 012/15
WARD 5

Zoning By-law 0225-2007

Zoning: "E2", Employment

3.0 OTHER APPLICATIONS

☒ *Building Permit* File: BP 14-4343

4.0 COMMENTS

We note that this Department is currently processing a Building Permit application for the proposed Place of Religious Assembly. Zoning staff have not had sufficient time to review the application and therefore we are unable to confirm the accuracy of the requested variance or determine whether additional variances will be required.

When this application was originally before the Committee on January 15, 2015, the applicant requested a deferral to submit a Parking Utilization Study for staff to review. We received the requested study on March 3, 2015. Staff have not had sufficient time to review the study.

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

The City of Mississauga Transportation and Works Department commented as follows (February 26, 2015):

"Please refer to our comments submitted for the January 15, 2015 hearing of this application as those comments are still applicable."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (March 2, 2015):

"Planning

Please note the Region relies on the environmental expertise of the Credit Valley Conservation (CVC) staff for the review of development applications located within, or adjacent to the Greenlands Systems in Peel and their potential impacts on the natural environment. The Region recommends that the City of Mississauga consider comments from the CVC and incorporate any of their conditions of approval appropriately.

Servicing

Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. For more information, please call our Site Servicing Technicians at 905.791.7800 x7973. Please note that site servicing approvals will be required prior to building permit.

No other persons expressed any interest in the application.

The Committee indicated a preference for the receipt of staff comments on the Parking Utilization Study, prior to proceeding with the subject application.

Mr. Rico requested a deferral for the subject application to allow additional time for staff to review the updated information and provide comments.

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

On April 2, 2015, Mr. N. Rico, the authorized agent, attended and requested a deferral of the subject application to allow him additional time to resolve the concerns raised by the Planning and Building Department.



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File: "A" 012/15
WARD 5

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

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

"1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Gateway Employment Area
Designation: Designation

Zoning By-law 0225-2007

Zoning: "E2", Employment

3.0 OTHER APPLICATIONS

☒ *Building Permit* File: BP 15-4343

4.0 COMMENTS

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

It appears that the drawings submitted to the minor variance application do not match the Building Permit drawings. Further, we note that it appears the parking calculation is incorrect and until revised information has been submitted, we are unable to determine the number of parking spaces required by the Zoning By-law.

We advise that a Parking Utilization Study prepared by Mark Engineering and dated February 27, 2015 satisfactorily justifies the requested reduction in parking. However, as the parking calculation appears to have been done incorrectly, changes to the site statistics and parking figures may require further review. Notwithstanding, the study demonstrates that the proposed number of parking spaces will be sufficient to meet the peak parking demand on the site."

The City of Mississauga Transportation and Works Department commented as follows (March 26, 2015):

"Please refer to our comments submitted for the January 15, 2014 hearing of this application as those comments are still applicable."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (March 30, 2015):

"Please note the Region relies on the environmental expertise of the Credit Valley Conservation (CVC) staff for the review of development applications located within, or adjacent to the Greenlands Systems in Peel and their potential impacts on the natural environment. The Region recommends that the City of Mississauga consider comments from the CVC and incorporate any of their conditions of approval appropriately.



MISSISSAUGA

File: "A" 012/15
WARD 5

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."

No other persons expressed any interest in the application.

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

On May 7, 2015, Mr. N. Rico, the authorized agent, attended requested that the Committee defer the application in order to provide staff additional time to review the requested amendments to the height of the subject building based on the recently submitted revised drawings and to provide for adequate notification to the public.

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

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

"1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Gateway Employment Area
Designation: Business Employment

Zoning By-law 0225-2007

Zoning: "E2", Employment

3.0 OTHER APPLICATIONS

☒ *Building Permit* File: BP 15-4343

4.0 COMMENTS

When the Committee previously heard this application on April 2, 2015, the authorized agent requested a deferral to resolve concerns raised by the Planning and Building Department regarding the Building Permit drawings and parking calculations. To date, we have not received additional information.

Based on the preceding information, our comments dated March 30, 2015 remain applicable."

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

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

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

"Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria.



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File: "A" 012/15
WARD 5

Please note the Region relies on the environmental expertise of the Credit Valley Conservation (CVC) staff for the review of development applications located within, or adjacent to the Greenlands Systems in Peel and their potential impacts on the natural environment. The Region recommends that the City of Mississauga consider comments from the CVC and incorporate any of their conditions of approval appropriately."

No other persons expressed any interest in the application.

The Committee consented to the request and deferred the application to the May 21, 2015 hearing.

On May 21, 2015, Mr. N. Rico, the authorized agent, attended and presented the application to permit the construction of a Place of Religious Assembly on the subject property proposing 197 parking spaces on site and a building height of 19.63m (64.40ft.) for the proposed Place of Religious Assembly. Mr. Rico advised that this application has been before the Committee on several occasions waiting for zoning verification of the request variances. He advised that the applicant is no longer seeking a variance for the height of the proposed building as this has been clarified with zoning staff and he wishes to proceed with the application without variance #2. Mr. Rico requested the Committee amend the application to delete variance #2 for building height.

Mr. Rico presented the application to Committee and outlined the site conditions and proposal. He stated that a reduction in parking was requested by the City to preserve a portion of a City-owned woodlot at the rear of the subject property that slopes towards the woodlot. The applicant was directed to install a retaining wall between the parking lot and the woodlot in order to protect and enhance the state of the woodlot. The result is a reduction in parking, thus the reason for the parking variance on the subject application. Mr. Rico indicated that a parking study was completed, depicting that the proposed parking meets and exceeds the parking demand of the church.

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

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

1.0 RECOMMENDATION

The Planning and Building Department has no objection to the requested variance. However, the applicant may wish to defer the application to submit the requested information to the Building Permit application.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Gateway Employment Area
Designation: Designation

Zoning By-law 0225-2007

Zoning: "E2", Employment

3.0 OTHER APPLICATIONS

☒ Building Permit File: BP 15-4343

4.0 COMMENTS

When this application was previously heard by the Committee on May 7, 2015, the applicant requested a deferral to provide City staff additional time to review information that had been recently submitted to the Building Permit application. Although additional information has been provided, we note that the parking statistics are still incorrect. Therefore, we are unable



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WARD 5

to verify the accuracy of variance #1 and to determine whether additional variances will be required. Further, we note that variance #2 is not required.

We advise that a Parking Utilization Study prepared by Mark Engineering and dated February 27, 2015 satisfactorily justifies the requested reduction in parking. The study indicates that the proposed 197 parking spaces should be sufficient to meet the on-site parking demand. However, as the parking calculation appears to have been done incorrectly, changes to the site statistics and parking figures may require further review.

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

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

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

A letter was received from R. Riel, Vice-President of Operation at Technisonic Industries Inc., located at 240 Traders Boulevard East, stating his objection to the requested variances. Additionally R. Riel notes that this application will have an effect on Technisonic's neighbour, which operates as a Montessori school.

No other persons expressed any interest in the application.

The Committee requested that Mr. Rico elaborate on the operation of the church and the parking requirements and spaces that are proposed on the subject property. The Committee references an objection letter that was submitted from an adjacent neighbour, voicing concerns with the parking and traffic impacts that were generated from an existing Montessori school in the immediate vicinity of the subject property .

Mr. Rico acknowledges the neighbour's concerns and noted his rationale to the issue with parking. He advised that the hours of operation of the church are contained within the weekend days, solely on Sundays, which will not have a direct effect on the Monday to Friday operation of the Montessori school or other business in the area. He continued to note that the church has a limited congregation, which is family oriented and carpooling is common within that congregation. Mr. Rico justified that the proposed parking is adequate by stating that the parking is calculated in three different ways: Gross Floor Area (GFA), seating capacity and accessory use of the main building. His rationale is that the 12% reduction in parking is appropriate due to these three variables.

Mr. N. Rico upon hearing the comments of the Committee and the Planning and Building Department, requested that the application be amended in accordance with their recommendations and requested to proceed with the request.

The Committee, after considering the submissions put forward by Mr. Rico 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 with the parking justification presented by the applicant and note that the Planning Department was supportive of the parking relief; however, did note calculation may not be accurate.

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 construction of a Place of Religious Assembly on the subject property proposing a total of 197 parking spaces on site; whereas By-law 0225-2007, as amended, requires a minimum of 225 parking spaces on site in this instance.

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

Application Approved, as amended.

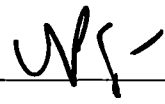
Dated at the City of Mississauga on May 28, 2015.

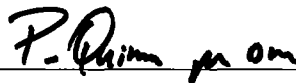
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE JUNE 17, 2015.

Date of mailing is June 01, 2015.



S. PATRIZIO (CHAIR)

J. ROBINSON

J. PAGE

P. QUINN

ABSENT
D. GEORGE



D. KENNEDY

D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on May 28, 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 May 21, 2015

Orlando Corporation is the owner of part of Block 1 and all of Block 4, Registered Plan M-1780, located and known as 6005, 6015, 6039, 6077, 6099, 6111, 6133, and 6155 Erin Mills Parkway, zoned E2-99 & E2-100 - Employment. The applicant requests the Committee to authorize a minor variance to permit the development of the subject property with six (6) commercial buildings, parking lots and internal drive aisles proposing:

1. the lands to be considered as one lot for the purposes of zoning compliance; whereas By-law 0225-2007, as amended, requires development standards to apply to each parcel of land;
2. a yard of 3.50 m (11.48 ft.) in depth abutting Erin Mills Parkway for Building 'A' of the development and yards of 4.50 m (14.76 ft.) in depth abutting Erin Mills Parkway and Britannia Road West for the balance of the development; whereas By-law 0225-2007, as amended, requires yards of 15.00 m (49.20 ft.) in depth that abut Erin Mills Parkway and Britannia Road West in this instance;
3. a centre line setback of 25.00 m (82.02 ft.) to Erin Mills Parkway; whereas By-law 0225-2007, as amended, requires a centre line setback of 37.50 m (123.03 ft.) in this instance;
4. a centre line setback of 23.90 m (78.41 ft.) to Britannia Road West; whereas By-law 0225-2007, as amended, requires a centre line setback of 35.50 m (116.46 ft.) in this instance; and,
5. a landscaped and tree preservation buffer of 3.50 m (11.48 ft.) for Building 'A' abutting Erin Mills Parkway; whereas By-law 0225-2007, as amended, requires a minimum landscaped and tree preservation buffer of 15.00 m (49.21 ft.) in this instance.

On April 30, 2015, Mr. M. Luchich, the authorized agent, attended requested that the Committee defer the application in order to provide staff additional time to review the submitted drawings.

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

The City of Mississauga Planning and Building Department commented as follows (April 24, 2015):

"1.0 RECOMMENDATION

The Planning and Building Department recommends that the application be deferred for staff to review the recently submitted information.

2.0 BACKGROUND



File: "A" 220/15
WARD 11

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: "E2-99", Employment; "E2-100", Employment

3.0 OTHER APPLICATIONS

☒ **Site Plan** File: SP 11-121 W11

4.0 COMMENTS

Based on a review of the Site Plan application, we advise that more information is required to verify the accuracy of the requested variance and to determine whether additional variances will be required. It appears that the drawings submitted to the minor variance application do not correspond to those submitted to the Site Plan application. We note that Zoning staff received a Site Plan resubmission on April 21, 2015 and require additional time to review the material.

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

The City of Mississauga Transportation and Works Department commented as follows (April 23, 2015):

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 11/121. 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 (April 28, 2015):

"Please note the Region relies on the environmental expertise of the Credit Valley Conservation (CVC) staff for the review of development applications located within, or adjacent to the Greenlands Systems in Peel and their potential impacts on the natural environment. The Region recommends that the City of Mississauga consider comments from the CVC and incorporate any of their conditions of approval appropriately.

Traffic Development staff have reviewed the above noted minor variance application. Given that no access is proposed onto Regional Road, we offer no objections.

This property is within the vicinity of Canada Brick Landfill site. It is an inactive private landfill located north of Britannia, between Erin Mills and Queen St. The exact boundaries are unknown. No further information is available."

Credit Valley Region Conservation commented as follows (April 28, 2015):

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

SITE CHARACTERISTICS:

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

As you may be aware, the adjacent Wabukayne Creek has an ecological linkage function between Lake Wabukayne NAS ME12 and Mullett Creek NAS MB9.

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 the subject property with six (6) commercial buildings, parking lots and internal drive aisles proposing:

1. the lands to be considered as one lot for the purposes of zoning compliance; whereas By-law 0225-2007, as amended, requires development standards to apply to each parcel of land;
2. a yard of 3.50m (11.48ft.) in depth abutting Erin Mills Parkway for Building 'A' of the development and yards of 4.50m (14.76 ft.) in depth abutting Erin Mills Parkway and Britannia Road West for the balance of the development; whereas By-law 0225-2007, as amended, requires yards of 15.00m (49.20 ft.) in depth that abut Erin Mills Parkway and Britannia Road West in this instance;
3. a centre line setback of 25.00 m (82.02 ft.) to Erin Mills Parkway; whereas By-law 0225-2007, as amended, requires a centre line setback of 37.50m (123.03 ft.) in this instance;
4. a centre line setback of 23.90m (78.41 ft.) to Britannia Road West; whereas By-law 0225-2007, as amended, requires a centre line setback of 35.50m (116.46 ft.) in this instance; and,
5. a landscaped and tree preservation buffer of 3.50m (11.48 ft.) for Building 'A' abutting Erin Mills Parkway; whereas By-law 0225-2007, as amended, requires a minimum landscaped and tree preservation buffer of 15.00m (49.21 ft.) in this instance.

COMMENTS:

CVC has reviewed the proposed development through Site Plan application (SP 11/121). 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."

No other persons expressed any interest in the application.

The Committee consented to the request and deferred the application to the May 21, 2015 hearing.

On May 21, 2015, Mr. G. Broll, the authorized agent, attended and presented the application to permit the development of six (6) commercial buildings, parking lots and internal drive aisles. Mr. Broll described the subject property was formerly a 100-acre mining quarry that now contains various developed and undeveloped industrial tracts. A plan of subdivision for the 100-acre property was advanced and at the northeast corner of Erin Mills Parkway and Britannia, which was previously zoned for a gas station and all forms of restaurants, pursuant to SP-11-121M and Application A-261/12. Mr. Broll advised that his client has started to develop the site with a two storey building, a one storey building and 4 additional unbuilt pad retail buildings which will most likely be developed for restaurant uses in the future as the site develops. Mr. Broll described each variance to the Committee, denoting his justification and rationale based on simplicity and urban design principles.

Mr. Broll commented on Planning and Building's comments, suggesting that variance #3, with regard to a centre line setback of 25.00m (82.02ft.) to Erin Mills Parkway, is not required by noting that he disagreed with Planning and Building's interpretation and requests that Committee consider the application as it was applied for.



File: "A" 220/15
WARD 11

Mr. Broll also noted that the Planning and Building Department is not convinced that the minor variance applied for previously granted the permission for Office uses to exist within the E2-100 zoned lands. The Planning Department recommended that the variance permitting patios be refined and reworded to only permit Offices within Building A. Mr. Broll finds the use of patios throughout the entire site to be appropriate and should not only be permitted within Building A, and be allowed within E2-100 zoned lands, as permitted via previously approved variances.

The Committee asked for clarification on which zoning Mr. Broll was intending to apply to the entire site.

Mr. Broll advised that the E2-99 zoning should apply to the entire site.

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

The City of Mississauga Planning and Building Department commented as follows (April 24, 2015):

1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: "E2-99", Employment; "E2-100", Employment

3.0 OTHER APPLICATIONS

☒ *Site Plan* File: SP 11-121 W11

4.0 COMMENTS

Based on a review of the Site Plan application and recent discussions with the applicant, we advise that the variance request should be amended as follows:

- "1. The lands to be considered as one lot for the purposes of zoning compliance; whereas By-law 0225-2007, as amended, requires development standards to apply to each parcel of land;
2. An exterior side yard of 3.5 m (11.48 ft.); whereas By-law 0225-2007, as amended, requires an exterior side yard of 4.5 m (14.76 ft.) in this instance;
3. A centreline setback of 25.00 m (82.02 ft.) to Erin Mills Parkway; whereas By-law 0225-2007, as amended, requires a centreline setback of 37.5 m (123.03 ft.) in this instance;
4. To permit an office use within Building 'A'; whereas By-law 0225-2007, as amended, does not permit an office use within an E2-100 zone in this instance.
5. To permit an outdoor patio adjacent to Building 'B'; whereas By-law 0225-2007, as amended, does not permit an outdoor patio within an E2-100 zone in this instance; and
6. A landscape and tree preservation buffer of 3.5 m (14.76 ft.) along the lot line of abutting Erin Mills Parkway; whereas By-law 0225-2007, as amended, requires a minimum landscape and tree preservation buffer of 15.00 m (49.21 ft.) in this instance."



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File: "A" 220/15
WARD 11

Further, we note that additional information will be required to ensure that all required variances have been accurately identified.

We note that the Committee previously approved a similar application for the subject property under 'A' 261/12. The proposal has been subsequently altered, resulting in a revised set of variances being required. Variances #1 and #4-6 are similar to requests under the previous application.

In regards to variance #1, we note that the subject property contains two different zones and parcels, but is intended to function as one property. A Master Concept Site Plan for the site has been developed which will detail the development of several phases on the property. Therefore, we have no objection to the requested variance.

In regards to variance #2, we note that the deficient side yard applies to a pinch point on the property, and it appears that the By-law requirement would be met for the majority of the property. Therefore, we have no objection to the request.

In regards to variance #3, we note that through their review of the Site Plan application, Transportation and Works staff have not raised any issues or concerns regarding the centreline setback being requested. Therefore, we have no objection to the request.

In regards to variance #4, we note that the request was previously approved under 'A' 261/12. In addition, an office use is permitted within the Business Employment designation of Mississauga Official Plan, and would be permitted in the E2-99 zone, which applies to the majority of the property.

In regards to variance #5, we note that the previous approval under 'A' 261/12 was conditional upon restrictions for music and hours of operation for the patio. We recommend that similar conditions be applied for the subject application.

In regards to variance #6, we note that the standard landscape buffer requirement for Employment zones that abut a street line is 4.5 m (14.76 ft.). Further, we note that a landscape buffer of at least 4.8 m (15.74 ft.) would be provided along Erin Mills Parkway, with the exception of the pinch point at the southwest corner of the property.

In this instance, the 15.0 m (49.21 ft.) requirement was intended to apply to a different context and uses that were contemplated for the subject property. The lands were originally considered as part of the subdivision to the east, and were used as a quarry. The E2-99 zoning anticipated that the 15.0 m (49.21 ft.) landscape buffer would remain and screen potential new uses. In consideration of the intent of the By-law and its application to the current context of the property, we have no objection to the request.

Based on the preceding information, we have no objection to the requested variances, as amended, subject to conditions #1 and #2 under 'A' 261/12 being implemented by the Committee. However, the applicant may wish to defer the application to provide the requested information to ensure that all required variances have been accurately identified."

The City of Mississauga Transportation and Works Department commented as follows (May 20, 2015):

"Please refer to our comments submitted for the April 30, 2015 hearing of this application as those comments are still applicable."

No other persons expressed any interest in the application.

The Committee requested clarification whether variances 2 & 3 approved on June 7, 2012 would still apply and continue apply if they are not being requested by the Planning Department to form part of this application.

Mr. J. Lee, Planner for the City of Mississauga, attended and advised that the request was from the Zonign Examiner who suggested that for the ease of the application it would be beneficial to include the previously approved variances into this application so that when the



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File: "A" 220/15
WARD 11

Zoning Examiner, assesses the variances and the application, that the application can be assessed and evaluated holistically.

The Committee asked the Secretary Treasurer to also provide clarification on the previous decision approval.

Mr. D. Martin, Secretary-Treasurer responded stating that if the applicant were not in front of the Committee with this subject application, they could solely rely on the previously approved variance provided the conditions of approval were met. He further noted that no condition was imposed with respect to development in accordance with the plan submitted. He further advised that if the current application was amended the previously approved requests were not notified under the current request and this could be an issue for proper public notification of the current application.

Mr. Broll, after hearing the comments of the Committee and staff requested the application be amended in accordance with staff's recommendations except the portion of the request that was previously approved.

The Committee, after considering the submissions put forward by Mr. Broll having reviewed the plans and comments received, is satisfied that the amended request is desirable for the appropriate use of the subject property. The Committee is satisfied with the submission presented by Mr. Broll is appropriate development of the subject property. The Committee is also satisfied that Zoning staff can rely on their previous decision under File 'A 261/12 for those matters that they are requesting being included in the current request.

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 development of the subject property with six (6) commercial buildings, parking lots and internal drive aisles proposing:

1. the lands to be considered as one lot for the purposes of zoning compliance; whereas By-law 0225-2007, as amended, requires development standards to apply to each parcel of land,
2. a yard of 3.50m (11.48ft.) in depth abutting Erin Mills Parkway for Building 'A' of the development and yards of 4.50m (14.76 ft.) in depth abutting Erin Mills Parkway and Britannia Road West for the balance of the development; whereas By-law 0225-2007, as amended, requires yards of 15.00m (49.20 ft.) in depth that abut Erin Mills Parkway and Britannia Road West in this instance,
3. a centre line setback of 25.00 m (82.02 ft.) to Erin Mills Parkway; whereas By-law 0225-2007, as amended, requires a centre line setback of 37.50 m (123.03 ft.) in this instance,
4. a centre line setback of 23.90 m (78.41 ft.) to Britannia Road West; whereas By-law 0225-2007, as amended, requires a centre line setback of 35.50 m (116.46 ft.) in this instance; and,
5. a landscaped and tree preservation buffer of 3.50 m (11.48 ft.) abutting Erin Mills Parkway; whereas By-law 0225-2007, as amended, requires a minimum landscaped and tree preservation buffer of 15.00 m (49.21 ft.) in this instance.

MOVED BY: J. Robinson

SECONDED BY: D. Reynolds

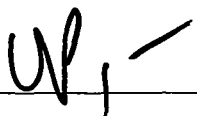
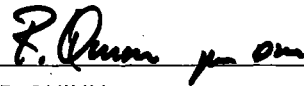
CARRIED

Application Approved, as amended.



Dated at the City of Mississauga on May 28, 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 JUNE 17, 2015.

Date of mailing is June 01, 2015.


S. PATRIZIO (CHAIR)
J. ROBINSON
J. PAGE
P. QUINN

ABSENT
D. GEORGE


D. KENNEDY
D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on May 28, 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.