

COMMITTEE OF ADJUSTMENT  
AGENDA



Location: COUNCIL CHAMBER  
Hearing: NOVEMBER 26, 2015 AT 4:00 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
<b>NEW APPLICATIONS - (MINOR VARIANCE)</b>				
A-469/15	ROBERT & RHIANNON MCINTOSH	5430 CHAMPLAIN TR	5	Approved
A-470/15	JENNIFER & ALLAN FIGUEIRA	1571 PARK ROYALE BLVD	1	Approved
A-471/15	2325000 ONTARIO INC.	6765 INVADER CRES	5	Jan. 7/16
A-472/15	ELIZABETH & MARIO MORALES	1246 ECHO DR	2	Approved In Part
A-475/15	MOHAMMAD SAYEED	4826 ST. MARTIN MEWS	8	Approved
A-476/15	1552653 ONTARIO INC	202 DUNDAS ST W	7	Jan. 14/16
A-477/15	AMACON DEVELOPMENT (CITY CENTRE) CORP.	4055 PARKSIDE VILLAGE DR	4	Jan. 7/16
A-478/15	BLUE RIBBON INVESTMENTS INC	1040 BURNHAMTHORPE RD E	3	Jan. 7/16
A-479/15	MOHAMMAD CHAUDHRY	2329 BANKSIDE DR	11	Approved
A-480/15	ASTRA CAPITAL PROPERTIES INCORPORATED	2213 NORTH SHERIDAN WAY	2	Jan. 28/16
A-488/15	WESTWOOD MALL HOLDINGS LIMITED	7185, 7195, 7205, 7215, 7225, and 7333 GOREWAY DRIVE, 3480 MORNING STAR DRIVE, & 3535 ETUDE DRIVE	5	Approved
A-489/15	1500 DUNDAS EAST HOLDINGS INC.	1470 DUNDAS STREET EAST	1	Approved



## COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 45(1) OR (2)  
of The Planning Act R.S.O. 1990, c.P.13, as amended  
- and -  
IN THE MATTER OF ZONING BY-LAW 0225-2007  
as amended  
- and -  
IN THE MATTER OF AN APPLICATION BY

ROBERT & RHIANNON MCINTOSH

on Thursday November 26, 2015

Robert & Rhiannon McIntosh are the owners of 5430 Champlain Trail being Lot 126, Registered Plan M-804, zoned R4-22, Residential. The applicants request the Committee to authorize a minor variance to permit the construction of a new covered porch in the front yard proposing an easterly side yard of 0.69m (2.26ft.); whereas By-law 0225-2007, as amended, requires a minimum side yard of 1.20m (3.93ft.) in this instance.

Ms. L. Rojenko, a representative of the authorized agent, attended and presented the subject application to construct additions to the existing dwelling on the subject property. Ms. Rojenko advised the Committee that only the front covered porch would encroach into the required side yard and that a sufficient side yard would be provided to the dwelling.

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

The City of Mississauga Planning and Building Department commented as follows (November 23, 2015):

**"Recommendation:**

The Planning and Building Department has no objection to the requested variance, however the applicant may wish to defer the application in order to apply for a Building Permit to ensure that all variances are correctly identified and whether any additional variances will be required.

**Background:**

**Mississauga Official Plan:**

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

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

*Zoning:* "R4-22", Residential

**Other Applications:**

*Building Permit* File: Required - No application received

Comments:

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

The reduced side yard setback is the result of the irregular shape of the lot. The non-parallel lot lines create a pinch point where the corner of the covered porch approaches the lot line. The dwelling and a portion of the covered porch meet the Zoning By-law requirements and only the closest point is 0.69 m (2.26 ft.) away from the lot line. Based on the nature and scale of the development we are of the opinion that the request is minor in nature.

Based on the preceding information the Planning and Building Department has no objection to the requested variance, however the applicant may wish to defer the application in order to apply for a Building Permit application to ensure that all variances are correctly identified and whether any additional variances will be required."

The City of Mississauga Transportation and Works Department commented as follows (November 19, 2015):

"This department has no objections to the applicants request to permit the construction of a new covered porch in the front yard. We are noting that any Transportation and Works Department concerns/requirements for the proposed addition will be addressed through the Building Permit process."

A letter was received from G. Pipe, a resident of 5434 Champlain Trail, stating that he had no objection to the subject application.

No other persons expressed any interest in the application.

Ms. Rojenko confirmed the accuracy of the application and requested the Committee to proceed with adjudicating the application.

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

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

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



**MISSISSAUGA**

File: "A" 469/15  
WARD 5

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

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

Application Approved.

Dated at the City of Mississauga on December 3, 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 23, 2015.

Date of mailing is December 7, 2015.

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 December 3, 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

JENNIFER & ALLAN FIGUEIRA

on Thursday November 26, 2015

Jennifer & Allan Figueira are the owners of 1571 Park Royale Boulevard being Lot 94, Registered Plan 444, zoned R3, Residential. The applicants request the Committee to authorize a minor variance to permit the construction of a one storey rear addition, a two storey addition and a second storey addition to the existing dwelling proposing:

1. a front yard of 6.05m (19.84ft.); whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m (24.60ft.) in this instance;
2. a garage floor area of 75.50m<sup>2</sup> (812.70sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum garage floor area of 75.00m<sup>2</sup> (807.31sq.ft.) in this instance; and,
3. a driveway width of 6.91m (22.67ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (19.68ft.) in this instance.

Ms. L. Rojenko, a representative of the authorized agent, attended and presented the subject application to construct additions to the existing dwelling on the property. Ms. Rojenko advised that proposed addition to the garage would maintain the general existing site conditions. She noted that the oversized garage was to allow for the accommodation of the storage of a boat. Ms. Rojenko indicated that the altered driveway would be designed to align appropriately with the garage doors. She noted an additional variance was required for a setback of 4.16 m (13.64 ft.) from the front lot line to the proposed front porch; whereas, a minimum setback of 5.19 m (17.02 ft.) was required.

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

The City of Mississauga Planning and Building Department commented as follows (November 20, 2015):

**"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.

**Background:**

***Mississauga Official Plan:***

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

*Zoning By-law 0225-2007:*

*Zoning:* R3, Residential

*Other Applications:*

*Building Permit* File: Required - No application received

*Comments:*

A Building Permit is required and in the absence of a Building Permit application, we are unable to verify the accuracy of the requested 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.

Regarding variance #1, the additions at the front of the dwelling would align with the front yard setback of the existing dwelling. Further, the adjacent dwellings on Park Royale Boulevard have similar front yard setbacks.

In regards to variance #2, the request is minor and therefore, we have no objection.

For variance #3, the driveway width aligns with the front of the two car garage. We are of the opinion that the request is minor and maintains the intent of the By-law.

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

The City of Mississauga Transportation and Works Department commented as follows (November 19, 2015):

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

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (November 23, 2015):

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

A letter was received from J. Mercado, a resident of 1514 Skyline Drive, stating that he had no objection to the subject application.

A letter was received from D. & T. Moretti, a resident of 1526 Skyline Drive, stating that she had no objection to the subject application.

A letter was received from A. & Y. Deutschmann, residents of 1498 Skyline Drive, stating that they had no objection to the subject application.

A letter was received from K. Nind, a resident of 1499 Glenwatson Drive, stating that she had no objection to the subject application.

A letter was received from J. Raposo, a resident of 1515 Glenwatson Drive, stating that he had no objection to the subject application.



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A letter was received from N. Gilroy, a resident of 1525 Gilroy Drive, stating that she had no objection to the subject application.

A letter was received from L. Arnot, a resident of 1570 Park Royal Boulevard, stating that she had no objection to the subject application.

No other persons expressed any interest in the application.

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

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

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



MISSISSAUGA

File: "A" 470/15  
WARD 1

Accordingly, the Committee resolves to authorize and grant the amended request to permit the construction of a one storey rear addition, a two storey addition and a second storey addition to the existing dwelling proposing:

1. a front yard of 6.05m (19.84ft.) to the proposed dwelling; whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m (24.60ft.) in this instance;
2. a front yard 4.16 m (13.64 ft.) from the front lot line to the proposed front porch; whereas By-law 0225-2007, as amended, requires a minimum front yard of of 5.90 m (19.35 ft.) to the front porch in this instance;
2. a garage floor area of 75.50m<sup>2</sup> (812.70sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum garage floor area of 75.00m<sup>2</sup> (807.31sq.ft.) in this instance; and,
3. a driveway width of 6.91m (22.67ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 6.00m (19.68ft.) in this instance.


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


Application Approved, as amended.

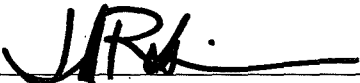
Dated at the City of Mississauga on December 3, 2015.


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 23, 2015.

Date of mailing is December 7, 2015.

  
S. PATRIZIO

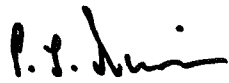
  
D. GEORGE (CHAIR)

  
J. ROBINSON

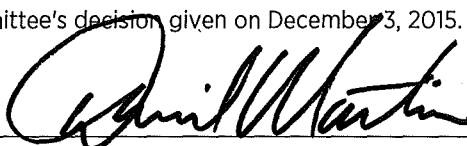
  
D. KENNEDY

  
J. PAGE

  
D. REYNOLDS

  
P. QUINN

I certify this to be a true copy of the Committee's decision given on December 3, 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

ELIZABETH & MARIO MORALES

on Thursday November 26, 2015

Elizabeth & Mario Morales are the owners of 1246 Echo Drive being Lot 1, Registered Plan 394, zoned R2-5 - Residential. The applicants request the Committee to authorize a minor variance to permit the construction of a new two storey dwelling on the subject property proposing:

1. a Gross Floor Area - Infill Residential of 513.16 m<sup>2</sup> (5,523.78 sq. ft.); whereas By-law 0225-2007, as amended, permits a maximum Gross Floor Area - Infill Residential of 487.22 m<sup>2</sup> (5,244.56 sq. ft.) in this instance.
2. an accessory structure (outdoor fireplace) height of 9.31 m (30.54 ft.); whereas By-law 0225-2007, as amended, permits a maximum accessory structure height of 3.00 m (9.84 ft.) in this instance;
3. a circular driveway having a combined width of the access points of 8.50 m (27.88 ft.); whereas By-law 0225-2007, as amended, permits a maximum combined width of the access points of 6.00 m (19.68 ft.) in this instance; and,
4. a walkway attachment width of 4.00 m (13.12 ft.); whereas By-law 0225-2007, as amended, permits a maximum walkway attachment width of 1.50 m (4.92 ft.) in this instance.

Mr. D. Brown, the authorized agent, attended and presented the subject application to construct a new two storey dwelling on the subject property. Mr. Brown advised the Committee that the proposed dwelling would be oversized with respect to gross floor area. He explained that the additional floor area would allow for a functional floor plan for the requirements of his client and that the overage in floor area was minimal and would be imperceptible from the view of the street. It was Mr. Brown's opinion that the increase in floor area was minor and appropriate for the property and surrounding neighbourhood.

Mr. Brown noted that an outdoor fireplace accessory structure would be located within the rear yard. He explained that the fireplace was an integral component of the covered rear porch and the additional chimney height was required for compliance with the *Ontario Building Code*.

Mr. Brown advised the Committee that the proposed circular driveway would have a combined driveway access width that was slightly larger than what was permitted and that the increased restriction for driveway width had only been recently implemented in the Zoning By-law. Mr. Brown suggested that circular driveways were appropriate for the neighbourhood and that the additional width allowed for enhanced aesthetics. He identified that the frontage of the property abutted an intersection and suggested that the circular driveway would also enhance the safe egress of the property. Mr. Brown confirmed that two



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trees would be removed within the front yard and suggested it was appropriate to remove these trees as each tree was near the end of its life expectancy and would be replaced with additional native species of trees. Mr. Brown confirmed that sufficient soft landscaped area would be provided within the front yard to counter balance the hard surface.

Mr. Brown advised the Committee that the surrounding neighbourhood was characterized with bungalow style dwellings. He noted that two storey dwellings were permitted on the property and that the height of the dwelling conformed to the Zoning By-law. Mr. Brown explained that the Mississauga Official Plan required enhanced separation distances between dwellings for this neighbourhood and that adequate separation distances to the adjacent dwellings and inappropriate overlook, height or privacy situations would be mitigated through the architectural features of the dwelling. He noted that the proposed garage would be recessed and that the second storey of the dwelling would be located within the roofline.

Mr. Brown noted that the proposed walkway attachment would not be sufficient for the parking of a motor vehicle and that it would not be functionally appropriate for such an activity to occur.

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

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

**"Recommendation:**

The Planning and Building Department recommends that variances #1, #3 and #4 be refused. However, we have no objection to variance #2.

**Background:**

***Mississauga Official Plan:***

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

**Discussion:**

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

c. encourage new housing to fit the scale and character of the surrounding area, and take advantage of the features of a particular site, i.e. topography, contours, mature vegetation;

h. preserve existing mature high quality trees to maintain the existing mature nature of these areas;

i. house designs which fit with the scale and character of the local area, and take advantage of the particular site are encouraged. The use of standard, repeat designs is strongly discouraged; and

j. the building mass, side yards and rear yards should respect and relate to those of adjacent lots.

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



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WARD 2

Zoning: R2-5, Residential

### Other Applications:

Site Plan File: SPI 15-87 W2

### Comments:

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

In regards to variance #1, the requested gross floor area (GFA) does not initially appear to be significantly excessive. However, in the context of this neighbourhood, we have concerns with the massing impact to neighbouring properties and the streetscape. The area is still largely characterized by one storey dwellings, and of the newer, two storey dwellings in the immediate vicinity, none have been constructed with variances to the Zoning By-law for GFA. There was a recent application at 898 Parkland Avenue, requesting GFA of 452.80 m<sup>2</sup> (4874.05 sq. ft.) whereas 412.48 m<sup>2</sup> (4440.04 sq. ft.) was permitted. The Committee refused the application on the basis that the proposed dwelling would not be in character with other homes in the neighbourhood. In this instance, the applicant has not adequately addressed how the dwelling would fit into the scale and character of the area, and why they cannot comply with the By-law. We are of the opinion that in the specific context of this property, the proposed dwelling would have a negative massing impact on the neighbouring properties and the streetscape.

Regarding variance #2, the outdoor fireplace is not attached to the dwelling and therefore, it is interpreted as an accessory structure. In review of the drawings, we are satisfied that given the technical nature of the variance, there are no adverse impacts created on the neighbouring properties.

For variance #3, in order to accommodate the proposed circular driveway, three trees must be removed, including two mature trees. This Department would strongly discourage the destruction of healthy, mature trees in accordance with Section 16.5.1.4 (h) of the Official Plan. Maintaining the straight driveway configuration that is currently on the property would result in the preservation of the trees in the front yard.

In regards to variance #4, the intent of the Zoning By-law regarding walkway attachments is to ensure that walkways are not used as parking areas when they are adjacent to driveways. In this instance, the walkway attachment is connected to the proposed circular driveway, which this Department does not support. Therefore, we also have an objection to variance #4.

The applicant had a preliminary meeting with staff on July 21, 2015 and was advised that the Department would not support the variances as requested. There has been no attempt to address staff concerns when the Site Plan application was submitted.

Based on the preceding information, we recommend that variances #1, #3 and #4 be refused. However, we have no objection to variance #2."

The City of Mississauga Transportation and Works Department commented as follows (November 19, 2015):

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, reference SP 15/087. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process."

The City of Mississauga Transportation and Works Department commented as follows (November 25, 2015):

"Further to our comments submitted for the November 26, 2015 Hearing it is our understanding that some residents have expressed safety related concerns with the proposed



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circular driveway at this location. Staff from this department have taken into consideration the resident's concerns with regards to the circular driveway, however, we feel that it is unlikely that the circular driveway would have a negative impact with regards to road safety at this location. It should also be noted that Echo Drive has a low traffic volume and the existing driveway is already located close to Parkland Avenue. Nevertheless, it is also our understanding that there may be concerns related to some mature trees which would have to be removed to accommodate the circular driveway and in this regard we do not see the rationale with the removal of mature trees to accommodate a circular driveway when a straight driveway configuration which currently exists on this property would be functional and result in the preservation of the mature trees."

A memorandum was received from Ward Councillor Ras expressing concerns for the subject application. She requested the Committee to refuse the subject application to allow for the proposal to be discussed with interested stakeholders.

A letter was received from W. Mueller, a resident of 974 Owenwood Drive, stating an objection to the subject application.

A letter was received from P. Stevens, a resident of 1236 Echo Drive, stating an objection to the subject application.

A letter was received from D. Wetmore, a resident of 720 Parkland Avenue, stating an objection to the subject application.

A letter was received from L. & N. Liebel, residents of 792 Parkland Avenue, stating an objection to the subject application.

A letter was received from H. D'Souza & P. Abreo, residents of 810 Parkland Avenue, stating an objection to the subject application.

A letter was received from D. & R. Ambraska, residents of 811 Parkland Avenue, stating an objection to the subject application.

A letter was received from W. Lawrence, a resident of 831 Parkland Avenue, stating an objection to the subject application.

A letter was received from N. Rafaelic, a resident of 831 Parkland Avenue, stating an objection to the subject application.

A letter was received from A. Taylor, a resident of 832 Parkland Avenue, stating an objection to the subject application.

A letter was received from J. Reis, a resident of 846 Parkland Avenue, stating an objection to the subject application.

A letter was received from M. Reis, a resident of 846 Parkland Avenue, stating an objection to the subject application.

A letter was received from K. Thomas, a resident of 863 Parkland Avenue, stating an objection to the subject application.

A letter was received from B. Jennings, a resident of 863 Parkland Avenue, stating an objection to the subject application.

A letter was received from B. & P. Crookshank, residents of 889 Parkland Avenue, stating an objection to the subject application.

A letter was received from A. & R. Cunanan, residents of 894 Parkland Avenue, stating an objection to the subject application.

A letter was received from A. & A. Wojaczek, residents of 901 Parkland Avenue, stating an objection to the subject application.

A letter was received from Y. Deng, a resident of 902 Parkland Avenue, stating an objection to the subject application.

A letter was received from H. Wang, a resident of 902 Parkland Avenue, stating an objection to the subject application.

A letter was received from M. & V. Truman, residents of 917 Parkland Avenue, stating an objection to the subject application.

A letter was received from I. & R. Martin, residents of 920 Parkland Avenue, stating an objection to the subject application.

A letter was received from K. Young, a resident of 960 Parkland Avenue, stating an objection to the subject application.

A letter was received from R. Franklin, a resident of 1265 Contour Drive, stating an objection to the subject application.

A letter was received from A. Franklin, a resident of 1265 Contour Drive, stating an objection to the subject application.

A letter was received from C. Willems, a resident of 964 Parkland Drive, stating an objection to the subject application.

A letter was received from R. Sivanandarajah, the contractual owner of 1236 Echo Drive, stating no objections to the subject application.

Ms. V. Truman, a resident of 917 Parkland Avenue and a representative of Parkland Residents' Association, attended and expressed her concern with the proposed dwelling not being sensitive to the character of the surrounding neighbourhood. She noted that the proposed dwelling was too large for the neighbourhood and expressed concerns with safety with respect to the circular driveway and its proximity to the adjacent intersection. Ms. Truman noted additional concerns with the removal of the trees on the property as it would reduce the park-like characteristic of the neighbourhood.

Mr. A. Wong and Ms. M. Wong, a resident of 1256 Echo Drive, attended and presented their concerns with the subject application. Mr. Wong indicated that the proposed design of the dwelling was not in character with the surrounding neighbourhood. He noted specific concerns with the height and size of the dwelling. It was Mr. Wong's opinion that the circular driveway was out of character with the neighbourhood. He expressed his concerns with the removal of any trees on the property.

No other persons expressed any interest in the application.

Mr. Brown confirmed that approximately 5 trees would be removed pursuant to the development of the property. Mr. Brown identified a majority of the objections to the proposal were located a distance from the subject property and that the two property owners to the east were in acceptance of the proposal. Mr. Brown indicated that the surrounding neighbourhood had a variety of architectural designs and suggested that the proposed dwelling maintained the varied housing stock within the surrounding area.

The Committee after considering the submissions put forward by Mr. Brown and having reviewed the plans and comments received, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee indicated that the proposed circular driveway was appropriate for the property as the driveway would allow for



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WARD 2

the safe ingress and egress of the property and that sufficient landscaping would be maintained within the front yard. They noted that Mr. Brown indicated the commitment of his client to replace any trees that were to be removed. The Committee noted that the chimney required the additional height for compliance with the *Ontario Building Code*.

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.

The Committee is not satisfied that the request for the Gross Floor Area - Infill Residential was appropriate in this instance. The Committee indicated that the proposed floor area of the dwelling was excessive and would contribute to a dwelling that was excessively large for the lot and for the surrounding neighbourhood. They noted that a dwelling in compliance with the Zoning By-law would be substantial in size and would be at the maximum threshold that the surrounding neighbourhood could accommodate.

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 requested variance for the increase in Gross Floor Area - Infill Residential is not minor in nature in this instance.



MISSISSAUGA

File: "A" 472/15  
WARD 2

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

1. an accessory structure (outdoor fireplace) height of 9.31 m (30.54 ft.); whereas By-law 0225-2007, as amended, permits a maximum accessory structure height of 3.00 m (9.84 ft.) in this instance;
2. a circular driveway having a combined width of the access points of 8.50 m (27.88 ft.); whereas By-law 0225-2007, as amended, permits a maximum combined width of the access points of 6.00 m (19.68 ft.) in this instance; and,
3. a walkway attachment width of 4.00 m (13.12 ft.); whereas By-law 0225-2007, as amended, permits a maximum walkway attachment width of 1.50 m (4.92 ft.) in this instance.

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

Application Approved, in Part.


Dated at the City of Mississauga on December 3, 2015.

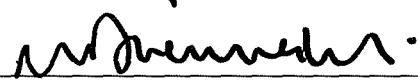
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE DECEMBER 23, 2015.


Date of mailing is December 7, 2015.

  
\_\_\_\_\_  
S. PATRIZIO

  
\_\_\_\_\_  
D. GEORGE (CHAIR)

  
\_\_\_\_\_  
J. ROBINSON

  
\_\_\_\_\_  
D. KENNEDY

  
\_\_\_\_\_  
J. PAGE

  
\_\_\_\_\_  
D. REYNOLDS

\_\_\_\_\_  
DISSENTED  
P. QUINN

I certify this to be a true copy of the Committee's decision given on December 3, 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

MOHAMMAD SAYEED

on Thursday November 26, 2015

Mohammad Sayeed is the owner of 4826 St. Martin Mews being Lot 115, Registered Plan M-1499, zoned R6 - Residential. The applicant requests the Committee to authorize a minor variance to permit the existing air conditioning unit to remain within the northerly side yard of the subject property proposing a setback of 0.41 m (1.34 ft.) to the northerly side lot line; whereas By-law 0225-2007, as amended, requires a minimum setback of 0.61 m (2.00 ft.) to a side lot line in this instance.

Mr. H. Sayeed, a representative of the property owner, attended and presented the subject application to allow for the existing air conditioning unit to remain within the side yard of the property. Mr. Sayeed advised the Committee that the air conditioning unit was installed by the builder of the dwelling and had been in existence for approximately 13 years. He noted that the property owner had moved the air conditioning unit as close to the dwelling as possible but insufficient room was available for compliance with the Zoning By-law. Mr. Sayeed noted that the opposite side yard remained unencumbered for access purposes and that no other location on the property was appropriate for the relocation of the air conditioning unit.

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

The City of Mississauga Planning and Building Department commented as follows (November 20, 2015):

**"Recommendation:**

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

**Background:**

***Mississauga Official Plan:***

**Character Area:** Churchill Meadows Neighbourhood  
**Designation:** Residential Low Density II

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

**Zoning:** R6, Residential

**Other Applications:**

No other applications currently in process.



**Comments:**

It is our understanding that the request is to permit the existing air conditioning unit currently located in the northerly side yard to remain. Access to the rear yard will be maintained in the southerly side yard. Based on the nature and the extent of the request, we have no objection."

The City of Mississauga Transportation and Works Department commented as follows (November 19, 2015):

"From our recent site inspection of this property we are noting that we have no drainage related concerns with location of the air-conditioning unit."

Mr. L Chen, a resident of 4030 St. Martin Mews, attended and expressed his concerns with the proposal. Mr. Chen confirmed that his bedroom window was adjacent to the air conditioning unit and that the air conditioning unit was loud and audible within his dwelling. He suggested that the intent of the Zoning By-law was to prevent disturbances between residences. He noted that a privacy fence would be inappropriate as it would focus the sound of the air conditioning upwards towards his bedroom window.

No other persons expressed any interest in the application.

The Committee after considering the submissions put forward by Mr. Sayeed and having reviewed the plans and comments received, is satisfied that the request is desirable for the appropriate further development of the subject property. The Committee noted that the existing air conditioning unit had been located in its approximate current location for approximately 13 years and that there was little opportunity for the air conditioning unit to be located elsewhere on the subject property. The Committee was sympathetic to Mr. Chen's concerns but explained that some disturbances were characteristic of suburban living and that the location of air conditioning units within the side yard was common throughout the neighbourhood. The Committee noted that the air conditioner would be towards the end of its life expectancy and that a newer replacement air conditioning unit may be quieter.

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" 475/15  
WARD 8

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

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

Application Approved.

Dated at the City of Mississauga on December 3, 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 23, 2015.

Date of mailing is December 7, 2015.

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 December 3, 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

**MOHAMMAD CHAUDHRY**

on Thursday November 26, 2015

Mohammad Chaudhry is the owner of 2329 Bankside Drive being part of Lot 52, Registered Plan M-1245, zoned RM2-9 - Residential. The applicant requests the Committee to authorize a minor variance to permit the conversion of a portion the existing garage into habitable space and to allow the remaining garage area to be used as an accessory structure of storage purposes proposing:

1. The accessory structure to be located in front of the existing front wall of the dwelling on the same lot; whereas By-law 0225-2007, as amended, requires an accessory structure to be located the same distance to the street as the front wall of the dwelling on the same lot in this instance;
2. no garage on the subject property; whereas By-law 0225-2007, as amended, requires a garage in a RM2-9 - Residential zone in this instance.

Mr. N. Dell, the authorized agent, attended and presented the subject application to allow for the garage to be converted into habitable and storage space. Mr. Dell explained that the additional habitable space would be accessed from the interior of the dwelling and that the storage floor area would be accessed from the exterior of the dwelling and would function as an attached accessory structure. Mr. Dell noted that the existing garage was insufficient in size to accommodate a vehicle in a functional manner.

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

The City of Mississauga Planning and Building Department commented as follows (November 25, 2015):

**"Recommendation:**

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

**Background:**

***Mississauga Official Plan:***

**Character Area:** Central Erin Mills Neighbourhood  
**Designation:** Residential Low Density II

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

**Zoning:** "RM2-9", Residential

Other Applications:

*Building Permit* File: BP 9 ALT 15-7117

Comments:

The Planning and Building Department is currently processing a Building Permit application for the proposed renovation. Based on the review of the Building Permit application, we advise that the variance request should be amended as follows:

Variance #1 should be revised, as follows, to identify A proposed accessory structure to be located closer to the front lot line than the dwelling on the same lot:

"1. a front yard setback to the proposed accessory structure of 12.15m (39.76ft.); whereas By-law 0225-2007, as amended, requires the minimum setback for an accessory structure, to the front lot line, to be the greater of 6.0m or the same distance to the street as the front wall of the dwelling on the same lot. In this instance the dwelling has a front yard setback of 14.44m (47.38ft.)."

The applicant plans to leave the façade of the garage the same and all changes would be taking place entirely in the interior of the garage and dwelling and would not affect the aesthetic associated with the RM2-9 lots that require garages in the neighbourhood. The front portion of the garage will remain to be used as a small storage area, as an accessory structure, although still connected to the main dwelling.

The conversion of the garage would eliminate a parking space from the lot, however the depth of the applicant's driveway would still allow for the two required parking spaces to fit completely within their property.

Based on the preceding information, the Planning and Building Department is of the opinion that the request is minor in nature and we have no objection to the requested variances, as amended."

The City of Mississauga Transportation and Works Department commented as follows (November 19, 2015):

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

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (November 23, 2015):

"Any changes to the underground water or sanitary sewer as a result of the conversion will require review by the Region of Peel. Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. Site servicing approvals will be required before building permit issuance.

An existing Region of Peel sanitary easement traverses the subject lands. Certain restrictions may apply as per the documents registered on title."

A letter was received from A. Shaikh, a resident of 2335 Bankside Drive, stating an interest in the subject application.

A letter was received from J. & R. Lowe, residents of 2312 Bankside Drive, stating an objection to the subject application.

A letter was received from C. Young & Y. Pheng, residents of 2327 Bankside Drive, stating an interest the subject application.

Mr. G. Kirton, a Planner for the Planning and Building Department, attended and indicated that the conversion of garage space into habitable space is generally discouraged however he indicated that that the aesthetics of the dwelling and the functionality of the property would be maintained.

No other persons expressed any interest in the application.

Mr. Dell 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. Dell and having reviewed the plans and comments received, is satisfied that the amended request is desirable for the appropriate further development of the subject property.

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

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



MISSISSAUGA

File: "A" 479/15  
WARD 11

Accordingly, the Committee resolves to authorize and grant the amended request to permit the conversion of a portion the existing garage into habitable space and to allow the remaining garage area to be used as an accessory structure of storage purposes proposing:

1. a front yard setback to the proposed accessory structure of 12.15m (39.76ft.); whereas By-law 0225-2007, as amended, requires the minimum setback for an accessory structure, to the front lot line, to be the greater of 6.0m or the same distance to the street as the front wall of the dwelling on the same lot. In this instance the dwelling has a front yard setback of 14.44m (47.38ft.); and,
2. no garage on the subject property; whereas By-law 0225-2007, as amended, requires a garage in a RM2-9 - Residential zone in this instance.

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

Application Approved, as amended.

Dated at the City of Mississauga on December 3, 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 23, 2015.

Date of mailing is December 7, 2015.

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 December 3, 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

WESTWOOD MALL HOLDINGS LIMITED

on Thursday November 26, 2015

Westwood Mall Holdings Limited is the owner of 7185, 7195, 7205, 7215, 7225, and 7333 Goreway Drive, 3480 Morning Star Drive, & 3535 Etude Drive being Block A, Plan 710, and Part of Lot 12, Concession 8, E.H.S., zoned C3, Commercial. The applicant requests the Committee to authorize a minor variance to permit the provisions of Schedule 2.1.29(1) (Street Location Criteria for Drive-Throughs) of Zoning By-law 0225-2007, as amended, to not apply to lands zoned C3 within the subject property; whereas By-law 0225-2007, as amended, requires that all lands hatched on Schedule 2.1.29(1) must comply with the provisions of Schedule 2.1.29 of By-law 0225-2007, as amended.

Ms. J. Robinson declared a pecuniary interest in the application. She left the hearing room and did not participate in the proceedings in any manner.

Mr. B. Kelly, the authorized agent, attended and presented the subject application to allow for drive-throughs to be permitted within lands excluded by a recent change to the Zoning By-law that restricted the locations of drive-throughs within the municipality.

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

The City of Mississauga Planning and Building Department commented as follows (November 25, 2015):

### "Recommendation:

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

### Background:

#### *Mississauga Official Plan:*

*Character Area:* Malton Community Node  
*Designation:* Mixed Use, Special Site 1

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

*Zoning:* "C3", General Commercial

### Other Applications:

*Site Plan* File: SP 14/61

**Comments:**

The Planning and Building Department has reviewed a Site Plan Approval application for the proposed buildings, and based on that review, we advise that the variance request should be amended as follows:

"to permit the provisions of schedule 2.1.29(1) (Street Location Criteria for Drive-Throughs), as amended, to not apply to three (3) buildings (Buildings G,H,J) on the subject property; whereas By-law 0225-2007, as amended, requires that all lands identified on Schedule 2.1.29 (1) must comply with the provisions of Schedule 2.1.29."

An application for Site Plan Approval for the subject development, including three (3) commercial buildings with drive-throughs, was submitted in January 2014 and was subsequently approved. In February 2015, the Zoning By-law was amended to prohibit drive-throughs in certain locations of the City. The Planning and Building Department are now processing Building Permit applications for the commercial buildings and through the Building Permit process it was identified that drive-throughs are not permitted. Since the proposed development included three (3) drive-throughs at the beginning of the development review and approval process, we have no objections with the variance, as amended."

The City of Mississauga Transportation and Works Department commented as follows (November 19, 2015):

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 14/13. 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 (November 23, 2015):

"The property is within the vicinity of a private landfill site with MOECC #7073. It is an inactive landfill. There are two locations between Goreway and Airport, north of Derry Road."

Toronto Region Conservation commented as follows (November 24, 2015):

"This letter will acknowledge receipt of the above noted application. Thank you for the opportunity to review this application (received on November 12, 2015). Toronto and Region Conservation Authority (TRCA) staff has reviewed the above noted application, and as per the "Living City Policies for Planning and Development within the Watersheds of the TRCA" (LCP), provides the following comments as part of TRCA's commenting role under the Planning Act, the Authority's delegated responsibility of representing the provincial interest on natural hazards encompassed by Section 3.1 of the Provincial Policy Statement, 2014 (PPS); TRCA's Regulatory Authority under Ontario Regulation 166/06, Development, Interference with Wetlands and Alterations to Shorelines and Watercourses; and our Memoranda of Understanding (MOU) with the City of Mississauga and the Region of Peel wherein we provide technical environmental advice.

**Purpose of the Application**

It is our understanding that the purpose of this application is to permit the provisions of Schedule 2.1.29(1) (Street Location Criteria for Drive Throughs) of Zoning By-law 0225-2007, as amended, to not apply to lands zoned C3 within the subject property; whereas By-law 0225-2007, as amended, requires that all lands hatched on Schedule 2.1.29(1) must comply with the provisions of Schedule 2.1.29 of Bylaw 0225-2007, as amended.

**Recommendation**

On the basis of the comments noted below, TRCA staff has no objection to the Minor Variance Application as currently submitted.



**Application Specific Comments**

**Ontario Regulation 166/06:**

A portion of the property is located within TRCA's Regulated Area of the Mimico Creek Watershed and therefore subject to Ontario Regulation 166/06 (as amended) and the policies within TRCA's LCP. However based on our review, it appears that the buildings with drive-throughs are located outside of TRCA's Regulated Area of the property. Please be advised that TRCA staff have issued permits pursuant to Ontario Regulation 166/06 to facilitate the commercial development on the subject property (TRCA Permits # C-120684 and C-150330). As such, TRCA staff has no concern with the application as currently submitted. Please note that TRCA has an interest in all future development on the above mentioned property as it may be subject to a TRCA permit.

**Fees**

By copy of this letter, we thank the applicant for providing the \$525.00 (Minor Variance - Minor) TRCA review fee to this office.

**Conclusion**

We thank you for the opportunity to review the subject application and provide our comments as per our commenting and regulatory role. Should you have any additional questions or comments, please do not hesitate to contact the undersigned."

A memorandum was received from Ward Councillor Parrish expressing an interest in the subject application.

No other persons expressed any interest in the application.

Mr. Kelly 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. Kelly and having reviewed the plans and comments received, is satisfied that the amended request is desirable for the appropriate further development of the subject property.

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

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



**MISSISSAUGA**

File: "A" 488/15  
WARD 5

Accordingly, the Committee resolves to authorize and grant the amended request to permit the provisions of schedule 2.1.29(1) (Street Location Criteria for Drive-Throughs), as amended, to not apply to three (3) buildings (Buildings G,H,J) on the subject property; whereas By-law 0225-2007, as amended, requires that all lands identified on Schedule 2.1.29 (1) must comply with the provisions of Schedule 2.1.29 in this instance.

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

Application Approved, as amended.

Dated at the City of Mississauga on December 3, 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 23, 2015.

Date of mailing is December 7, 2015.

S. PATRIZIO

D. GEORGE (CHAIR)

ABSENT

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 December 3, 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" 489/15  
WARD 5

## COMMITTEE OF ADJUSTMENT

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

- and -

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

- and -

IN THE MATTER OF AN APPLICATION BY

1500 DUNDAS EAST HOLDINGS INC

on Thursday November 26, 2015

1500 Dundas East Holdings Inc. is the owner of 1470 Dundas Street East being Part of Lot 5, Concession 1, S.D.S., zoned C3-46, Commercial. The applicant requests the Committee to authorize a minor variance to permit the provisions of Schedule 2.1.29(2) (Street Location Criteria for Drive-Throughs) of Zoning By-law 0225-2007, as amended, to not apply to lands zoned C3-46 within the subject property; whereas By-law 0225-2007, as amended, requires that all lands hatched on Schedule 2.1.29(2) must comply with the provisions of Schedule 2.1.29 of By-law 0225-2007, as amended.

Ms. J. Robinson declared a pecuniary interest in the application. She left the hearing room and did not participate in the proceedings in any manner.

Ms. S. Zavaglia, the authorized agent, attended and presented the subject application to allow for drive-throughs to be permitted within lands excluded by a recent change to the Zoning By-law that restricted the locations of drive-throughs within the municipality.

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

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

**"Recommendation:**

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

**Background:**

***Mississauga Official Plan:***

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

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

**Zoning:** C3-46, General Commercial

**Other Applications:**

**Site Plan** File: SP 14-14 W1

**Comments:**

The Planning and Building Department has reviewed a Site Plan application for the proposed buildings, and based on that review, the variance request should be amended as follows:

"to permit the provisions of Schedule 2.1.29(1) (Street Location Criteria for Drive-Throughs) to not apply to one (1) Building (Bldg D3) on the subject property; whereas By-law 0225-2007, as amended, requires that all lands identified on Schedule 2.1.29 (1) must comply with the provisions of Schedule 2.1.29."

An application for Site Plan Approval for the subject development, including one commercial building with a drive-through was submitted in February 2014 and was subsequently approved. In February 2015, the Zoning By-law was amended to prohibit drive-throughs in certain locations of the City. Since the proposed development included a drive-through for 'Building D3' at the beginning of the development review and approval process, we have no objection to the requested variance, as amended."

The City of Mississauga Transportation and Works Department commented as follows (November 19, 2015):

"We are noting for information purposes that any Transportation and Works Department concerns/requirements for this property have been addressed through the Site Plan Process, Reference SP-14/14."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (November 23, 2015):

"The property is within the vicinity of a private landfill site with MOECC #7066. It is an inactive landfill located on the northeast corner of Dundas and Dixie."

Toronto Region Conservation commented as follows (November 24, 2015):

"This letter will acknowledge receipt of the above noted application. Thank you for the opportunity to review this application (received on November 12, 2015). Toronto and Region Conservation Authority (TRCA) staff has reviewed the above noted application, and as per the "Living City Policies for Planning and Development within the Watersheds of the TRCA" (LCP), provides the following comments as part of TRCA's commenting role under the Planning Act, the Authority's delegated responsibility of representing the provincial interest on natural hazards encompassed by Section 3.1 of the Provincial Policy Statement, 2014 (PPS); TRCA's Regulatory Authority under Ontario Regulation 166/06, Development, Interference with Wetlands and Alterations to Shorelines and Watercourses; and our Memoranda of Understanding (MOU) with the City of Mississauga and the Region of Peel wherein we provide technical environmental advice.

**Purpose of the Application**

It is our understanding that the purpose of this application is to permit the provisions of Schedule 2.1.29(2) (Street Location Criteria for Drive Throughs) of Zoning By-law 0225-2007, as amended, to not apply to lands zoned C3-46 within the subject property; whereas By-law 0225-2007, as amended, requires that all lands hatched on Schedule 2.1.29(2) must comply with the provisions of Schedule 2.1.29 of Bylaw 0225-2007, as amended.

**Recommendation**

On the basis of the comments noted below, TRCA staff has no objection to the Minor Variance Application as currently submitted.

**Application Specific Comments**

**Ontario Regulation 166/06:**

A portion of the property is regulated by TRCA under Ontario Regulation 166/06, and therefore subject to the policies of TRCA's LCP. Based on our review, it appears that the two



## MISSISSAUGA

File: "A" 489/15  
WARD 5

buildings with drive-throughs are located within TRCA's Regulated Area as they are adjacent to a valley corridor (Little Etobicoke Creek) associated with the Etobicoke Creek Watershed. Please be advised that TRCA staff has issued a permit pursuant to Ontario Regulation 166/06 for the development (TRCA Permit C-110302). As such, TRCA staff has no concern with the application as currently submitted. Please note that TRCA has an interest in all future development on the above mentioned property as it may be subject to a TRCA permit.

### **Planning:**

Through the approval of the Site Plan Application SP 08/132 W1, the Development Limit and Open Space Block containing the Little Etobicoke Creek valley corridor and associated environmental buffers were established. These lands, which are to be protected from future development, have been transferred in ownership to the City of Mississauga.

### **Fees**

By copy of this letter, we thank the applicant for providing the \$525.00 (Minor Variance - Minor) TRCA review fee to this office

### **Conclusion**

We thank you for the opportunity to review the subject application and provide our comments as per our commenting and regulatory role. Should you have any additional questions or comments, please do not hesitate to contact the undersigned."

No other persons expressed any interest in the application.

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

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

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

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



MISSISSAUGA

File: "A" 489/15  
WARD 5

Accordingly, the Committee resolves to authorize and grant the amended request to permit the provisions of Schedule 2.1.29(1) (Street Location Criteria for Drive-Throughs) to not apply to one (1) Building (Bldg D3) on the subject property; whereas By-law 0225-2007, as amended, requires that all lands identified on Schedule 2.1.29 (1) must comply with the provisions of Schedule 2.1.29 in this instance.


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

Application Approved, as amended.

Dated at the City of Mississauga on December 3, 2015.

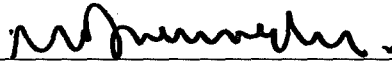
THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE DECEMBER 23, 2015.

Date of mailing is December 7, 2015.

  
S. PATRIZIO

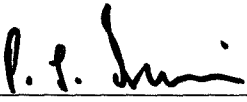
  
D. GEORGE (CHAIR)

ABSENT  
\_\_\_\_\_  
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 December 3, 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.