

COMMITTEE OF ADJUSTMENT
AGENDA



Location: COUNCIL CHAMBER

Hearing: NOVEMBER 19, 2015 AT 1:30 P.M.

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

File	Name of Applicant	Location of Land	Ward	Disposition
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NEW APPLICATIONS - (MINOR VARIANCE)

A-452/15	D I G & M K G HOLDINGS INC	6860 REXWOOD RD	5	Feb. 25/16
A-453/15	SHABBIR YUSUF & DURRIYA SHABBIR	1390 LAKESHORE RD W	2	Refused
A-454/15	NAJMA ASHRAF	53 EAGLEWOOD BLVD	1	Feb. 11/16
A-455/15	ANDREE M. NOEL & STEPHEN J. GALLAGHER	856 GOODWIN RD	1	Approved
A-456/15	THANH DUC NGUYEN & KIM OANH DAO	270 HOLLYMOUNT DR	5	Approved
A-457/15	VLADIMIR & VISNJA LINARDIC	272 HOLLYMOUNT DR	5	Approved
A-458/15	MARIA LOURDES & FRANK MEDEIROS	1775 BLYTHE RD	8	Approved
A-459/15	GARY F. COLTER & VICTORIA H. SHIPP	541 ARROWHEAD RD	2	Approved

DEFERRED APPLICATIONS - (MINOR VARIANCE)

A-259/15	1438864 ONTARIO INC	241 LAKESHORE RD E	1	Jan. 28/16
A-390/15	CINDY WENNERSTROM & MARCIN WROBLEWSKI	516 RICHEY CRES	1	Feb. 11/16
A-415/15	DUNSIRE (1407 LAKESHORE) INC	1407 LAKESHORE RD E	1	Approved
A-416/15	DUNSIRE (1041 LAKESHORE) INC	1041 LAKESHORE RD E	1	Approved
A-425/15	ANGELO RIZZO & ANDRE ZUPANCIC	9 CUMBERLAND DR	1	Jan. 7/16

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

SHABBIR YUSUF & DURRIYA SHABBIR

on Thursday, November 19, 2015

Shabbir Yusuf & Durriya Shabbir are the owners of 1390 Lakeshore Road West being Part of Lot 26, Concession 3, SDS, zoned R2-1 - Residential. The applicants request the Committee to authorize a minor variance to permit the existing 2 driveways to remain on the subject property; whereas By-law 0225-2007, as amended, permits a maximum of 1 driveway on the subject property in this instance.

Mr. S. Yusuf, co-owner of the property, attended and presented the application to permit the two existing driveways to remain on the subject property. Mr. Yusuf advised that the home was constructed in 1951. He indicated that there are four trees located in front of the dwelling. Mr. Yusuf indicated that there are two driveways located on either side of the trees. He advised that the trees and location of the driveways are appropriate as they add privacy and appeal to the neighbourhood.

Mr. Yusuf advised that they applied for a building permit to renovate the interior of the dwelling and create a second accessory dwelling unit. They were advised that two driveways are not permitted if an accessory dwelling unit is created. Mr. Yusuf indicated that the driveways have been there for approximately 15-20 years. He indicated that it would be practical to keep the driveways as each family would be able to park their vehicles on their designated driveway. He indicated that they do not wish to remove the trees to re-configure the driveway.

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

The City of Mississauga Planning and Building Department commented as follows (November 18, 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

Zoning By-law 0225-2007

Zoning: "R2-1", Residential

3.0 OTHER APPLICATIONS

☒ *Building Permit* File: BP15-7305

4.0 COMMENTS

Based on a review of the Building Permit application for the proposed second unit, the variance as requested is correct.

In the Minor Variance application, the applicant has indicated that they intend to retain the two existing driveways to accommodate a proposed second unit in the dwelling. It appears that the two driveways have existed on the property for a number of years, and therefore, may benefit from legal non-conforming status. However, with the introduction of a second unit, the number of parking spaces and driveways on-site must be evaluated, which has necessitated the requested variance. Additionally, with the dwelling and the second unit, two parking spaces will be required on the property.

When the second unit provisions were introduced into the Zoning By-law, the intent was that second units would be permitted on lots that could accommodate them without expanding the number or width of driveways on the property. Therefore, a provision was included in the By-law stating that, "A lot with a second unit shall have one (1) and not more than one (1) driveway."

It appears that the required number of two parking spaces can be accommodated on the westerly driveway. The easterly driveway can only accommodate one parking space as the applicant is proposing a basement entrance stairwell in the garage.

Further, it is our understanding that concerns have been raised from the Transportation and Works Department regarding two accesses to the property, and they are recommending that one of the driveways be eliminated.

Based on the preceding information, it is our opinion that the requested variance does not maintain the general intent and purpose of the Zoning By-law. Therefore, we recommend that the application be refused."

The City of Mississauga Transportation and Works Department commented as follows (November 12, 2015):

"It should be noted that Lakeshore Road West is classified as an Arterial Roadway which carries a significantly higher volume of vehicular traffic than a local residential street and we are concerned with permitting the 2 existing driveways to remain on the subject property.

We acknowledge that these driveways have existed on this property for a number of years, information submitted with the application indicates that the existing detached dwelling was built in the early 50's, however, the city does not have any particulars with regards to the existing access. From our site inspection and also as shown on the Site Plan Drawing submitted we also note that there is a concrete block retaining wall which encroaches into the Lakeshore Road West right-of way which should also be removed.

In view of the above this department does not see the rationale to permit 2 driveways fronting onto Lakeshore Road West and cannot support the requested variance as submitted. We would suggest that this application be deferred in order to allow the applicant an opportunity to propose some modifications to this property, modifications which would eliminate one of the driveways. We would also suggest that any modifications also try to incorporate some type of on-site turnaround for any vehicles exiting onto Lakeshore Road West. We would also suggest that the applicant contact a representative from the Transportation Asset Management Section of this Department with regards to discussing any proposed modifications to ensure that any changes will provide for safe manoeuvres for access/egress to the property."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (November 13, 2015):

"The subject 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 this site. It is catalogued by the MOECC as A220105."

Mr. J. Lee, Planner with the City of Mississauga, attended and advised that the Zoning By-law requires a minimum of two parking spaces on site. He advised that two parking spaces could be provided on one driveway. He advised that the Planning and Building Department do not believe that two driveways are unnecessary.

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Yusuf and having reviewed the plans and comments received, is not satisfied that the request is desirable for the appropriate further development of the subject property. The Committee advised that the applicant can satisfy the parking requirements for the accessory unit and noted that the two driveways are unnecessary. They indicated that Lakeshore Road is an arterial road containing lots of traffic. The Committee indicated that the Transportation and Works Department have not approved the location. They advised that they do not believe that the two driveways are desirable in this instance.

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

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

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

MOVED BY:	D. Kennedy	SECONDED BY:	J. Page	CARRIED
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File: "A" 453/15
WARD 2

Application Refused.

Dated at the City of Mississauga on November 26, 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 16, 2015.

Date of mailing is November 30, 2015.

ABSENT

S. PATRIZIO

D. GEORGE (CHAIR)

J. ROBINSON

D. KENNEDY

J. PAGE

DISSENTED
D. REYNOLDS

DISSENTED

P. QUINN

I certify this to be a true copy of the Committee's decision given on November 26, 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

ANDREE M. NOEL & STEPHEN J. GALLAGHER

on Thursday, November 19, 2015

Andree M. Noel & Stephen J. Gallagher are the owners of 856 Goodwin Road being Part of Lot 88, Registered Plan A-26, zoned R3 - Residential. The applicants request the Committee to authorize a minor variance to permit the existing second storey addition, garage, front porch, deck, second storey balcony, basement entrance stairwell and accessory structure to remain on the subject property proposing:

1. a side yard of 0.81 m (2.65 ft.) to the existing basement entrance stairwell; whereas By-law 0225-2007, as amended, requires a minimum setback of 1.20 m (3.93 ft.) in this instance;
2. a front porch projection (inclusive of stairs) of 3.30 m (10.82 ft.); whereas By-law 0225-2007, as amended, permits a maximum front porch projection (inclusive of stairs) of 1.60 m (5.24 ft.) in this instance;
3. a side yard of 0.00 m (0.00 ft.) to the existing rear yard deck; whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20 m (3.93 ft.) for the portion of the deck along the interior side yard and 0.61 m (2.00 ft.) for the portion of the deck located within the rear yard in this instance;
4. a side yard of 0.37 m (1.21 ft.) to the existing garage; whereas By-law 0225-2007, as amended, requires a minimum setback of 1.20 m (3.93 ft.) is required;
5. a side yard of 0.42 m (1.37 ft.) to the existing accessory structure; whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 0.61 m (2.00 ft.) in this instance; and,
6. a gross floor area of 15.48 m² (166.63 sq. ft.) for the existing accessory structure; whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 10.00 m² (107.64 sq. ft.) for an accessory structure in this instance.

Mr. A. Mertiri, authorized agent, attended, accompanied by the property owners. He advised that the property owners received an Order to Comply shortly after purchasing the property. They applied for a Pre-Zoning review and were advised that there was an open Building Permit application. Mr. Mertiri advised that the building permit is being withheld as relief is required from the Zoning By-law to allow the structures to remain. He advised that the property owners wish to obtain a building permit, rectify the Order, and legalize the existing structures. Mr. Mertiri presented plans for the Committee's review and consideration and identified the areas of non-compliance.

Mr. Mertiri indicated that the garage is located directly behind the dwelling noting that the rear yard can be accessed through doors in the garage. He noted that the basement entrance stairwell currently occupies most of the side yard on the other side.

Mr. Mertiri indicated that a portion of the wooden deck is located in the side yard and indicated that relief is required to allow the deck to remain as it does not comply with the minimum side yard requirements.

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

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

"1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: "R3", Residential

3.0 OTHER APPLICATIONS

☒ *Pre-Zoning Review* File: PZONE15-6147

4.0 COMMENTS

Based on a review of the Pre-Zoning Review application for the proposed construction, variances #1, #4, #5 and #6 are correct. However, variances #2 and #3 should be amended as follows:

"2. A front porch encroachment of 3.30 m (10.83 ft.); whereas By-law 0225-2007, as amended, permits a maximum front porch encroachment of 1.60 m (5.25 ft.) in this instance;

3. A side yard setback of 0.00 m (0.00 ft.) to the existing deck; whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20 m (3.94 ft.) for the portion of the deck located within the interior side yard and 0.61 m (2.00 ft.) to the portion of the deck located within the rear yard in this instance."

It appears that all of the proposed construction is existing without the benefit of a Building Permit.

Regarding variance #1, we are of the opinion that the proposed setback would provide adequate access to the rear yard.

For variance #2, as amended, the front porch generally aligns with the front yard setbacks provided by the neighbouring dwellings and therefore, is keeping in character with the surrounding development.

In regards to variance #3, as amended, based on a recent site visit, the rear yard deck is limited in height. Therefore, we do not anticipate any potential overlook issues and have no objection.

Regarding variance #4, the existing garage is legal non-conforming and was located in the rear yard. However, the proposed rear addition causes the garage to be located in the side yard, requiring variances for side yard setback. We are of the opinion that the request is technical in nature, as there will be no change to the garage.

For variances #5 and #6, it is our opinion that the requests are minor and therefore we have no objection to the requests.

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

The City of Mississauga Transportation and Works Department commented as follows (November 13, 2015):

"Enclosed for Committee's information are some photos which depict the subject property."

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

"Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. Any changes to the underground water or sanitary sewer will require review by the Region of Peel."

"The subject property is within the vicinity of Albert Crookes Memorial Park. This former waste disposal site is inactive and is currently being used as a park. It is catalogued by the MOECC as #7068."

An e-mail was received from L and D. Brezden, property owners at 852 Goodwin Road, expressing opposition to the application and noting their concerns with respect to the obstructed access through the side yard and the difficulty in repairing the fencing that is located on the property line.

No other persons expressed any interest in the application.

Mr. Gallagher, co-owner of the property, advised that they purchased the home from the property owners who now occupy 852 Goodwin Road. He indicated that he is attempting to rectify the non-compliances that were initiated by the former property owners.

Mr. J. Lee, Planner with the City of Mississauga, attended and advised that the access to the rear yard can be obtained through the garage. He indicated that encroachments of 0.61m (2.00ft.) are typically permitted in a side yard greater than 1.20m (4.00ft.). Therefore, it is possible to have a minimum setback of 0.61m (2.00ft.) in the side yard. As the applicant has provided a greater side yard setback and they are able to provide access to the rear yard on the other side, through the garage, the Planning and Building Department have no concerns with the requested reduction.

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

The Committee consented to the request and, after considering the submissions put forward by Mr. Mertiri and having reviewed the plans, 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 requested amended variance is minor in nature in this instance.

Accordingly, the Committee resolves to authorize and grant the amended request to permit the existing second storey addition, garage, front porch, deck, second storey balcony, basement entrance stairwell and accessory structure to remain on the subject property proposing:

1. a side yard of 0.81 m (2.65 ft.) to the existing basement entrance stairwell; whereas By-law 0225-2007, as amended, requires a minimum setback of 1.20 m (3.93 ft.) in this instance;
2. a front porch encroachment of 3.30 m (10.83 ft.); whereas By-law 0225-2007, as amended, permits a maximum front porch encroachment of 1.60 m (5.25 ft.) in this instance;
3. a side yard setback of 0.00 m (0.00 ft.) to the existing deck; whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 1.20 m (3.94 ft.) for the portion of the deck located within the interior side yard and 0.61 m (2.00 ft.) to the portion of the deck located within the rear yard in this instance;
4. a side yard of 0.37 m (1.21 ft.) to the existing garage; whereas By-law 0225-2007, as amended, requires a minimum setback of 1.20 m (3.93 ft.) is required;
5. a side yard of 0.42 m (1.37 ft.) to the existing accessory structure; whereas By-law 0225-2007, as amended, requires a minimum side yard setback of 0.61 m (2.00 ft.) in this instance; and,
6. a gross floor area of 15.48 m² (166.63 sq. ft.) for the existing accessory structure; whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 10.00 m² (107.64 sq. ft.) for an accessory structure in this instance.

MOVED BY:	J. Page	SECONDED BY:	J. Robinson	CARRIED
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File: "A" 455/15
WARD 1

Application Approved, as amended.

Dated at the City of Mississauga on November 26, 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 16, 2015.

Date of mailing is November 30, 2015.

ABSENT

S. PATRIZIO

D. GEORGE (CHAIR)

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 November 26, 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

THANH DUC NGUYEN & KIM OANH DAO

on Thursday, November 19, 2015

Thanh Duc Nguyen & Kim Oanh Dao are the owners of 270 Hollymount Drive being Part of Block 3, Registered Plan M-992, zoned RM5 - Residential. The applicants request the Committee to authorize a minor variance to permit the existing driveway to remain on the subject property proposing a width of 6.00 m (19.68 ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width on the subject property of 5.20 m (17.06 ft.) in this instance.

Mr. T.D. Nguyen, co-owner of the property, attended and presented the application to permit the existing driveway to remain with a width of 6.00m (19.68ft.). Mr. Nguyen advised that the concrete driveway was constructed with an increased width to allow his mother to access the dwelling and vehicle without having to walk on the grass. The driveway provided a stable surface which was safer for his mother.

Mr. Nguyen advised that many of the driveways on the street have greater driveway widths than the By-law allows. He indicated that the driveway was reinforced with steel and will be difficult to remove and very costly to reduce in width.

Mr. Nguyen submitted letter from two of his neighbours indicating no objection to the application.

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

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

"Recommendation:

The Planning and Building Department recommend that the application be refused

Background:

Mississauga Official Plan:

Character Area: Hurontario Neighbourhood

Designation: Residential Medium Density

Zoning By-law 0225-2007:

Zoning: "RM5", Residential

Other Applications:

A 457/15 – Similar application on the adjacent property (272 Hollymount Drive)

Comments:

The requested driveway width increase of 0.80 m (2.62 ft.) takes away additional soft landscaped area from an already narrow lot. The Zoning By-law permits a maximum driveway width of 5.20 m (17.06 ft.) on the 6.85 m (22.47 ft.) lot which already allows for a significant portion of the front yard to be covered with hard surfaced area. The requested driveway width of 6.00 m (19.68 ft.) would allow for 88% of the front yard to be driveway and hard surfaced area. It is our opinion that the permitted 5.20 m (17.06 ft.) width should be maintained. It should be noted that adjacent property at 272 Hollymount Drive that shares the lot line along the two driveways is also applying for a nearly identical variance. The Planning and Building Department is also not supportive of variance application A 457/15.

Based on the preceding information the Planning and Building Department recommend that the application be refused.

The City of Mississauga Transportation and Works Department commented as follows (November 12, 2015):

"Enclosed for Committee's easy reference are photos which depict the existing driveway."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (November 13, 2015):

"We have no comments and no objections to the application."

A letter was received from M.A. Khan and M. Mirza, property owners at 268 Hollymount Drive expressing no comments with respect to the application.

A letter was received from A. Leung, property owner at 266 Hollymount Avenue, expressing support for the application.

No other persons expressed any interest in the application.

Mr. G. Kirton, Planner with the City of Mississauga, attended and advised that many of the driveways within the neighbourhood have been constructed with excessive driveway widths. He indicated that the subject driveway has a slightly larger width than most of the driveways in the neighbourhood.

The Committee expressed concerns with respect to the driveway width and indicated that they were not willing to allow the driveway to remain with the existing width.

Mr. Nguyen, upon hearing the comments of the Committee and the Planning and Building Department, requested that the application be amended to reduce the width of the driveway by approximately 0.20m (8 inches).

The Committee consented to the request and, after considering the submissions put forward by Mr. Nguyen and having reviewed the plans, is satisfied that the amended request is desirable for the appropriate further development of the subject property. The Committee indicated that the neighbourhood is characterized by many properties with excessive driveway widths. They indicated that by reducing the driveway width, a greater soft landscape area will be provided.



MISSISSAUGA

File: "A" 456/15
WARD 5

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 amended request to permit the existing driveway to be modified to have a maximum driveway width of 5.80m (19.02ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 5.20m (17.06ft.) in this instance.

MOVED BY:	J. Page	SECONDED BY:	J. Robinson	CARRIED
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Application Approved, as amended.

Dated at the City of Mississauga on November 26, 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 16, 2015.

Date of mailing is November 30, 2015.

ABSENT

S. PATRIZIO

D. GEORGE (CHAIR)

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 November 26, 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

VLADIMIR & VISNJA LINARDIC

on Thursday, November 19, 2015

Vladimir & Visnja Linardic are the owners of 272 Hollymount Drive being Part of Block 3, Registered Plan M-992, zoned RM5 - Residential. The applicants request the Committee to authorize a minor variance to permit the existing driveway to remain on the subject property proposing a width of 6.10 m (20.01 ft.) in this instance; whereas By-law 0225-2007, as amended, permits a maximum driveway width of 5.20 m (17.06 ft.) in this instance.

Mr. V. Linardic, co-owner of the property, attended and presented the application to permit the existing driveway to remain with an increased width. Mr. Linardic advised that he was willing to reduce the driveway width similar to the width approved for his neighbour. He advised that he wishes to be able to park two cars on his driveway.

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

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

"Recommendation:

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

Background:

Mississauga Official Plan:

Character Area: Hurontario Neighbourhood
Designation: Residential Medium Density

Zoning By-law 0225-2007:

Zoning: "RM5", Residential

Other Applications:

A 456/15 – Similar application on the adjacent property (270 Hollymount Drive)

Comments:

The requested driveway width increase of 0.90 m (2.95 ft.) takes away additional soft landscaped area from an already narrow lot. The Zoning By-law permits a maximum driveway width of 5.20 m (17.06 ft.) on the 6.85 m (22.47 ft.) lot which already allows for a significant portion of the front yard to be covered with hard surfaced area. The requested driveway width of 6.10 m (20.01 ft.) would allow for 89% of the front yard to be driveway and hard surfaced area. It is our opinion that the permitted 5.20 m (17.06 ft.) width should be maintained. It should be noted that adjacent property at 270 Hollymount Drive that shares the lot line along the two driveways is also applying for a nearly identical variance. The Planning and Building Department is also not supportive of variance application A 456/15.

Based on the preceding information the Planning and Building Department recommend that the application be refused."

The City of Mississauga Transportation and Works Department commented as follows (November 12, 2015):

"Enclosed for Committee's easy reference are photos which depict the existing driveway."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (November 13, 2015):

"We have no comments and no objections to the application."

A letter was received from M.A. Khan and M. Mirza, property owners at 268 Hollymount Drive expressing no comments with respect to the application.

No other persons expressed any interest in the application.

Mr. G. Kirton, Planner with the City of Mississauga, attended and advised that many of the driveways within the neighbourhood have been constructed with excessive driveway widths. He indicated that the subject driveway has a slightly larger width than most of the driveways in the neighbourhood.

Upon hearing the comments of the Committee and the Planning and Building Department, Mr. Linardic requested that the application be amended to reduce the driveway width.

The Committee consented to the request and, after considering the submissions put forward by Mr. Linardic and having reviewed the plans, 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 requested amended variance is minor in nature in this instance.

Accordingly, the Committee resolves to authorize and grant the amended request to permit the existing driveway to be modified to have a maximum driveway width of 5.80m (19.02ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 5.20m (17.06ft.) in this instance.

MOVED BY:	J. Page	SECONDED BY:	P. Quinn	CARRIED
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File: "A" 457/15
WARD 5

Application Approved, as amended.

Dated at the City of Mississauga on November 26, 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 16, 2015.

Date of mailing is November 30, 2015.

ABSENT

S. PATRIZIO

J. ROBINSON

J. PAGE

P. QUINN

DISSENTED

D. GEORGE (CHAIR)

D. KENNEDY

D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on November 26, 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

MARIA LOURDES & FRANK MEDEIROS

on Thursday, November 19, 2015

Maria Lourdes & Frank Medeiros are the owners of 1775 Blythe Road being Part of Lot 3, Range 2, SDS, zoned R1 - Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of a second storey addition above the existing garage and to permit the existing deck to remain on the subject property proposing:

1. a front yard of 9.16 m (30.05 ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 12.00 m (39.37 ft.) in this instance;
2. a rear yard of 6.44 m (21.12 ft.); whereas By-law 0225-2007, as amended, requires a minimum rear yard of 7.50 m (24.60 ft.) in this instance; and,
3. a rear yard of 4.20 m (13.77 ft.) to the existing deck; whereas By-law 0225-2007, as amended, requires a minimum setback of 5.00 m (16.40 ft.) to the proposed deck in this instance.

Mr. J. DeBrum, authorized agent, attended and presented the application to permit the construction of a second storey addition above the existing garage. He indicated that the previous property owner submitted and obtained a previous minor variance for the subject property. Mr. DeBrum indicated that they wish to construct a second storey above the existing garage and variances are required for setbacks to the front yard and rear yard. Mr. DeBrum also advised that relief is also being requested to allow an existing deck located in the rear yard to remain.

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

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

1.0 RECOMMENDATION

The Planning and Building Department recommends that the application be deferred for the applicant to address concerns raised by the Credit Valley Conservation Authority (CVC) and to submit the requested information for the Building Permit application.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Sheridan Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: "R1", Residential

3.0 OTHER APPLICATIONS

☒ *Building Permit* File: BP15-7229

4.0 COMMENTS

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

It appears that additional variances may be required for excessive number of kitchens, setback of the existing accessory structure to the G1 zone, and an excessive driveway width.

The property was subject to a similar Minor Variance application under 'A' 459/06 for a second storey addition above the garage, and a one storey addition at the rear. At the time, the Credit Valley Conservation Authority (CVC) was of the opinion that the requests were premature pending the receipt of a satisfactory geotechnical investigation for the site. This Department recommended a deferral of the application on that basis. The Committee approved the application, but a CVC permit was never issued.

For the current application, it is our understanding that CVC is still of the opinion that the application is premature pending the receipt of a geotechnical investigation for the site.

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

The City of Mississauga Transportation and Works Department commented as follows (November 12, 2015):

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

The Region of Peel, Environment, Transportation and Planning Services commented as follows (November 13, 2015):

"This property is within the vicinity of three landfills, including:

- Albert Crookes Memorial Park, which is a former waste disposal site and currently used as a park. It is catalogued by the MOECC as #7068.
- Newman Landfill Site which was used for the disposal of wastes and flyash from the Lakeview Generating Station. A methane collection system continues to remove methane gas from the site. An environmental monitoring program is in place at the site and consists of groundwater and landfill gas monitoring on a routine basis. It is catalogued by the MOECC as # 7071.
- North Sheridan Sanitary Landfill Site which was used for the disposal of residential and industrial wastes, including some flyash until 1980. A methane collection system continues to remove methane gas from the site. An environmental monitoring program is in place at the site and consists of groundwater and landfill gas monitoring on a routine basis. It is catalogued by the MOECC as A220103."



MISSISSAUGA

File: "A" 458/15
WARD 8

The Credit Valley Conservation commented as follows (November 16, 2015):

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

Proposal:

The applicants request the Committee to authorize a minor variance to permit the construction of a second storey addition above the existing garage and to permit the existing deck to remain on the subject property proposing:

1. A front yard of 9.16 m (30.05 ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 12.00 m (39.37 ft.) in this instance;
2. A rear yard of 6.44 m (21.12 ft.); whereas By-law 0225-2007, as amended, requires a minimum rear yard of 7.50 m (24.60 ft.) in this instance; and,
3. A rear yard of 4.20 m (13.77 ft.) to the existing deck; whereas By-law 0225-2007, as amended, requires a minimum setback of 5.00 m (16.40 ft.) to the proposed deck in this instance.

Comments:

CVC staff have concerns related to the stability of the slope located at the rear of the subject property. In order to address our concerns with respect to this application we request that the applicant submit a Detailed Geotechnical Investigation to determine the extent of the stability and erosion related hazards associated with the valley slope on the subject property. Based on this request, CVC find this application premature pending the receipt of a satisfactory geotechnical investigation for the site.

Please note that the works, as proposed, will require a permit from this Authority before the issuance of a Building Permit from the City of Mississauga."

No other persons expressed any interest in the application.

Mr. DeBrum indicated that they are in the process of obtaining the geotechnical information requested by the Credit Valley Conservation. He indicated that it will take a significant amount of time to obtain the information.

Mr. DeBrum advised that when his clients took possession of the dwelling, it was in a poor state of repair. His clients want to move into the home as soon as possible as they are currently renting. Mr. DeBrum indicated that a building permit has been issued for the renovations to the dwelling. He indicated that the building permit for the addition will not be issued until the Credit Valley Conservation has given its approval. He requested that the Committee not defer the application as it will cause further delays.

Mr. DeBrum, upon hearing the comments of the Committee and the Planning and Building Department, advised that he has submitted a one-unit declaration to the Building Department and he has spoken to the Zoning Section about the driveway width requirements and believes that he will not require any further variances. He noted that the accessory structure will be demolished.

The Committee, after considering the submissions put forward by Mr. DeBrum and having reviewed the plans, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee indicated that the addition is above the existing structure. They noted that the Credit Valley Conservation concerns will be addressed through the building permit process.

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" 458/15
WARD 8

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

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


Dated at the City of Mississauga on November 26, 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 16, 2015.

Date of mailing is November 30, 2015.

ABSENT

S. PATRIZIO

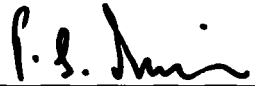

D. GEORGE (CHAIR)


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 November 26, 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" 459/15
WARD 2

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

GARY F. COLTER & VICTORIA H. SHIPP

on Thursday, November 19, 2015

Gary F. Colter & Victoria H. Shipp are the owners of 541 Arrowhead Road being Lot 2, Registered Plan 361, zoned R1-2, Residential. The applicants request the Committee to authorize a minor variance to permit the construction of a single storey addition to the rear of the existing dwelling proposing an overall building depth of 22.99m (75.42ft.); whereas By-law 0225-2007, as amended, permits a maximum building depth of 20.00m (65.61ft.) in this instance.

Mr. Bill Hicks, of Hicks Partnership Inc., authorized agent, attended and presented the application to permit the construction of an addition to the existing dwelling proposing an increased dwelling depth. Mr. Hicks advised that the function and usability of the floor space will be enhanced. He advised that the addition will be well screened and therefore, not visible to the neighbours. Mr. Hicks indicated that a generous rear yard amenity area will be provided noting that no variance is required for the rear yard.

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

The City of Mississauga Planning and Building Department commented as follows (November 13, 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: Clarkson-Lorne Park Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: "R1-2", Residential

3.0 OTHER APPLICATIONS

<input checked="" type="checkbox"/> <i>Site Plan</i>	File: SPAX 15-94
<input type="checkbox"/> <i>Building Permit</i>	File: Required - No application received

4.0 COMMENTS

We note that a Building Permit application 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. 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.

In regards to the requested variance, the proposed addition will be limited to one storey, does not extend along the entire length of the rear wall and will be located centrally on the lot. It is our opinion that adequate rear yard amenity space will be maintained and we do not anticipate any negative impacts to neighbouring properties.

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

The City of Mississauga Transportation and Works Department commented as follows (November 12, 2015):

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

The Region of Peel, Environment, Transportation and Planning Services commented as follows (November 13, 2015):

"This property is within the vicinity of a private landfill site with MOECC # A220108. It is an inactive landfill site and is located on the northwest corner of Mississauga Rd and Lakeshore Blvd. It has been cleaned to MOECC standards."

Letters were received from the property owners/residents at 531 Arrowhead Road and 556 Comanche Road expressing no objections to the application.

No other persons expressed any interest in the application.

Mr. Hicks, upon hearing the comments of the Committee and the Planning and Building Department, indicated that he does not believe that any further variances will be required. He requested that the Committee consider the application as presented.

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

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

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

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

MOVED BY:	J. Robinson	SECONDED BY:	P. Quinn	CARRIED
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File: "A" 459/15
WARD 2

Application Approved.

Dated at the City of Mississauga on November 26, 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 16, 2015.

Date of mailing is November 30, 2015.

ABSENT

S. PATRIZIO

D. GEORGE (CHAIR)


J. ROBINSON

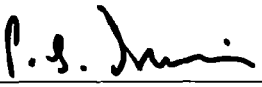
ABSENT

D. KENNEDY

ABSENT

J. PAGE

D. REYNOLDS


P. QUINN

I certify this to be a true copy of the Committee's decision given on November 26, 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

DUNSIRE (1407 LAKESHORE) INC.

on Thursday, November 19, 2015

Dunsire (1407 Lakeshore) Inc. is the owner of 1407 Lakeshore Road East being Lot 4 and Lot 5, Registered Plan A-20 and Part of the Lane, zoned C4, Commercial. The applicant requests the Committee to authorize a minor variance to permit the construction of residential/commercial structures on the subject property proposing:

1. a permeable walkway within the rear 4.50m (14.76ft.) landscaped buffer (adjacent to the north-easterly property line); whereas By-law 0225-2007, as amended, requires a minimum landscape buffer width of 4.50m (14.76ft.) in this instance;
2. a building height of four (4) storeys; whereas By-law 0225-2007, as amended, permits a maximum building height of three (3) storeys in this instance;
3. a landscape buffer width of 0.00m (0.00ft.) between the parking area and the street line (Cherriebell Road); whereas By-law 0225-2007, as amended, requires a minimum landscape buffer width of 3.00m (9.84ft.) between the parking area and a streetline in this instance;
4. a total of 34 parking spaces on site; whereas By-law 0225-2007, as amended, requires a minimum of 42 parking spaces on site in this instance;
5. dwelling units on the ground floor of the North Building that do not front onto Lakeshore Road East; whereas By-law 0225-2007, as amended, requires dwelling units to be located above the first storey of a commercial building in a C4 Zone in this instance;
6. Horizontal Multiple Dwellings within the North Building; whereas By-law 0225-2007, as amended, does not permit Horizontal Multiple Dwellings in a C4 zone in this instance;
7. a one storey parking garage; whereas By-law 0225-2007, as amended, requires a minimum of two stories for a parking garage in this instance;
8. a one storey parking garage to be setback a maximum 15.80m (51.83ft.); whereas By-law 0225-2007, as amended, permits a maximum setback of 3.00m (9.84 ft) for a parking garage in this instance;
9. a portion of a dwelling unit to be located on the ground floor of the South Building; whereas By-law 0225-2007, as amended, requires dwelling units to be located above the first floor commercial in a C4 zone in this instance.



MISSISSAUGA

File: "A" 415/15
WARD 1

On October 1, 2015, Mr. S. Keeper, a representative of the authorized agent, attended and requested a deferral of the subject application to allow him additional time to meet with staff to address the concerns identified in their reports. He noted that an amendment to the request would be required.

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

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

"1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: "C4", Mainstreet Commercial

3.0 OTHER APPLICATIONS

☒ *Site Plan* File: SP 11-174 W1

4.0 COMMENTS

Based on recent discussions with the authorized agent, it is our understanding that the applicant will request a deferral of the application to submit information requested by staff. We concur with the request."

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

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 11/174. 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 28, 2015):

"Regional staff have reviewed this application through the associated Site Plan application SP-11-174. We have reviewed the FSR prepared by SKIRA & Associates dated April 9th 2014, but have not received a revised FSR to address our June 2014 comments. Nevertheless, staff are satisfied that servicing requirements can be adequately addressed through the site plan process and have no objections to this minor variance application."

A letter was received from D. & M. Roberts, residents of 1026 Cherriebell Road, stating their objection to the subject application.

A resident attended and expressed his concerns with the length of the deferral.

No other persons expressed any interest in the application.

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

On October 22, 2015, Mr. Y. Kazandjia, the authorized agent, attended and requested a deferral of the application to allow him additional time to work with Planning staff to resolve their outstanding concerns.

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

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

"1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: "C4", Mainstreet Commercial

3.0 OTHER APPLICATIONS

☒ *Site Plan* File: SP 11-174 W1

4.0 COMMENTS

When this application was previously before the Committee on October 1, 2015, the applicant deferred the application to provide information to staff in order to confirm the accuracy of the requested variances. This information is still outstanding and therefore, it is our understanding that the applicant will be requesting a further deferral."

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

"Please refer to our comments submitted for the October 1, 2015 hearing of this application as those comments are still applicable."

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

"Regional staff have received servicing drawings and comments were provided to the consultant on October 14, 2015. Revised drawings are required. Site servicing approvals will be required prior the issuance of a building permit."

A letter was received from E. & M. Elzanaty, resident of 1019 Cherriebell Road, expressing their concerns with 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 19, 2015 hearing.

On November 19, 2015, Mr. G. Broll, of Glen Schnarr & Associates Inc., a representative of the property owner, attended and presented the application. Mr. Broll advised that a minor variance application was submitted by the previous property owner in 2012. He indicated that the application was approved by the Committee. Mr. Broll indicated that his client purchased the property and made alterations to the design to suit fluctuating market conditions. He advised that the structures will contain commercial units with residential above and will suit the neighbourhood characteristics of the Lakeview area. Mr. Broll explained that the main difference between the original proposal and the current proposal is that the north building was originally three storeys and the south building was originally four storeys and now they are reverse. He indicated that the amenity areas have been recessed to address privacy concerns by the neighbours.

Mr. Broll presented a set of plans for the Committee's review and advised that a landscape buffer is required adjacent to the north-easterly property line. He indicated that relief is being requested to allow a sidewalk to be constructed to allow access into the residential units.

Mr. Broll indicated that the proposed buildings will be four storeys in height. He advised that the Official Plan allows four storeys to be constructed. The Zoning By-law allows a maximum of three storeys under the mainstreet commercial provisions. Mr. Broll indicated that the Zoning By-law will ultimately be amended to correspond with the Official Plan.

Mr. Broll indicated that relief is being requested to allow a reduction in the landscape buffer width between the parking area and the street line. He indicated that they wish to construct a low wall which is designed to screen the parking area from the street line. He advised that they wish to provide landscaping adjacent to the low wall.

Mr. Broll advised that parking requirements were originally calculated for commercial on the ground floor units and residential units were calculated at a rate of 1.25 parking spaces per unit. The northerly building has now been designated as a horizontal multiple dwelling as there are no commercial uses at grade. Subsequently the parking requirements differ and additional parking is required. Mr. Broll advised that a parking utilization study was prepared and submitted and satisfactorily substantiates the requested reduction in parking.

Mr. Broll indicated that there are units located in the north building that do not front on Lakeshore Road. He advised that permission is being requested to allow these units to be utilized for residential purposes. He explained that it is impractical for these units to be utilized for commercial purposes when they do not benefit from the commercial exposure provided if they were to front on Lakeshore Road.

Mr. Broll indicated that as the reclassification of the units as horizontal multiple dwellings is not specifically permitted, permission is being requested to allow this use.

Mr. Broll identified the location of the parking garage for the site. He explained that there are also garage parking spaces located at the rear of the units. The parking garage is located in the centre of the property and is only one storey in height. Permission is being requested to allow a one storey parking garage instead of a two storey garage. Mr. Broll indicated that due to the location of the garage in the centre of the site, a variance is required to allow the garage to be setback further from the property lines than the build to line of 3.00m (9.84ft.) identified in the Zoning By-law.

Mr. Broll indicated that relief is being requested to allow a portion of the ground floor in the south building to be utilized for residential purposes.

Mr. Broll advised that they met with many residents concerning the project. He indicated that the fencing and landscape materials match what was originally agreed to between the previous property owners and the neighbour at 1019 Cherriebell Road.

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

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

"1.0 RECOMMENDATION"

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

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: "C4", Mainstreet Commercial

3.0 OTHER APPLICATIONS

☒ *Site Plan* File: SP 11-174 W1

4.0 COMMENTS

The Planning and Building Department is currently processing a Site Plan application for a mixed use development comprising of 28 residential units and 130.60 m² (1405.77 sq. ft.) of ground floor retail/commercial space. Based on a review of the Site Plan application, more information is required to verify the accuracy of the requested variances and to determine whether additional variances will be required. Further, we note that the drawings submitted with the Minor Variance application do not correspond to those submitted with the Site Plan application.

The Committee previously approved a similar Minor Variance application under 'A' 334/12 for the proposed development. This application was reflective of an earlier version of the proposal. Since that time, the proposal has changed resulting in the requirement for the current Minor Variance application.

The following comments are based on the revised notice circulated to this Department on November 6, 2015.

The Department is of the opinion that requested variance #1 maintains the general intent of the Zoning By-law, as the applicant will be providing ample vegetation within the 4.50 m buffer strip in addition to the proposed permeable walkway.

We advise that the "South" building contains three (3) storeys and the "North" building contains four (4) storeys, each with rooftop terraces. Recognizing that Lakeshore Road is designated as an intensification corridor, this Department is of the opinion that the proposed built form adequately provides appropriate transition to the surrounding low density residential uses while also satisfying requirements for a strong streetscape presence on Lakeshore Road. As such, this Department is satisfied that the proposed elevations and built form renders the proposed building heights requested in variance #2 appropriate in this instance.

With regard to variance #3, the intent of the Zoning By-law is to provide for a softened treatment of the proposed parking area to Cherriebell Road. Through the Site Plan process, the applicant has submitted a detail that proposes a privacy wall, which contains landscaping elements that will interface with Cherriebell Road and effectively screen a majority of the parking area. In order to supply an appropriate number of parking spaces for the proposed development, we are of the opinion that this treatment, in lieu of the landscaped area, is desirable and adequate in maintaining the intent of the Zoning By-law in this instance.

With regards to variance #4, based on the information provided in the consultant's parking justification, a reduction in parking to 34 parking spaces can be supported, subject to the following conditions:

1. The applicant is to provide 34 parking spaces for the residential and commercial development, of which 28 spaces are for resident parking and 6 are shared parking for residential visitors and non-residential visitors.
2. Satisfactory arrangements with the Planning and Building Department regarding the following clauses to be inserted into the Development Agreement:
 - a) 34 parking spaces shall be provided for the residential and commercial development, of which 28 spaces are for resident parking and 6 are shared parking for residential visitors and non-residential visitors.
 - b) The 6 visitor parking spaces shall be clearly marked and signed for "Visitors and Customers".
 - c) Visitor parking for the residential and non-residential users must be accessible to all users and may not be reserved for a particular use or occupant.

In regards to variances #5 and #6, the "North" building is considered a Horizontal Multiple Dwelling due to the absence of commercial uses at grade and the proposed independent entrances into each residential unit. The intent of the Zoning By-law is to ensure that ground floor commercial uses are achieved on the Lakeshore Road frontage and to ensure an appropriate built form. The "North" building does not have commercial uses at grade. However, the "South" building does contain commercial uses along the Lakeshore Road frontage. Therefore, we are of the opinion that the general intent of the Zoning By-law is maintained and the variances to be minor in nature in this instance.

With regard to variances #7 and #8, the intent of the Zoning By-law is to provide an urban street wall condition along the edge of the property. In this instance, the parking garage is located internal to the site and does not form part of the urban street wall of the proposed development. As such, this Department is of the opinion that the variances are appropriate in this instance.

The "South" building contains ground floor commercial units fronting onto Lakeshore Road and a portion of the residential units are located behind the commercial units. Therefore, we are of the opinion that variance #9 to be technical in nature as the general intent of the Zoning By-law is maintained.

Based on the preceding information, this Department has no objection to the requested variances subject to the following additional condition (in addition to the two previously noted conditions):

3. That the Secretary Treasurer of the Committee of Adjustment be in receipt of a letter from the Community Services, Planning and Building and Transportation and Works Departments indicating that satisfactory arrangements regarding the streetscape has been made."

The City of Mississauga Transportation and Works Department commented as follows (November 12, 2015):

"Please refer to our comments submitted for the October 1, 2015 hearing of this application as those comments are still applicable."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (November 13, 2015):

"Further to our comments dated September 28th, Regional staff have received and are currently reviewing the revised Functional Servicing Report."

Ms. L. Elzanaty, property owner at 1019 Cherriebell Road, attended and advised that she and her husband still believe that the proposal does not fit the neighbourhood. She advised that the current property owner has signed an agreement with them with respect to the provision of landscaping, screening and tree planting adjacent to their property. A copy of the signed agreement was submitted to the Committee for their consideration and review.

No other persons expressed any interest in the application.

The Committee suggested that the applicant consider providing landscaping in front of a portion of the low wall that buffers the parking area from the street line. Mr. Broll indicated that it is possible to re-locate the wall so that additional landscaping can be provided between the low wall and the street line.

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

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

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

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

1. The applicant is to provide 34 parking spaces for the residential and commercial development, of which 28 spaces are for resident parking and 6 are shared parking for residential visitors and non-residential visitors.
2. Satisfactory arrangements with the Planning and Building Department regarding the following clauses to be inserted into the Development Agreement:
 - a) 34 parking spaces shall be provided for the residential and commercial development, of which 28 spaces are for resident parking and 6 are shared parking for residential visitors and non-residential visitors.
 - b) The 6 visitor parking spaces shall be clearly marked and signed for "Visitors and Customers".
 - c) Visitor parking for the residential and non-residential users must be accessible to all users and may not be reserved for a particular use or occupant.



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3. That the Secretary Treasurer of the Committee of Adjustment be in receipt of a letter from the Community Services, Planning and Building and Transportation and Works Departments indicating that satisfactory arrangements regarding the streetscape has been made.
4. That prior to the issuance of Site Plan Approval, a plan shall be reviewed and approved by the Committee indicating:
 - a) the modified location of the low wall, adjacent to Cherriebell Road, between the parking area and the street line, and
 - b) the landscape materials to be provided in this area.

MOVED BY:	J. Page	SECONDED BY:	J. Robinson	CARRIED
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Application Approved, on conditions as stated.

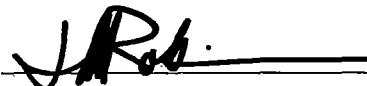
Dated at the City of Mississauga on November 26, 2015.

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 16, 2015.

Date of mailing is November 30, 2015.

ABSENT

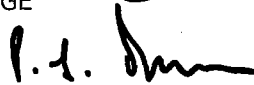
S. PATRIZIO



J. ROBINSON



J. PAGE




P. QUINN

D. GEORGE (CHAIR)

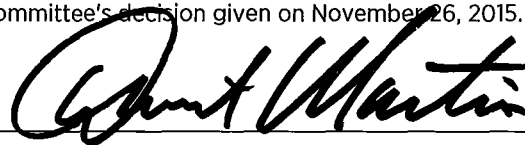
ABSENT

D. KENNEDY



D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on November 26, 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

DUNSIRE (1041 LAKESHORE) INC.

on Thursday, November 19, 2015

Dunsire (1041 Lakeshore) Inc. is the owner of 1041 Lakeshore Road East being Lots 21-23 and Lots 55-57, Plan E-21, zoned C4, Commercial. The applicant requests the Committee to authorize a minor variance to permit the construction of Residential/Commercial structures on the subject property proposing:

1. a landscape buffer width of 1.40m (4.59ft.) to the underground garage; whereas By-law 0225-2007, as amended, requires a minimum landscape buffer width of 4.50m (14.76ft.) in this instance;
2. a building height of four (4) storeys; whereas By-law 0225-2007, as amended, permits a maximum building height of three (3) storeys in this instance;
3. a total of 96 parking spaces, 9 of which are tandem spaces not having access to an aisle on site; whereas By-law 0225-2007, as amended, requires a total of 134 parking spaces on site, all of which require access to an aisle and does not permit tandem parking in this instance;
4. Horizontal Multiple Dwellings within the North Building; whereas By-law 0225-2007, as amended, does not permit Horizontal Multiple Dwellings in a C4 zone in this instance;
5. a maximum front yard setback of 7.60m (24.93ft.) along Strathy Avenue; whereas By-law 0225-2007, as amended, permits a maximum of front yard setback of 3.00m (9.84ft.) in this instance; and,
6. an interior side yard setback to a below grade parking structure of 1.40m (4.59ft); whereas By-law 0225-2007, as amended, requires a minimum of 4.50m (14.76 ft.) in this instance.

On October 1, 2015, Mr. S. Keeper, a representative of the authorized agent, attended and requested a deferral of the subject application to allow him additional time to meet with staff to address the concerns identified in their reports. He noted that an amendment to the request would be required.

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

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

"1.0 RECOMMENDATION"

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

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: "C4", Mainstreet Commercial

3.0 OTHER APPLICATIONS

☒ *Site Plan* File: SP 11-174 W1

4.0 COMMENTS

Based on recent discussions with the authorized agent, it is our understanding that the applicant will request a deferral of the application to submit information requested by staff. We concur with the request."

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

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 12/135. 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 28, 2015):

"Regional staff have reviewed this application through site plan SP-12-135. The proposed variances reflect the latest information available at this office. As such, we have no objections to the minor variance application."

A letter was received from L. & P. Goltz, residents of 1020 Strathy Avenue, stating their objection to the subject application.

A letter was received from A. Teixeira, a resident of 1027 Ogden Avenue, stating an objection to the subject application.

A letter was received from A. & G. Uldrian, residents of 1035 Strathy Avenue, stating an interest in subject application.

A letter was received from E. & S. Chea, residents of 1024 Ogden Avenue, stating an objection to the subject application.

A letter was received from P. Geier, a resident of 1015 Ogden Avenue, stating an objection to the subject application.

A resident attended and expressed his concerns with the length of the deferral.

No other persons expressed any interest in the application.



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

On October 22, 2015, Mr. Y. Kazandjia, the authorized agent, attended and requested a deferral of the application to allow him additional time to work with Planning staff to resolve their outstanding concerns.

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

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

"1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: "C4", Neighbourhood Commercial

3.0 OTHER APPLICATIONS

☒ *Site Plan* File: SP12-135 W1

4.0 COMMENTS

When this application was previously before the Committee on October 1, 2015, the applicant deferred the application to provide information to staff in order to confirm the accuracy of the requested variances. This information is still outstanding and therefore, it is our understanding that the applicant will be requesting a further deferral."

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

"Please refer to our comments submitted for the October 1, 2015 hearing of this application as those comments are still applicable."

A letter was received from A. Teixeira, a resident of 1027 Ogden Avenue, expressing objections with 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 19, 2015 hearing.

On November 19, 2015, Mr. G. Broll, of Glen Schnarr & Associates Inc., a representative of the property owner, attended and presented the application. Mr. Broll advised that a minor variance application was submitted by the previous property owner in 2013. He indicated that the application was approved by the Committee. Mr. Broll indicated that his client purchased the property and made alterations to the design to suit fluctuating market conditions.

Mr. Broll presented a set of plans for the Committee's review and consideration. He advised that the access to the underground parking is obtained through an entrance from Strathy Avenue. Mr. Broll advised that relief is being requested along the northerly property line for the landscape buffer width. He advised that the building is set back approximately 7.00m (22.96ft.) from the property line. He indicated that the landscape buffer is set back 4.50m (14.76ft.) on the surface level; however, the underground parking garage is set back approximately 1.46m (4.79ft.) from the property line. Mr. Broll indicated that the intent of the By-law is to provide landscaping to buffer the adjacent residential properties. He indicated that an appropriate amount of landscaping will be provided on the surface level to satisfy the Zoning By-law requirement and there is no adverse impact in reducing the setback to the underground parking garage. Mr. Broll indicated that there is a dwelling situated on the adjoining lot on the property line. He advised that a geotechnical analysis will be obtained to ensure that the dwelling will remain unharmed and safe during construction.

Mr. Broll indicated that the proposed buildings will be four storeys in height. He advised that the Official Plan allows four storeys to be constructed. The Zoning By-law allows a maximum of three storeys under the mainstreet commercial provisions. Mr. Broll indicated that the Zoning By-law will ultimately be amended to correspond with the Official Plan.

Mr. Broll indicated they wished to provide on-street parking to satisfy the parking requirements for the site. He identified the area on the site plan where lay by parking was to be provided. He indicated that they were unable to provide the parking adjacent to Lakeshore Road East due to the location of the bus shelter and transit bus stop. He explained that they wish to provide four (4) lay-by parking spaces adjacent to Ogden Avenue instead. Mr. Broll indicated that they will still be short three parking spaces which they are willing to pay for through the PIL (Payment-in-lieu-of-parking) provisions.

Mr. Broll advised that there is no commercial component on the main floor of one of the buildings. He indicated that the Zoning Section has determined that the building is therefore classified as a horizontal multiple dwelling under the Zoning By-law. As this use is not specifically permitted, permission is being requested to permit the use.

Mr. Broll indicated that the property has build-to setbacks to ensure that the buildings are located close to the street. He indicated that the location of hydro wires adjacent to Strathy Avenue require the building to be set back further from the street. Permission is being requested to allow a maximum setback of 7.60m (24.93ft.) for a portion of the building adjacent to the front yard (Strathy Avenue).

Mr. Broll indicated that the previous minor variance application was approved by the Committee in 2013 and slight revisions have been made to suit market conditions. He requested that the Committee favourably consider and approve the requested variances.

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

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

1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Lakeview Neighbourhood
Designation: Mixed Use

Zoning By-law 0225-2007

Zoning: "C4", Mainstreet Commercial

3.0 OTHER APPLICATIONS

☒ *Site Plan* File: SP 12-135 W1

4.0 COMMENTS

The Planning and Building Department is currently processing a Site Plan application for a mixed use development comprising of 73 residential units and 489.00 m² (5263.55 sq. ft.) of ground floor retail space. Based on a review of the Site Plan application, more information is required to verify the accuracy of the requested variances and to determine whether additional variances will be required. Further, the drawings provided with the Minor Variance application do not correspond to those submitted to the Site Plan application.

The Committee previously approved a similar Minor Variance application under 'A' 98/13 for the proposed development. This application was reflective of an earlier version of the proposal. Since that time, the proposal has changed resulting in the requirement for the current Minor Variance application.

The following comments are based on the revised notice circulated to this Department on November 6, 2015.

With regard to variance #1, we advise that the 1.40 m (4.59 ft.) setback is measured to the extent of the underground parking garage. The applicant is providing a 7.15 m (24.61 ft.) setback from the northerly wall to the property line which includes a 4.50 m (14.76 ft.) buffer strip on the surface of the property. The intent of the Zoning By-law regarding landscape buffers is to provide for an appropriate transition to abutting properties. We are of the opinion that the relief required for the landscape buffer to the underground parking garage is technical in nature and therefore maintains the general intent of the Zoning By-law.

The proposed buildings are both four (4) storeys in height and contain fifth storey terraces. The intent of the Zoning by-law regarding building height restrictions is to ensure that development on the subject site contains an appropriate transition in relation to the surrounding context. Recognizing that Lakeshore Road is designated as an intensification corridor, this Department is of the opinion that the proposed built form adequately provides appropriate transition to the surrounding low density residential uses while also satisfying requirements for a strong streetscape presence on Lakeshore Road. As such, this Department is of the opinion that variance #2 is appropriate.

With regards to variance #3, based on the information provided in the consultant's parking justification and approved parking reductions for other sites in Mississauga, a reduction in parking to 103 spaces can be supported, subject to the following conditions:

1. The applicant is to provide 99 parking spaces for the residential and commercial development on site, of which 84 spaces are for resident parking and 15 are shared parking for residential visitors and non-residential visitors.
2. Satisfactory arrangements with the Planning and Building Department regarding the following clauses to be inserted into the Development Agreement:
 - a. Two (2) tandem parking spaces be sold and included in all Agreements of Purchase and Sale as one (1) unit;
 - 1.
 - b. A condition of condominium registration that requires that the two (2) tandem parking spaces be shown as one unit on the condominium plan;
 - c. Provide signage above the garage doors indicating that parking for customers is located in the underground parking;



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- d. The underground parking garage shall be accessible to the residential and commercial visitors at all times and signage be provided indicating that visitor and customer parking is located underground; and
- e. Visitor parking for the residential and non-residential users must be accessible to all users and may not be reserved for a particular use or occupant.

The applicant is providing 96 parking spaces, which creates a shortfall of 7 spaces from the 103 spaces that this Department can support. However, with the proposed construction of 4 lay-by parking spaces within the municipal boulevard, it would create a total shortfall of 3 parking spaces. The 3 shortfall parking spaces should be addressed by way of payment-in-lieu (PIL) of parking. Therefore, we recommend that variance # 3 be amended as follows in consideration of the lay-by parking and PIL:

"To provide 99 parking spaces on-site, 9 of which are tandem parking spaces not having access to an aisle, and 4 off-site lay-by parking spaces within the municipal boulevard (Ogden Ave.) for a total of 103 parking spaces; whereas By-law 225-2007, as amended, requires a total of 134 parking spaces to be provided wholly on-site and does not permit tandem parking spaces, all of which require access to an aisle in this instance."

In regards to variance #4, the "North" building is considered a Horizontal Multiple Dwelling due to the absence of commercial uses at grade and the proposed independent entrances into each residential unit. The intent of the Zoning By-law is to ensure that ground floor commercial uses are achieved on the Lakeshore Road frontage and to ensure an appropriate built form. The "North" building does not have commercial uses at grade. However, the "South" building does contain commercial uses along the Lakeshore Road frontage. Therefore, we are of the opinion that the general intent of the Zoning By-law is maintained and the variances to be minor in nature in this instance.

With regard to variance #5, we advise that the building is setback 7.60 m (24.93 ft.) from Strathy Avenue at the most northerly part of the property and this setback does not extend the entire length of the frontage.

In regards to variance #6, we advise that the intent for requiring a setback of 4.50 m (14.76 ft.) to the underground parking structure is to allow for a setback that is appropriate for planting of landscaping. Based on the landscape drawings submitted, this Department is satisfied with the proposed landscaping section and therefore, the setback to the underground parking garage is acceptable in this instance.

Based on the above, this Department has no objection to the variances, as amended, as they will facilitate the redevelopment of the subject property, subject to the following condition (in addition to the conditions noted above):

- 3. That the Secretary Treasurer of the Committee of Adjustment be in receipt of a letter from the Community Services, Planning and Building and Transportation and Works Departments indicating that satisfactory arrangements regarding the streetscape have been made."

The City of Mississauga Transportation and Works Department commented as follows (November 12, 2015):

"Please refer to our comments submitted for the October 1, 2015 hearing of this application as those comments are still applicable."

The Region of Peel, Environment, Transportation and Planning Services commented as follows (November 13, 2015):

"Please refer to our previous comments with regard to the application."

An e-mail was received from P. and L. Goltz, property owners at 1020 Strathy Avenue, indicating they had no concerns with respect to the request.

A letter was received from P. Geier, property owner at 1015 Ogden Avenue, expressing opposition to the application and noting his concerns with respect to an inadequate setback to his home, tree loss, shading, privacy, height and landscape materials.

A letter was received from A. Teixeira, property owner at 1027 Ogden Avenue, expressing his opposition to the application and noting his concerns with respect to height, parking and reduction in the setback to the underground parking structure.

Mr. B. Zinman, a representative of the property owner, Mr. Geier of 1015 Ogden Avenue, attended and expressed his client's objection to the application. Mr. Zinman indicated that the north building is wholly residential and contains four storeys as well as a fifth floor terrace. Mr. Zinman indicated that his client wishes the building to be stepped back to address concerns with respect to privacy. He advised that he believes that a shadow study should be prepared as the shadows will adversely affect his client. Mr. Zinman indicated that the parking garage will be set back 1.40m (4.59ft.) to the property line. He advised that his client's home is located on the property line. He indicated that the distance should be increased to ensure the safety of the occupants. Mr. Zinman requested that the application be further deferred to allow his client to discuss these concerns with the property owner.

Mr. Broll indicated that public meetings were held, the sales office was open and there were many opportunities to comment during this time. He indicated that the terraces were pulled further back to address privacy concerns. Mr. Broll advised that the building height is permitted and the upper floor was stepped back to address privacy concerns. He indicated that they were not requested to provide shadow studies; however he indicated that the dwelling will be shadowed in the early morning hours. Mr. Broll advised that the dwelling will not be harmed through the construction process.

No other persons expressed any interest in the application.

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

The Committee consented to the request and, after considering the submissions put forward by Mr. Broll and having reviewed the plans, 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 requested amended variance is minor in nature in this instance.

Accordingly, the Committee resolves to authorize and grant the amended request to permit the construction of Residential/Commercial structures on the subject property proposing:

1. a landscape buffer width of 1.40m (4.59ft.) to the underground garage; whereas By-law 0225-2007, as amended, requires a minimum landscape buffer width of 4.50m (14.76ft.) in this instance;



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2. a building height of four (4) storeys; whereas By-law 0225-2007, as amended, permits a maximum building height of three (3) storeys in this instance;
3. to provide 99 parking spaces on-site, 9 of which are tandem parking spaces not having access to an aisle, and 4 off-site lay-by parking spaces within the municipal boulevard (Ogden Ave.) for a total of 103 parking spaces; whereas By-law 225-2007, as amended, requires a total of 134 parking spaces to be provided wholly on-site and does not permit tandem parking spaces, all of which require access to an aisle in this instance.
4. Horizontal Multiple Dwellings within the North Building; whereas By-law 0225-2007, as amended, does not permit Horizontal Multiple Dwellings in a C4 zone in this instance;
5. a maximum front yard setback of 7.60m (24.93ft.) along Strathy Avenue; whereas By-law 0225-2007, as amended, permits a maximum of front yard setback of 3.00m (9.84ft.) in this instance; and,
6. an interior side yard setback to a below grade parking structure of 1.40m (4.59ft); whereas By-law 0225-2007, as amended, requires a minimum of 4.50m (14.76 ft.) in this instance.

This application is approved as presented subject to the following conditions:

1. The applicant is to provide 99 parking spaces for the residential and commercial development on site, of which 84 spaces are for resident parking and 15 are shared parking for residential visitors and non-residential visitors.
2. Satisfactory arrangements with the Planning and Building Department regarding the following clauses to be inserted into the Development Agreement:
 - a. Two (2) tandem parking spaces be sold and included in all Agreements of Purchase and Sale as one (1) unit;
 - b. A condition of condominium registration that requires that the two (2) tandem parking spaces be shown as one unit on the condominium plan;
 - c. Provide signage above the garage doors indicating that parking for customers is located in the underground parking;
 - d. The underground parking garage shall be accessible to the residential and commercial visitors at all times and signage be provided indicating that visitor and customer parking is located underground; and
 - e. Visitor parking for the residential and non-residential users must be accessible to all users and may not be reserved for a particular use or occupant.
3. That the Secretary Treasurer of the Committee of Adjustment be in receipt of a letter from the Community Services, Planning and Building and Transportation and Works Departments indicating that satisfactory arrangements regarding the streetscape have been made."

MOVED BY:	J. Page	SECONDED BY:	D. Reynolds	CARRIED
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Application Approved, on conditions as stated.

Dated at the City of Mississauga on November 26, 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 16, 2015.

Date of mailing is November 30, 2015.

ABSENT

S. PATRIZIO

D. GEORGE (CHAIR)

J. ROBINSON

D. KENNEDY

J. PAGE

D. REYNOLDS

ABSENT

P. QUINN

I certify this to be a true copy of the Committee's decision given on November 26, 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.