

COMMITTEE OF ADJUSTMENT  
AGENDA



Location: COUNCIL CHAMBER

Hearing: NOVEMBER 5, 2015 AT 1:30 P.M.

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

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

B021/15	MAGELLAN AEROSPACE LIMITED	3160 DERRY RD E	5	Dec. 10/15
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NEW APPLICATIONS - (MINOR VARIANCE)

A448/15	DIXIE CROSSINGS INC.	5089 DIXIE RD	5	Approved
A449/15	PCC 311 (DEVELOPING HANDS INC)	3100 RIDGEWAY DR	8	Approved
A450/15	RAHIMA KHAN	1061 GREAVES AVE	1	Approved
A451/15	NASEEM & SHAHIDA KAUKAB (GULBURG INC.)	1130 -1140 CLARKSON RD N	2	Dec. 3/15

DEFERRED APPLICATIONS - (MINOR VARIANCE)

A411/15	DIANA IGNAGNI	1317 KENMUIR AVE	1	Approved
A418/15	BOUTROS & NAWAL AMMAR	4446 WATERFORD CRES	4	Approved
A422/15	HELEN BUTCHER	20 BEN MACHREE DR	1	Mar. 3/16 (or earlier)



File: "A" 448/15  
WARD 5

## 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

DIXIE CROSSINGS INC

on Thursday November 5, 2015

Dixie Crossings Inc. is the owner of 5089 Dixie Road being Part of Lot 1, Concession 4, EHS, zoned C3-1, Commercial. The applicant requests the Committee to authorize a minor variance to permit an outdoor patio accessory to the restaurant known as "Sunset Grill" located in Unit B3; whereas By-law 0225-2007, as amended, does not permit an outdoor patio use and requires all commercial activities to be conducted wholly within the building in this instance.

Mr. T. Taha, the authorized agent, attended and presented the subject application to permit the operation of a patio ancillary to a restaurant on the subject property. He indicated that the patio was an appropriate use 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 (November 2, 2015):

### "Recommendation:

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

### Background:

#### *Mississauga Official Plan:*

*Character Area:* Northeast Employment Area (West)

*Designation:* Mixed Use

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

*Zoning:* "C3-1", General Commercial

### Other Applications:

☒ *Certificate of Occupancy* File: C 15-7242

### Comments:

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



## MISSISSAUGA

File: "A" 448/15  
WARD 5

The requested patio is located in a position that is facing the interior of the site onto a parking lot area. There is no residential nearby and it is our opinion that the location of the patio will not have any negative impacts on the surrounding area.

Additionally the walkway between the patio and the parking area is an adequate width to accommodate various types of pedestrian traffic safely.

Based on the preceding information the Planning and Building Department has no objection to the requested variance."

The City of Mississauga Transportation and Works Department commented as follows (October 29, 2015):

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

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

"As per Region of Peel Storm Sewer Design Criteria 2.0, no additional storm drainage shall be conveyed to the Region of Peel's right-of-way.

As per Region of Peel Storm Sewer Design Criteria 2.0, no grading shall be permitted within any Region of Peel right-of-way to support adjacent development.

As per Region of Peel Storm Sewer Design Criteria 3.0, post-development flows must be equal to or less than pre-development levels."

No other persons expressed any interest in the application.

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

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

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



## MISSISSAUGA

File: "A" 448/15  
WARD 5

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

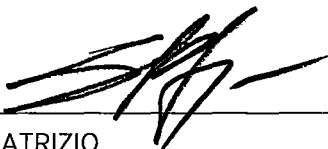
MOVED BY: D. George      SECONDED BY: P. Quinn      CARRIED

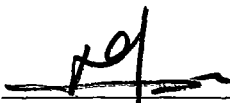
Application Approved.

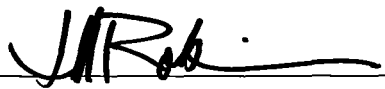
Dated at the City of Mississauga on November 12, 2015.

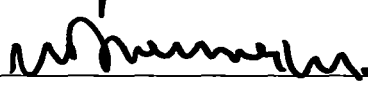
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE DECEMBER 2, 2015.


Date of mailing is November 16, 2015.

  
S. PATRIZIO


  
D. GEORGE

  
J. ROBINSON (CHAIR)

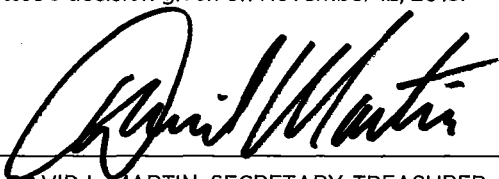
  
D. KENNEDY

  
J. PAGE

ABSENT  
D. REYNOLDS

  
P. QUINN

I certify this to be a true copy of the Committee's decision given on November 12, 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.



File: "A" 449/15  
WARD 8

## 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

PCC 311 (DEVELOPING HANDS INC)

on Thursday November 5, 2015

PCC 311 (Developing Hands Inc) is the owner of 3100 Ridgeway Drive being Peel Condo Plan 311 Level 1 Unit 22, zoned E2-24, Employment. The applicant requests the Committee to authorize a minor variance to permit the establishment of a medical office/clinic within Unit 22 providing a total of 175 parking spaces for all uses on the site; whereas By-law 0225-2007, as amended, requires a total of 224 parking spaces for all uses on site in this instance.

Ms. L. Shenouda, the authorized agent, attended and presented the subject application to operate a new medical office providing various forms of therapy services resulting in a parking deficiency for all uses on the property. Ms. Shenouda advised the Committee that the therapy office would only be open by appointment and would operate during the evening and weekends. Ms. Shenouda noted that the other uses on the property operated at various hours reducing the overall peak demand for parking on the property. Ms. Shenouda provided her analysis of the parking utilization of the property and was of the opinion that there was sufficient parking for all current and the proposed use 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 (November 2, 2015):

### 1.0 RECOMMENDATION

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

### 2.0 BACKGROUND

#### *Mississauga Official Plan*

*Character Area:* Western Business Park Employment Area  
*Designation:* Business Employment

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

*Zoning:* "E2-24", Employment

### 3.0 OTHER APPLICATIONS

☒ *Certificate of Occupancy* File: C15-6935

4.0 COMMENTS

The last approved Site Plan for the property indicates 175 parking spaces on site and based on the City's approved occupancy records, 224 parking spaces are required. The information submitted with the Minor Variance application indicates that changes have been made to the site without updating City records. If, as indicated in the application, there are 171 parking spaces on the site, the variance request should be amended as follows:

"To permit the establishment of a medical office within Unit 22 providing a total of 171 parking spaces for all uses currently recognized on the site; whereas By-law 0225-2007, as amended, requires a total of 224 parking spaces for all uses currently recognized on site in this instance."

We advise that a Parking Justification Letter provided with the application and dated September 30, 2015 satisfactorily justifies the requested reduction in parking.

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

The City of Mississauga Transportation and Works Department commented as follows (October 29, 2015):

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

No other persons expressed any interest in the application.

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

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

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

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



## MISSISSAUGA

File: "A" 449/15

WARD 8

Accordingly, the Committee resolves to authorize and grant the amended request to permit the establishment of a medical office within Unit 22 providing a total of 171 parking spaces for all uses currently recognized on the site; whereas By-law 0225-2007, as amended, requires a total of 224 parking spaces for all uses currently recognized on site in this instance.

MOVED BY: P. Quinn

SECONDED BY: J. Page

CARRIED

Application Approved, as amended.

Dated at the City of Mississauga on November 12, 2015.

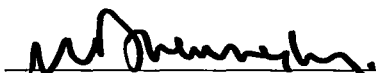
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Date of mailing is November 16, 2015.

  
S. PATRIZIO


  
D. GEORGE

  
J. ROBINSON (CHAIR)

  
D. KENNEDY

  
J. PAGE

ABSENT  
D. REYNOLDS

  
P. QUINN

I certify this to be a true copy of the Committee's decision given on November 12, 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

RAHIMA KHAN

on Thursday November 5, 2015

Rahima Khan is the owner of 1061 Greaves Avenue being Part of Lot 39, Plan C-23, zoned R3, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new two storey detached dwelling on the subject property proposing:

1. a lot area of 387.50m<sup>2</sup> (4,171.15sq.ft.); whereas By-law 0225-2007, as amended, requires a minimum lot area of 550.00m<sup>2</sup> (5,920.03sq.ft.) in this instance;
2. a lot frontage of 10.06m (33.00ft.); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (49.21ft.) in this instance;
3. side yards of 1.07m (3.51ft.) to the first and second storey of the dwelling; whereas By-law 0225-2007, as amended, requires minimum side yards of 1.20m (3.93ft.) to the first storey and 1.81m (5.93ft.) to the second storey in this instance.

Ms. N. Ni, the authorized agent, attended and presented the subject application to construct a new dwelling on the subject property. Ms. Ni advised the Committee that she had spoken to an adjacent neighbour and requested for the application to be amended to address the concern of the neighbour. She indicated that a northerly side yard of 0.91 m (3.00 ft.) and a southerly side yard of 1.21 ft. (4.00 ft.) would be provided. Ms. Ni confirmed that the necessary front yard depth would be provided and that the dwelling would not exceed the maximum permitted lot coverage.

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

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

### "1.0 RECOMMENDATION"

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

### 2.0 BACKGROUND

#### *Mississauga Official Plan*

Character Area: Lakeview Neighbourhood  
Designation: Residential Low Density II

*Zoning By-law 0225-2007*





## MISSISSAUGA

File: "A" 450/15  
WARD 1

Zoning: "R3", Residential

### 3.0 OTHER APPLICATIONS

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

### 4.0 COMMENTS

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. However based on the information provided with the Minor Variance application it appears that at least one additional variance is required for maximum lot coverage. It should be noted that the concrete block fireplace at the rear of the property is considered an accessory structure and included in lot coverage.

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 6-8 weeks will be required to process a Pre-Zoning Review application depending on the complexity of the proposal and the detail of the information submitted.

The property was recently subject to a Minor Variance application under 'A' 383/15. The applicant was requesting variances for front yard of 5.40 m (17.71 ft.) whereas 7.50 m (24.60 ft.) is required, side yards of 0.91 m (2.98 ft.) whereas 1.81 m (5.93 ft.) is required, and lot coverage of 39.05% whereas 35% is required.

For the current application, the side yards have been slightly increased to 1.07 m (3.51 ft.) and the front yard will comply with the By-law.

In regards to variances #1 and #2, the requests would recognize the existing deficiencies of a lot of record and therefore, we have no objection.

Regarding variance #3, although this Department does not typically support side yard variances for new dwellings, it is our opinion that the request is minor in this instance. Based upon a review of the elevation drawings submitted with the Minor Variance application, the vertical wall massing has been adequately designed to reduce impacts to the neighbours.

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

The City of Mississauga Transportation and Works Department commented as follows (October 29, 2015):

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

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (October 2, 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 the existing service may be required. Please note that site servicing approvals will be required prior to the issuance of a building permit.

This property is within the vicinity of Canada Post landfill site. It is an inactive, private landfill located on the southwest corner of Cawthra Rd and Aviation Rd. It has been cleaned to MOECC standards."

Mr. H. Timmins, a resident of 1057 Greaves Avenue, attended and indicated his preference for an increased southerly side yard.

No other persons expressed any interest in the application.



## MISSISSAUGA

File: "A" 450/15  
WARD 1

Ms. Ni confirmed that she had identified all areas of relief required for the proposal and requested for the Committee to proceed with evaluating the merits of the application.

The Committee consented to the request to amend the side yard width as requested by Ms. Ni.

The Committee was satisfied the amended request is desirable for the appropriate further development of the subject property after considering the submissions put forward by Ms. Ni and having reviewed the plans and comments 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.



## MISSISSAUGA

File: "A" 450/15  
WARD 1

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

1. a lot area of 387.50m<sup>2</sup> (4,171.15sq.ft.); whereas By-law 0225-2007, as amended, requires a minimum lot area of 550.00m<sup>2</sup> (5,920.03sq.ft.) in this instance;
2. a lot frontage of 10.06m (33.00ft.); whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 15.00m (49.21ft.) in this instance; and,
3. a northerly side yards of 0.91m (3.00ft.) and a southerly side yard of 1.21m (4.00 ft.) to the first and second storeys of the dwelling; whereas By-law 0225-2007, as amended, requires minimum side yards of 1.20m (3.93ft.) to the first storey and 1.81m (5.93ft.) to the second storey in this instance.

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

Application Approved, as amended.

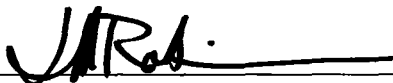
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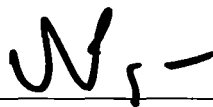
Date of mailing is November 16, 2015.

  
S. PATRIZIO


  
D. GEORGE

  
J. ROBINSON (CHAIR)

  
D. KENNEDY

  
J. PAGE

ABSENT  
D. REYNOLDS

  
P. QUINN

I certify this to be a true copy of the Committee's decision given on November 12, 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

DIANA IGNAGNI

on Thursday November 5, 2015

Diana Ignagni is the owner of 1317 Kenmuir Avenue being Part of Lot 217, Registered Plan F-20, zoned R3-1, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a new 2 storey detached dwelling on the subject property proposing a total gross floor area - infill residential of 377.20m<sup>2</sup> (4,060.27sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum gross floor area - infill residential of 346.48m<sup>2</sup> (3,729.60sq.ft.) in this instance.

On September 24, 2015, Mr. G. Paolantonio, the authorized agent, attended and presented the application to permit the construction of a new detached dwelling on the subject property. Mr. Paolantonio advised the Committee that the proposed dwelling contained prairie style architectural features that included wide overhanging eaves. He indicated that a typical eave overhang was 0.46m (1.50ft.) whereas the proposed dwelling would have eave overhangs of 0.76m (2.50 ft.). The increased widths resulted in a noncompliant lot coverage and side yards. Mr. Paolantonio suggested that setbacks are only slightly closer than the By-law requirements and that the lot coverage would only be slightly reduced if the eaves overhang were decreased.

Mr. Paolantonio indicated that the proposed increase in floor area within the dwelling was the result of the requirement of his clients for barrier free access throughout the dwelling. He noted that an elevator would be provided.

Mr. Paolantonio was of the opinion that there would be no adverse impact to the neighbours as the property was a corner lot.

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

The City of Mississauga Planning and Building Department commented as follows (September 18, 2015):

### 1.0 RECOMMENDATION

The Planning and Building Department recommends that the application be deferred for the applicant to redesign the dwelling to address concerns related to GFA and lot coverage, and to submit the requested information for the Site Plan application.

### 2.0 BACKGROUND

#### *Mississauga Official Plan*

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

*Zoning By-law 0225-2007*

*Zoning:* "R3-1", Residential

3.0 OTHER APPLICATIONS

☒ *Site Plan* File: SPI 15-45 W1

4.0 COMMENTS

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

In regards to variances #1 and #4 for excessive gross floor area (GFA) and lot coverage, we are not satisfied that sufficient justification has been provided. The requested variances would result in a dwelling that is too large for the lot, and would have a negative massing effect on the streetscape and adjacent neighbours. With a frontage of 20.12 m (66.01 ft.) and an area of 782.40 m<sup>2</sup> (8421.68 sq. ft.), the lot can accommodate a reasonably sized dwelling.

Regarding variances #2 and #3, it is our opinion that the requests are minor, and therefore, we have no objection.

Based on the preceding information, we recommend that the application be deferred for the applicant to redesign the dwelling and to submit the requested information for the Site Plan application."

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

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 15/45. 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 (September 18, 2015):

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

A letter was received from J. McKinnon, the Director of the Credit Reserve Association, expressing objection to the application and noting concerning lot coverage, streetscape, change in character of the neighbourhood and requested that the applicant design a home in compliance with the By-law.

A letter was received from S. Pham, a resident at 1321 Kenmuir Avenue, noting concerns with respect to green space and requesting that the applicant construct a home in accordance with the By-laws.

Mr. M. Searles, a resident at 452 Orano Avenue, attended and expressed his opposition to the variances for excessive gross floor area and lot coverage.

Mr. J. Lee, a Planner for the Planning and Building Department, attended and advised that there would be more exposure to the homes on Orano Avenue as the property was a corner lot. He suggested that the gross floor area proposed was excessive.

No other persons expressed any interest in the application.



## MISSISSAUGA

File: "A" 411/15

WARD 1

Mr. Pauloantonio, upon hearing the comments of the Committee and the Planning and Building Department, requested that the application be deferred to allow him an opportunity to revise the proposal to address the concerns with respect to massing and streetscape.

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

On November 5, 2015, Mr. G. Paolantonio, the authorized agent, attended and presented the subject application to construct a new dwelling on the subject property. Mr. Paolantonio advised the Committee that several variances had been reduced or eliminated during the interim of the deferral. He explained that the dwelling required some relief to the Zoning By-law to allow for the integration of accessible features within the dwelling for his client.

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

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

### 2.0 BACKGROUND

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

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

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

**Zoning:** "R3-1", Residential

### 3.0 OTHER APPLICATIONS

☒ **Site Plan** File: SPI 15-45 W1

### 4.0 COMMENTS

We are processing a Site Plan application for the proposed dwelling. Although revised drawings have been provided to the Committee, a resubmission has not been received to the Site Plan application. Therefore, we are unable to verify the accuracy of the requested variance or to determine whether additional variances will be required.

When this application was previously before the Committee on September 24, 2015, the applicant deferred the application to address concerns expressed by the Committee, neighbours and staff regarding the lot coverage and gross floor area. Since that time, the applicant has redesigned the dwelling and has eliminated all the variances, except for gross floor area, which has been reduced to 377.20 m<sup>2</sup> (4296.23 sq. ft.) from the original request of 399.12 m<sup>2</sup> (4296.23 sq. ft.).

In regards to the requested variance, there are other examples of similarly sized dwellings in the immediate vicinity of the property, including the adjacent dwelling at 1321 Kenmuir Avenue. In this instance, we are of the opinion that the request is minor and maintains the intent of the By-law.

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



## MISSISSAUGA

File: "A" 411/15  
WARD 1

The City of Mississauga Transportation and Works Department commented as follows (October 29, 2015):

"Please refer to our comments submitted for the September 24, 2015 hearing of this application as those comments are still applicable."

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

Mr. M. Searles, a resident of 452 Orano Avenue, attended and expressed an interest in the application.

No other persons expressed any interest in the application.

Mr. Paolantonio confirmed that he had identified all areas of relief required for the proposal and requested for the Committee to proceed with evaluating the merits of the application.

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

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

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



## MISSISSAUGA

File: "A" 411/15  
WARD 1

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


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


Application Approved.


Dated at the City of Mississauga on November 12, 2015.

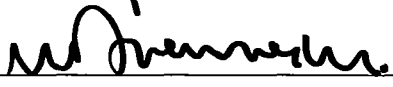
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE DECEMBER 2, 2015.

Date of mailing is November 16, 2015.

  
S. PATRIZIO


  
D. GEORGE

  
J. ROBINSON (CHAIR)


  
D. KENNEDY

  
J. PAGE

ABSENT  
D. REYNOLDS

  
P. QUINN

I certify this to be a true copy of the Committee's decision given on November 12, 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

BOUTROS & NAWAL AMMAR

on Thursday November 5, 2015

Boutros & Nawal Ammar are the owners of 4446 Waterford Crescent being Lot 34, Registered Plan M-729, zoned R5-4, Residential. The applicants request the Committee to authorize a minor variance to permit the existing structure to remain proposing:

1. a lot coverage of 46.32% of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 40.00% of the lot area in this instance;
2. a side yard of 0.63m (2.06ft.) to the basement walk-out; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (3.93ft.) in this instance;
3. a driveway width of 9.07m (29.75ft.); whereas By-law 0225-2007, as amended, permits a maximum width of 6.00m (19.68ft.) in this instance;
4. a westerly setback of 0.30m (0.98ft.) to the driveway and an easterly setback of 0.40m (1.31ft.) to the driveway; whereas By-law 0225-2007, as amended, requires a minimum setback of the driveway to the side property line of 0.60m (2.00ft.) in this instance; and,
5. a landscaped soft area of 7.60% of the front yard containing the driveway; whereas By-law 0225-2007, as amended, requires a minimum landscaped soft area of 30.00% of the front yard containing the driveway in this instance.

On October 1, 2015, Mr. M. Marino, the authorized agent, attended and requested a deferral of the application to meet with staff to address their concerns identified in their reports.

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

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

### 1.0 RECOMMENDATION

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

### 2.0 BACKGROUND

#### *Mississauga Official Plan*

Character Area: Hurontario Neighbourhood  
Designation: Residential Low Density II



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*Zoning By-law 0225-2007*

*Zoning:* "R5-4", Residential

3.0 OTHER APPLICATIONS

☒ *Building Permit* File: BP 15-4954

4.0 COMMENTS

The Planning and Building Department is currently processing a building permit application for the proposed second unit. Based on the review of the building permit application we advise that more information is required to verify the accuracy of the requested variance or determine whether additional variances will be required.

Variance #2 is unable to be confirmed due to a discrepancy in the numbers on the drawings which were submitted. The proposed setback from the dwelling to the lot line is shown as 1.24 m (4.07 ft.) in one location; in another location the distance between the dwelling and the edge of the stairwell is shown as 1.22 m (4.00 ft.) and the lot line is shown to be another 0.63 m from the stairwell. This is a total side yard setback of 1.85 m (6.07 ft.). These numbers should be clarified in order to properly evaluate the variance request.

Regarding variances #3 to 5, we are of the opinion that they represent excessive front yard hard surfaced area which would result in an overemphasis of vehicular parking and a lack of landscaped area. A front yard landscaped area of 7.60% is not adequate in our opinion. We recommend that the applicant reduce the driveway width, which would help to alleviate the requirements of variances #4 and #5. In the event the applicant elects not to redesign and reduce the driveway width the Planning and Building Department would not support variances #3, #4, and #5."

The City of Mississauga Transportation and Works Department commented as follows (September 22, 2015):

"Enclosed for Committee's easy reference are some photos which depict the subject property, in particular the basement walk-out and driveway. "

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (September 28, 2015):

"This property is within the vicinity of Sugarbush landfill site. It is an inactive private landfill located southeast of Mavis and Goreway. No further information is available."

A letter was received from the residents of 4418, 4430, 4434, 4438, 4449, 4450, 4458 & 4461 Waterford Crescent, expressing an interest in the subject application.

No other persons expressed any interest in the application.

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

On November 5, 2015, Mr. M. Marino, the authorized agent, attended and presented the application to maintain an existing basement entrance stairwell constructed within the side yard and to permit the existing driveway to remain within the front yard of the property. Mr. Marino advised the Committee that the driveway would be reduced to be a maximum of 7.77 m in width. He explained that the driveway would taper in width towards the street and that additional landscaping would be reinstated.

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



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The City of Mississauga Planning and Building Department commented as follows (November 2, 2015):

### "Recommendation:

The Planning and Building Department has no objection to variances #1 and #2; however we recommend that variances #3, #4 and #5 be refused. Additionally, the applicant may wish to defer the application in order to submit additional information as we are unable to verify the accuracy of the requested variances or determine whether additional variances will be required.

### Background:

#### *Mississauga Official Plan:*

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

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

*Zoning:* "R5-4", Residential

### Other Applications:

☒ *Building Permit* File: BP 15-4954

### Comments:

The Planning and Building Department is currently processing a Building Permit application for the proposed second unit. Based on the review of the Building Permit application we advise that more information is required to verify the accuracy of the requested variances or determine whether additional variances will be required. However, based on a review of the Building Permit application variance #1 should be amended as follows:

"1. a lot coverage of 46.32% of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 45.00% of the lot area in this instance;"

In the applicant's first submission there was a discrepancy in the numbers related to variance #2 and the correct side yard could not be determined. The applicant has since submitted revised drawings which appear to clear up the discrepancy as well as modify the driveway design. However, these plans have not been formally reviewed and, as a result, the accuracy of the variances cannot be confirmed. The driveway width appears to have not been measured at the widest point and may still be 9.07 m (29.76 ft.), however we are unable to confirm the dimensions.

Regarding variances #3, #4, and #5; the applicant initially requested a driveway width of 9.07 m (29.76 ft.) and has indicated on their new plans that they are now proposing a width of 7.77 m (25.49 ft.), although that cannot be confirmed. The applicant has indicated that they plan to reinstate part of the soft landscaped area by putting soil and sod on top of the existing concrete to bring the width down. This is interpreted to count towards soft landscaped area, if the soft landscaping is suitable for the growth and maintenance of grass and shrubs, etc., however we are of the opinion that it is a less desirable alternative to removing the concrete and reinstating the soft landscaped area in a more traditional manner. Additionally, we still have concerns with the new proposed width of 7.77 m (25.49 ft.). This width still allows space for 3 vehicles to park side by side across the front of the dwelling and still provides for the appearance of excessive hard surfaced area and vehicular parking. The driveway width reduction has increased the percentage of soft landscaping area to a proposed 18.62%, as indicated by the applicant, however we are still of the opinion that this is an inadequate landscaped area. A further reduction in driveway width would increase the soft



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landscaped area. The easterly side yard setback is no longer required as a result of the reinstated landscaped area, however the westerly side yard of 0.30 m (0.98 ft.) still remains. It is our opinion that the driveway width should be further reduced and as a result the requested westerly side yard setback could be made to comply with the Zoning By-law.

With Regards to variance #1, we are of the opinion that an additional 1.32% lot coverage, above the permitted 45.00%, is minor in nature and should have no noticeable massing impacts on adjacent properties.

Variance #2 represents an existing condition which is proposed to be rebuilt on the same footprint. The side yard variance is required for only the side yard basement entrance way. All of the main walls of the dwelling maintain the required side yard setbacks on both the easterly and westerly side yards.

Based on the preceding information we have no objection to variances #1 and #2; however we recommend that variances #3, #4, and #5 be refused. Additionally the applicant may wish to defer the application in order to submit additional information as we are unable to verify the accuracy of the requested variances or determine whether additional variances will be required."

The City of Mississauga Transportation and Works Department commented as follows (October 29, 2015):

"Further to our previous comments the applicant has recently provided us with a revised plan depicting a proposed driveway width of 7.77M (25.49 ft.) which would necessitate the removal of a portion of the existing concrete driveway. The revised sketch plan received from Ultimate Building Design on October 30, 2015 indicates that the applicant is proposing to reinstate a portion of the easterly driveway with soft landscaping (i.e. soil, sod or shrubs etc.), however, there is no reference to the actual removal of the concrete portion of the widened driveway. Further to the circulation of the revised sketch plan a representative of this department re-visited the property and measured the existing driveway width approximately 4 ft. in front of the garage and we note that at that point the driveway is approximately 30.0 ft. in width. With the proposal to modify the existing driveway to a width of 7.77 M (25.50 ft.) we assume that the applicant is proposing to narrow the existing driveway by approximately 5.0ft in the area close to the front entrance and then taper the portion to be removed down to the existing driveway width in the area of the existing sidewalk. In view of the above we would suggest that the owner consider some additional re-instatement of the existing driveway which may also require some additional re-instatement between the existing municipal sidewalk and curb in order to further increase the soft landscaped area and also improve the visual appearance of the driveway."

Mr. G. Kirton, a Planner for the Planning and Building Department, attended and assisted with the calculation of the walkway attachment width.

No other persons expressed any interest in the application.

The Committee expressed concerns with landscaping being installed over a portion of the concrete surface as the method for reducing the driveway width. They noted additional concerns with the abutting walkway and its attachment to the driveway.

Mr. Marino confirmed that the driveway and walkway would be altered so that the walkway attachment width complied with the Zoning By-law.

Mr. Marino requested for the application to be amended to reflect the driveway width measurement and landscape soft area calculation presented on the revised site plan.

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



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property. The Committee indicated that the hard surface in the municipal boulevard needed to be removed and reinstated with sod.

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

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

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

1. a lot coverage of 46.32% of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 40.00% of the lot area in this instance;
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5. a landscaped soft area of 18.62% of the front yard containing the driveway; whereas By-law 0225-2007, as amended, requires a minimum landscaped soft area of 30.00% of the front yard containing the driveway in this instance.

This decision is subject to the following conditions:

1. The applicant shall proceed substantially in accordance with the site plan reviewed by the Committee.
2. The portion of the driveway that is to be removed and reinstated with soft landscaping shall include the removal of any concrete or hard surface.



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

Application Approved, as amended, on conditions as stated.

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